

Journal of the Senate

FIRST REGULAR SESSION

SIXTY-THIRD DAY—SUNDAY, MAY 2, 1999

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl R. Gauck offered the following prayer:

Gracious and Heavenly Father: Yes, Lord it's us here in the Senate on a Sunday - We know You usually find us with those we love as we call upon You this day, but You have called us to positions of responsibilities and the burdens that come with them. So we are here to pray that Your Spirit of discernment and enlightenment might be with us tonight and this week as we deal with those things that affect the lives and welfare of the people of this State. And we pray for David Valentine at the death of his father and mother this weekend, that you may bless him with your peace and grace and walk with him through these days of grief and loss. 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 for Thursday, April 29, 1999, was read and approved.

The following Senators were present during the day's proceedings:

Present—Senators

Banks	Bentley	Bland	Caskey
Childers	DePasco	Ehlmann	Flotron
Goode	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel—31	

Absent with leave—Senators

Clay	Graves	Staples—3
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RESOLUTIONS

On behalf of Senator Graves, Senator Quick offered Senate Resolution No. 760, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Teddy Stegman, King City, which was adopted.

On behalf of Senator Graves, Senator Quick offered Senate Resolution No. 761, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Howard W. Clark, Albany, which was adopted.

On behalf of Senator Graves, Senator Quick offered Senate Resolution No. 762, regarding the Sixty-first Wedding Anniversary of Mr. and Mrs. George Bennett, Chillicothe, which was adopted.

On behalf of Senator Graves, Senator Quick offered Senate Resolution No. 763, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Bryon Curley, Laclede, which was adopted.

On behalf of Senator Graves, Senator Quick offered Senate Resolution No. 764, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Lawrence Hammond, Meadville, which was adopted.

On behalf of Senator Graves, Senator Quick offered Senate Resolution No. 765, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Harry Ames, Green City, which was adopted.

On behalf of Senator Graves, Senator Quick offered Senate Resolution No. 766, regarding the Sixty-second Wedding Anniversary of Mr. and Mrs. Wayne Hagler, Bethany, which was adopted.

On behalf of Senator Graves, Senator Quick offered Senate Resolution No. 767, regarding the Sixtieth Wedding Anniversary of Reverend and

Mrs. Clifford Wrisinger, Chillicothe, which was adopted.

On behalf of Senator Graves, Senator Quick offered Senate Resolution No. 768, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Edward Hatcher, Milan, which was adopted.

On behalf of Senator Graves, Senator Quick offered Senate Resolution No. 769, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Jack Lindley, Chillicothe, which was adopted.

On behalf of Senator Graves, Senator Quick offered Senate Resolution No. 770, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Lorace Walton, Stanberry, which was adopted.

Senator Quick offered Senate Resolution No. 771, regarding Dr. Marvin L. Wippich, Grandview, which was adopted.

Senator Quick offered Senate Resolution No. 772, regarding Patricia Ann Tarver, Kansas City, which was adopted.

Senator Ehlmann offered Senate Resolution No. 773, regarding Adam William Owens, Foristell, which was adopted.

Senator House offered Senate Resolution No. 774, regarding the National Federation of Music Clubs, which was adopted.

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 concurred in **SCA 1** to **HB 867** and has again taken up and passed **HB 867**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 152** and has again taken up and passed **SCS** for **HB 152**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 814** and has again taken up and passed **SCS** for **HCS** for **HB 814**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the **SCS** for **HB 792** and has taken up and passed **SCS** for **HB 792**, as amended by **HPA 1**.

HOUSE PERFECTING AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 792, Page 2, Section 320.230, Line 15, by deleting the word "**and**" and inserting in lieu thereof the word "**any**".

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCR 14**, as amended.

With House Committee Amendment No. 1.

HOUSE COMMITTEE AMENDMENT NO. 1

Amend Senate Concurrent Resolution No. 14, Page 196, Journal of the Senate, Lines 42 and 43 of said page, by deleting all of said lines and inserting in lieu thereof the following: "to William Jefferson Clinton, President of the United States, to each member of Missouri's Congressional delegation, the Secretary of the United States Senate and the Clerk of the United States House of Representatives."

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCS** for **SCR 2**.

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE CONCURRENT RESOLUTION NO. 2

WHEREAS, telecommunications services and energy services and sources are vital to the economic vitality and well-being of the state of Missouri; and

WHEREAS, there is a nationwide trend toward deregulation of telecommunications services and energy services and sources which may create competitive markets and make available new services and customer choices; and

WHEREAS, the state and political subdivisions have imposed taxes, fees and other assessments on various telecommunications and energy services, and such taxes vary widely based upon locality and, within a locality, such taxes may vary widely between increasingly related and competitive services, such as telephone and cable television; and

WHEREAS, there is currently a nationwide trend toward competition in the production, distribution and sale of energy, including electricity, natural gas and other energy sources, and this trend has both potential benefits and potential adverse effects on energy producers, distributors, retailers, customers and the citizens of this state; and

WHEREAS, ensuring adequate and affordable telecommunications services and energy services and sources will necessitate a fair and equitable structure of taxes across different telecommunications and energy services and across different regions of the state; and

WHEREAS, the issue of whether governmental entities should expend public resources to compete with private telecommunications and energy entities should be explored; and

WHEREAS, a Joint Interim Committee on Telecommunications and Energy has studied the above-mentioned issues during the tenure of the Eighty-ninth General Assembly and recommends that a similar study committee be established to such study during the tenure of the Ninetieth General Assembly:

NOW, THEREFORE, BE IT RESOLVED by the Senate of the Ninetieth General Assembly, the House of Representatives concurring therein, that a joint legislative study committee of the General Assembly be created to be composed of seven members of the Senate, to be appointed by the President Pro Tem of the Senate, and seven members of the House of Representatives, to be appointed by the Speaker of the House, and that said committee be authorized to function throughout the Ninetieth General Assembly; and

BE IT FURTHER RESOLVED that said committee conduct an in-depth study and make appropriate recommendations concerning financial, legal, social, taxation, environmental, technological and economic issues of telecommunications, cable television, all Internet Services, including asymmetrical digital subscriber lines (ADSL) and service via cable lines, and energy services taxation, competition between governmental entities and private telecommunication entities, and any other issues the committee deems relevant; and

BE IT FURTHER RESOLVED that said committee conduct an in-depth study and make appropriate recommendations concerning financial, legal, social, taxation, environmental, technological and economic issues of deregulation and increasing competition in energy production, distribution and sale including consideration of the effects on residential customers, small business customers, large business customers, utility shareholders and other stakeholders and any other issues the committee deems relevant; and

BE IT FURTHER RESOLVED that the committee prepare an interim report, together with its recommendations for any legislative action it deems necessary for submission to the General Assembly prior to the commencement of the Second Regular Session of the Ninetieth General Assembly and a final report, together with its recommendations for any legislative action it deems necessary for submission to the General Assembly prior to the commencement of the First Regular Session of the Ninety-First General Assembly; and

BE IT FURTHER RESOLVED that the committee may solicit any input and information necessary to fulfill its obligations from the Missouri Public Service Commission, the Department of Economic Development, the Division of Energy within the Department of Natural Resources, the Office of Public Counsel, political subdivisions of this state, telecommunications and energy service providers, energy utilities and representatives of all telecommunications and energy customer groups; 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 committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of the committee, its members and any staff personnel assigned to the committee incurred in attending meetings of the committee or any subcommittee thereof shall be paid from the Joint Contingent Fund.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCR 11**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCR 10**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCR 13**.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend Senate Concurrent Resolution No. 13, Page 1052, Journal of the House, Line 10 of said page, by inserting after the word "for" the phrase "the President of the United States and the members".

In which the concurrence of the Senate is

respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SCS** for **SB 436**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **HCS** for **SCS** for **SB 436**, as amended: Representatives Hoppe, Harlan, Smith, Griesheimer, Ross.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 219**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCS** for **SCR 5**, as amended.

With House Amendment No. 1.

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE CONCURRENT RESOLUTION NO. 5

WHEREAS, building codes promote public safety, health, and general welfare and protect the lives and property of our citizens; and

WHEREAS, building codes require that all affected construction meet legal minimum standards and provide fair and equal opportunities for contractors and owners by consistent application of these standards; and

WHEREAS, building codes protect our citizens from hazardous buildings and help maintain property values; and

WHEREAS, there are numerous building codes in the state varying from county to county and municipality to municipality; and

WHEREAS, the number of codes restricts competitive business among builders and contractors as they must spend time and money to learn and comply with each different code; and

WHEREAS, an in-depth study and evaluation must be made of the alternatives and strategies available for the implementation of a single building code to better serve the citizens and business population in Missouri; and

WHEREAS, the three model code groups have combined to formulate a single code entitled the "International Building Code"; and

WHEREAS, the International Building Code will be finalized in September, 1999, in St. Louis; and

WHEREAS, the International Building Code will be published in April, 2000; and

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate of the Ninetieth General Assembly, the House of Representatives concurring therein, hereby create the Governor's commission for the review and formulation of building code implementation for areas that have not adopted a building code or are currently prohibited from adopting a building code.

BE IT FURTHER RESOLVED that the members shall consist of two state senators appointed by the President Pro Tem of the Senate representing each political party, two representatives appointed by the Speaker of the House of Representatives representing each political party, the Attorney General or his designee, the Director of the Department of Public Safety or his designee, the Director of the Department of Natural Resources or his designee, the director of the Division of Design & Construction or his designee, and fourteen citizen members appointed by the Governor and qualified to serve, each representing at least one of the following areas: commissioner of a county of the third classification; registered architect; registered engineer engaged in building and construction; building official - urban; building official - small jurisdiction; fire protection district representative; Governor's Office for Employment of the Disabled; Seismic Safety Commission; Manufactured Housing Commission; general contractor; one commercial contractor-urban, one commercial contractor-rural, two home builders-urban, two home builders-rural; building/construction trades-urban; building/construction trades-rural; and the insurance industry; and

BE IT FURTHER RESOLVED that the President Pro Tem of the Senate, the Speaker of the House of Representatives, and the Governor shall appoint the members of the commission by June 1, 1999, and such commission shall meet within ten days of its establishment and organize by selecting a chairman and vice-chairman; and

BE IT FURTHER RESOLVED that the commission may solicit any input and information necessary to fulfill its obligations; and

BE IT FURTHER RESOLVED that the commission shall conduct an in-depth study and make appropriate recommendations concerning the implementation of a building code to ensure fair and equal opportunity for businesses by the consistent application of minimum safety standards for the citizens of Missouri; and

BE IT FURTHER RESOLVED that the commission is charged with developing and recommending the following: an administrative framework and funding method for a state building construction code; a complete package of construction codes that specifically excludes any zoning, land use or planning responsibility; a complete package of construction codes that specifically exempts all nonindustrial farm structures and residences; and methods for training and certifying code enforcers; and

BE IT FURTHER RESOLVED that the commission shall prepare a report, together with its recommendations for any

legislative action it deems necessary for submission to the Governor and General Assembly by December 1, 1999, and then shall be dissolved May 31, 2000; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of executive branch members and members appointed by the governor as well as the actual and necessary expenses of any staff provided by the office of administration and the cost of any outside consultants to the commission shall be paid from funds appropriated to the office of administration; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of the legislative members and any legislative staff assigned to the commission shall be paid from the joint contingent fund; and

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

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Governor, the Attorney General, the Director of the Department of Public Safety, the Director of the Department of Natural Resources, and the Director of the Division of Design and Construction.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Concurrent Resolution No. 5, Page 1475 of the House Journal for April 22, 1999, Lines 37-41, by deleting all of said lines.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCR 1**.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend Senate Concurrent Resolution No. 1, Page 595, Journal of the House, Lines 3 to 11 of said page, by deleting all of said line and inserting in lieu thereof the following:

"WHEREAS, it would be in the best interests of the Missouri's public school students for the State Board of Education and the Coordinating Board for Higher Education to prepare and make available to all school boards and institutions of higher education instructional materials that can be used as guidelines for the development of a unit of instruction on the Irish Famine:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate of the Ninetieth General Assembly, the House of Representatives concurring therein, hereby join unanimously in expressing our support of the inclusion of a unit of instruction studying the causes and effects of mass starvation in mid-nineteenth century Ireland in every public elementary school, high school and postsecondary school curriculum in Missouri; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Missouri Department of Elementary and Secondary Education and the Missouri Department of Higher Education."

In which the concurrence of the Senate is respectfully requested.

Also,

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 **HJR 26**, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 44 of article IV of the Constitution of Missouri, relating to the conservation commission and adopting one new section in lieu thereof 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 conferees on **SCS** for **HB 789** be allowed to exceed the differences to add specific language on page two, section 29.230.2(1).

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SB 219**, as amended: Representatives Bray,

Van Zandt, Campbell, Akin, Hegmore.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the message sent to the Senate on April 29, 1999 on **SB 294** showed **HA 5** as being adopted when, in fact, the amendment was defeated. The corrected message should read that the House has taken up and passed **SB 294**, with **HAs 1, 2, 3, 4, 6** and **7**.

REPORTS OF STANDING COMMITTEES

Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **HCR 16**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

SENATE COMMITTEE SUBSTITUTE FOR HOUSE CONCURRENT RESOLUTION NO. 16

WHEREAS, as required by section 112(r) of the federal Clean Air Act, the Environmental Protection Agency has promulgated the Risk Management Program that requires the development of comprehensive prevention and emergency response programs for propane storage; and

WHEREAS, adequate safeguards to meet public safety needs currently exist under federal, state and local regulations; and

WHEREAS, the Environmental Protection Agency's risk management regulations will dramatically increase costs of doing business without increasing safety by: causing customers to switch away from propane, a federally approved clean fuel; duplicating state regulations based upon existing fire protection standards; duplicating federal right-to-know regulations; and not providing a fuel use exemption similar to OSHA's; and

WHEREAS, the EPA's rules cover anyone with more than 2380 gallons of propane on site, regardless of whether or not it is a single tank or connected tanks which could easily be exceeded by individual restaurants, farms and some residences; and

WHEREAS, the costs, which is estimated to exceed one and one-half billion dollars, to the private sector of complying with EPA's regulations will be staggering:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri House of Representatives of the Ninetieth General Assembly, First Regular Session, the Senate concurring therein, hereby urge the Environmental Protection Agency to not include propane in the Risk Management Program; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the Missouri Congressional delegation.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **HCS** for **HCR 29**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE CONCURRENT RESOLUTION NO. 29

WHEREAS, the agricultural markets of the United States are largely controlled by the corporate entities engaged in the processing, handling and marketing of grains and livestock; and

WHEREAS, four companies process nearly fifty percent of the pork produced for retail sale in the United States and four companies produce nearly ninety percent of the beef produced for retail sale in the United States; and

WHEREAS, the pending purchase of the grain unit of Continental Grain Company by Cargill Inc., will create an entity controlling in excess of forty percent of all United States corn exports, thirty-four percent of soybean exports and twenty percent of wheat exports; and

WHEREAS, this level of concentration is a significant factor in the low state of market prices for grain and livestock in Missouri:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri House of Representatives of the Ninetieth General Assembly, First Regular Session, the Senate concurring therein, hereby call upon the Congress of the United States to:

- Investigate and publicize the degree of concentration in the livestock and grain processing industry in the United States and in Missouri;
- Investigate the degree of which processing companies compete or fail to compete for supplies of livestock and grain from farmers, with particular attention to the question of whether these companies have created no-competition zones;
- Provide sufficient personnel and resources for effective enforcement of the federal Packers and Stockyards Act by the United States Department of Agriculture;
- Instruct the United States Department of Justice and the Attorney General of Missouri to work cooperatively on all investigations of anti-competitive practices by livestock and grain processors;
- Instruct the United States Department of Justice and Attorney General of Missouri to investigate the use of packer procurement practices related to forward contracts, marketing agreements and other forms of captive supply, and determine whether these constitute violations of the Packers and Stockyards Act;
- Institute and finance appropriate anti-trust litigation and prosecution to end and prevent anti-competitive practices in the livestock and grain processing industry; and
- Financially support private causes of action that are directed at ending and preventing anti-competitive practices in the

livestock and grain processing industry; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the Missouri Congressional delegation, the United States Department of Agriculture, the United States Department of Justice and the Missouri Attorney General.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **HCR 30**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE CONCURRENT RESOLUTION NO. 30

BE IT RESOLVED by the members of the Missouri House of Representatives of the Ninetieth General Assembly, First Regular Session, the Senate concurring therein, that the Joint Committee on Legislative Research shall prepare and cause to be collated, indexed, printed and bound all acts and resolutions of the Ninetieth General Assembly, First Regular Session, and shall examine the printed copies and compare them with and correct the same by the original rolls, together with an attestation under the hand of the Revisor of Statutes that he has compared the same with the original rolls in his office and has corrected the same thereby; and

BE IT FURTHER RESOLVED that the size and quality of the paper and binding shall be substantially the same as used in prior session laws and the size and style of type shall be determined by the Revisor of Statutes; and

BE IT FURTHER RESOLVED that the Joint Committee on Legislative Research is authorized to print and bind copies of the acts and resolutions of the Ninetieth General Assembly, First Regular Session, with appropriate indexing; and

BE IT FURTHER RESOLVED that the Revisor of Statutes is authorized to determine the number of copies to be printed.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **HCS for HCRs 24 and 15**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE CONCURRENT RESOLUTIONS NOS. 24 and 15

WHEREAS, on November 23, 1998, a historic accord was reached between 46 states, U.S. territories, commonwealths and the District of Columbia and tobacco industry representatives that called for the distribution of tobacco settlement funds to states over the next twenty-five years; and

WHEREAS, these funds result from the effort put forth by state attorneys general in which states solely assumed enormous risks and

displayed determination to initiate a settlement that will lead to reduced youth smoking and reduced access to tobacco products; and

WHEREAS, in the fall of 1997, states were notified by the U.S. Department of Health and Human Services of its intention to "recoup" the federal match from funds states received through suits brought against tobacco manufacturers; and if such recoupment takes place, the states will lose one-half or more of the tobacco settlement funds; and

WHEREAS, the federal government played no role in the suits brought against tobacco manufacturers or the subsequent settlement agreement and the November 23rd accord makes no mention of Medicaid or federal recoupment; and

WHEREAS, the U.S. Department of Health and Human Services has suspended recoupment activities; and

WHEREAS, we the members of the Ninetieth General Assembly believe that the suspension on the federal government's recoupment of tobacco settlement funds should be converted into an outright prohibition against the federal government recouping any of the tobacco settlement money; and

WHEREAS, we the members of the Ninetieth General Assembly believe that if the federal government recoups any funds received through suits brought against tobacco manufacturers, such recoupment should be immediately returned to the state; and

WHEREAS, to prevent the seizure of state tobacco settlement funds when they become available to the states in 2000, an amendment to the Medicaid statute must be enacted to exempt tobacco settlement funds from recoupment:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri House of Representatives of the Ninetieth General Assembly, First Regular Session, the Senate concurring therein, hereby go on record in support of state retention of all state tobacco settlement funds; and

BE IT FURTHER RESOLVED that the members of the Missouri House of Representatives of the Ninetieth General Assembly, First Regular Session, the Senate concurring therein, hereby urge the federal government, in the event recoupment occurs, to return upon receipt any tobacco settlement funds recouped from the state; and

BE IT FURTHER RESOLVED that the members of the Missouri House of Representatives of the Ninetieth General Assembly, First Regular Session, the Senate concurring therein, hereby urge Congress to enact an amendment to the Medicaid statute that would exempt tobacco settlement funds from recoupment; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the President of the United States, the entire Missouri Congressional delegation, the Secretary of the United States Senate and the Clerk of the United States House of Representatives.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SR 588**, begs leave to report that it has considered the same and recommends that the resolution do

pass.

Senator DePasco announced that photographers from KSDK-TV, KOMU-TV, KRCG-TV and the Associated Press had been given permission to take pictures in the Senate Chamber today.

HOUSE BILLS ON SECOND READING

The following Bill was read the 2nd time and referred to the Committee indicated:

HS for HCS for HB 826—Aging, Families and Mental Health.

SECOND READING OF CONCURRENT RESOLUTIONS

The following concurrent resolution was read the 2nd time and referred to the Committee indicated:

HCR 35—Rules, Joint Rules and Resolutions.

HOUSE BILLS ON THIRD READING

HB 261, with **SCA 1**, introduced by Representative Auer, entitled:

An Act to repeal section 94.655, RSMo Supp. 1998, relating to transportation sales taxation, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Scott.

SCA 1 was taken up.

Senator Scott moved that the above amendment be adopted, which motion failed.

Senator Scott requested unanimous consent of the Senate to offer **SA 1**, which request was granted.

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

SENATE AMENDMENT NO. 1

Amend House Bill No. 261, Page 1, In the Title, Line 3, by inserting immediately after the word "subject" the following: ", with a termination date"; and

Further amend said bill, Page 1, Section 94.655, Line 6, by inserting after all of said line the following:

"Section B. The provisions of sections 94.600 to 94.655 shall expire on December 31, 2001."

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

On motion of Senator Scott, **HB 261**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Banks	Bentley	Bland	Caskey
Childers	DePasco	Ehlmann	Flotron
House	Howard	Jacob	Johnson
Kenney	Kinder	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Scott	Sims	Steelman	Stoll
Westfall	Wiggins	Yeckel—27	

NAYS—Senators—None

Absent—Senators

Klarich	Schneider	Singleton—3
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Absent with leave—Senators

Clay	Goode	Graves	Staples—4
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The President Pro Tem declared the bill passed.

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

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

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

HB 346, introduced by Representative Thompson (37), entitled:

An Act to repeal section 92.402, RSMo Supp. 1998, relating to sales taxation, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Wiggins.

On motion of Senator Wiggins, **HB 346** was read the 3rd time and passed by the following vote:

YEAS—Senators

Banks	Bentley	Bland	Caskey
Childers	DePasco	Ehlmann	Flotron
House	Howard	Jacob	Johnson

Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Scott	Sims	Steelman
Stoll	Westfall	Wiggins	Yeckel—28

NAYS—Senators—None

Absent—Senators

Schneider Singleton—2

Absent with leave—Senators

Clay Goode Graves Staples—4

The President Pro Tem declared the bill passed.

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

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

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

HB 452, introduced by Representative Boatright, et al, entitled:

An Act to repeal section 302.341, RSMo Supp. 1998, relating to driver's licenses, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Mathewson.

Senator Mathewson moved that **HB 452** be read the 3rd time and finally passed, which motion failed to receive a constitutional majority by the following vote:

YEAS—Senators

Banks	Childers	DePasco	Flotron
House	Johnson	Kenney	Mathewson
Mueller	Quick	Rohrbach	Scott
Wiggins—13			

NAYS—Senators

Bentley	Bland	Caskey	Ehlmann
Howard	Jacob	Kinder	Klarich
Maxwell	Russell	Sims	Singleton
Steelman	Stoll	Westfall	Yeckel—16

Absent—Senator Schneider—1

Absent with leave—Senators

Clay Goode Graves Staples—4

Senator House moved that **HS** for **HCS** for **HBs 427, 40, 196 and 404**, with **SCS, SS No. 2** for **SCS** and **SA 7** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 7 was again taken up.

Senator Mathewson assumed the Chair.

President Pro Tem Quick assumed the Chair.

Senator Maxwell offered **SSA 1** for **SA 7**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 7

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 427, 40, 196 and 404, Page 2, Section 565.300.1(2), Line 1, by deleting the "," after the word "before" and inserting in lieu thereof the following: "or"; and further amend said bill, page 2, section 565.300.1(2), lines 1-3, by deleting the following: "or after, who is alive, determined in accordance with the usual and customary standards of medical practice"; and by inserting in lieu thereof the following: "whose life may be continued indefinitely outside the womb by natural or artificial life-supportive systems."

Senator Maxwell moved that the above substitute amendment be adopted.

Senator Mathewson assumed the Chair.

Senator Johnson assumed the Chair.

Senator Ehlmann raised a point of order objecting to lobbyists on the side gallery, stating that under the provisions of Senate Rule 93 lobbyists are allowed admittance in the side galleries by invitation of a member only, but may not stay for an indefinite period of time.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

At the request of Senator Maxwell, **SSA 1** for **SA 7** was withdrawn.

At the request of Senator Maxwell, **SA 7** was withdrawn.

Senator Schneider offered **SA 8**, which was read:

SENATE AMENDMENT NO. 8

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 427, 40, 196 and 404, Page 2, Section 565.300, Lines 18-21 of said page, by striking all of said lines and inserting in lieu thereof the following:

"3. A person is guilty of the crime of infanticide if such person causes the death of a living infant with the purpose to cause said death by an overt act performed when the infant is partially born or born."

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

President Pro Tem Quick assumed the Chair.

Senator Mathewson assumed the Chair.

Senator Johnson assumed the Chair.

Senator House offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 427, 40, 196 and 404, Page 3, Section 565.300, Line 4, by inserting after all of said line the following:

"6. This section shall not apply to any person who attempts to perform a legal abortion pursuant to Chapter 188 RSMo prior to the child being partially born, even though the death of the child occurs as a result of the abortion after the child is partially born."

Senator House moved that the above amendment be adopted.

Senator Caskey offered **SA 1 to SA 9**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 9

Amend Senate Amendment No. 9 to Senate Substitute No. 2 for Senate Committee Substitute for House Substitute for House Committee

Substitute for House Bills Nos. 427, 40, 196 and 404, Page 1, Line 6, by inserting after "**born**" on said line the following: "**, pursuant to Chapter 188, RSMo.**"

Senator Caskey moved that the above amendment be adopted.

President Pro Tem Quick assumed the Chair.

At the request of Senator Caskey, **SA 1 to SA 9** was withdrawn.

Senator Johnson assumed the Chair.

At the request of Senator House, **SA 9** was withdrawn.

Senator House offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 427, 40, 196 and 404, Page 3, Section 565.300, Line 4, by inserting after all of said line the following:

"6. This section shall not apply to any person who attempts to perform a legal abortion if the act that causes the death is performed prior to the child being partially born, even though the death of the child occurs as a result of the abortion after the child is partially born."

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

President Pro Tem Quick assumed the Chair.

Senator Singleton offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 427, 40, 196 and 404, Page 1, Section 565.300, Line 8, by striking the words "irrespective of the duration of pregnancy,"; and

Further amend said section, page 2, lines 8 and 9, by striking the words ", irrespective of the duration of pregnancy".

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

Senator House offered **SA 12**:

SENATE AMENDMENT NO. 12

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 427, 40, 196 and 404, Page 1, Section 565.300, Line 6 of said page, by inserting after "section," the following: "**and only in this section,**"; and

Further amend said bill, Page 2, Section 565.300, Lines 1-2 of said page, by striking "before, during or after birth" and inserting in lieu thereof the following: "**born or partially born**"; and further amend line 6 of said page, by striking "one month" and inserting in lieu thereof the following: "**thirty days**".

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

At the request of Senator House, **HS** for **HCS** for **HBs 427, 40, 196** and **404**, with **SCS** and **SS No. 2** for **SCS**, as amended (pending), was placed on the Informal Calendar.

**CONFERENCE COMMITTEE
APPOINTMENTS**

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SCS** for **SB 436**, as amended: Senators Quick, Scott, Mathewson, Sims and Yeckel.

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 219**, as amended: Senators Caskey, Scott, Mathewson, Klarich and Westfall.

INTRODUCTIONS OF GUESTS

Senator Rohrbach introduced to the Senate, a group of constituents from the Sixth Senatorial District.

Senator Rohrbach introduced to the Senate, Brittany Powell, Jefferson City; and Brittany was made an honorary page.

On motion of Senator DePasco, the Senate adjourned until 11:00 a.m., Monday, May 3, 1999.

SENATE CALENDAR

SIXTY-FOURTH DAY—MONDAY, MAY 3, 1999

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HJR 26

THIRD READING OF SENATE BILLS

SB 472-House

(In Budget Control)

SCS for SB 440-Schneider

(In Budget Control)

SS for SCS for SBs 347,

40, 241 & 301-House

(In Budget Control)

SS for SCS for SBs 75,
381 & 204-Wiggins
(In Budget Control)

SENATE BILLS FOR PERFECTION

- | | |
|--|--|
| 1. SB 274-House, et al,
with SCS | 7. SB 98-Kenney |
| 2. SBs 18, 49 & 167-
Goode, et al, with SCS | 8. SJR 29-Caskey |
| 3. SBs 398 & 376-Maxwell,
with SCS | 9. SB 16-Mathewson,
et al, with SCA 1 |
| 4. SB 507-Childers | 10. SB 52-Klarich and
Flotron |
| 5. SB 413-Johnson, et al | 11. SB 236-Stoll |
| 6. SJR 16-Schneider, with SCS | 12. SB 447-Stoll |

HOUSE BILLS ON THIRD READING

- | | |
|---|---|
| 1. HCS for HB 676, with
SCS (Stoll)
(In Budget Control) | 8. HCS for HB 267, with
SCS (Scott)
(In Budget Control) |
| 2. HS for HB 516-Gaw,
with SCS (Jacob)
(In Budget Control) | 9. HS for HCS for HB 852-
Hosmer, with SCS (Caskey)
(In Budget Control) |
| 3. HCS for HB 139, with
SCS (Russell) | 10. HS for HCS for HB 701-
Rizzo, with SCS
(Mathewson)
(In Budget Control) |
| 4. HB 401-Barry, et al,
with SCS (Caskey)
(In Budget Control) | 11. HCS for HB 60, with SCS |
| 5. HCS for HB 490 & HCS
for HB 308, with SCS (Sims)
(In Budget Control) | 12. HCS for HBs 316, 660
& 203, with SCS
(Howard)
(In Budget Control) |
| 6. HB 542-Barry, with
SCS (House) | 13. HS for HCS for HBs
246 & 405-Bray,
with SCS (Clay)
(In Budget Control) |
| 7. HB 191-Dougherty, et al,
with SCS (Maxwell)
(In Budget Control) | |

- | | |
|--|---|
| 14. HB 541-Kreider, et al
(Mathewson) | 19. HB 368-Murray and
Franklin, with SCS
(Goode) |
| 15. HCS for HB 889
(In Budget Control) | 20. HB 64-Long (Russell) |
| 16. HCS for HBs 603, 722
& 783, with SCS (Goode)
(In Budget Control) | 21. HS for HCS for HB 822-
Liese, with SCS (Clay)
(In Budget Control) |
| 17. HCS for HB 780, with
SCS (Stoll) | 22. HCS for HBs 321 & 493,
with SCAs 1 & 2 (Jacob) |
| 18. HS for HCS for HB 793-Treadway,
with SCS (Mathewson)
(In Budget Control) | |

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 425-Stoll, et al

SENATE BILLS FOR PERFECTION

- | | |
|--|---|
| SB 5-Wiggins, with SS,
SA 2 & point of order
(pending) | SB 318-Jacob, et al, with
SCS & SS for SCS
(pending) |
| SB 30-Howard, with SCS
(pending) | SB 336-Caskey, with SS#2
(pending) |
| SB 78-Russell, with SA 4
(pending) | SB 339-Howard and Sims,
with SCS & SS#2 for
SCS (pending) |
| SB 97-Maxwell and Sims | SB 345-Johnson, with SS
(pending) |
| SB 179-Goode, with SA 3 &
SSA 1 for SA 3 (pending) | SB 397-Maxwell, with SCS |
| SB 203-Wiggins | SB 417-Quick, with SS#2 &
SA 1 (pending) |
| SB 208-House, with SCS &
SS for SCS (pending) | SBs 429, 430 & 407-Jacob,
with SCS & SA 2
(pending) |
| SB 235-Stoll, with SS &
SA 2 (pending) | |
| SB 316-Schneider and
Ehlmann | |

HOUSE BILLS ON THIRD READING

HB 65-O'Toole and May (108th), with SCS (Scott)	HB 468-Koller, with SCS (pending) (Staples)
HS for HB 162-Luetkenhaus (House)	HS for HCS for HB 618- Harlan, with SCS, SS for SCS & SA 6 (pending) (Maxwell)
HCS for HB 343, with SCS (pending) (Caskey)	HB 779-Skaggs, with SCS (Quick)
HCS for HB 349, with SCS & SS for SCS (pending) (Clay)	HCS for HB 888, with SCS (Mathewson)
HS for HCS for HBs 427, 40, 196 & 404-Luetkenhaus, with SCS & SS#2 for SCS (pending) (House)	HJR 5-Barry, et al, with SCA 1 & SSA 1 for SCA 1 (pending) (Stoll)
HS for HB 450-Relford, with SCS (Maxwell)	

Journal

UNOFFICIAL

CONSENT CALENDAR

House Bills

Reported 4/13

HB 775-Hosmer, with SCS
(Bentley)

Reported 4/14

HB 300-Green (Staples)
HB 680-Leake, et al, with
SCA 1 (Stoll)

HB 903-Auer (Jacob)
HB 926-Liese and Ward
(Jacob)

Reported 4/15

HB 326-Parker (Stoll)
HB 415-Vogel and Gratz,
with SCA 1 (Maxwell)

HB 812-Berkowitz, et al,
with SCS (Maxwell)
HB 866-Treadway, with SCS (Scott)

Copy

HB 548-Kennedy, with SCS
(Wiggins)
HB 988-Backer (Wiggins)

HB 399-Bray (Wiggins)
HB 472-Nordwald (House)

SENATE BILLS WITH HOUSE AMENDMENTS

SB 33-Johnson, with HCS,
as amended
SB 115-Russell, with HCA 1
SB 294-Staples, with HA 1,
HA 2, HA 3, HA 4,
HA 6 & HA 7

SB 310-Maxwell, with HS,
as amended
SS for SCS for SB 467-
Caskey, with HA 1 &
HA 2

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

SB 219-Caskey, with HCS,
as amended
SB 291-Caskey, with HS
for HCS, as amended
SCS for SB 334-Mathewson,
with HCS
SCS for SB 436-Quick,
with HS for HCS, as
amended
HCS for HB 2, with SCS
(Goode)
HCS for HB 3, with SCS
(Goode)
HCS for HB 4, with SCS,
as amended (Goode)
HCS for HB 5, with SCS,
as amended (Goode)
HCS for HB 6, with SCS,
as amended (Goode)

HCS for HB 7, with SCS
(Goode)
HCS for HB 8, with SCS
(Goode)
HCS for HB 9, with SCS
(Goode)
HCS for HB 10, with SCS,
as amended (Goode)
HCS for HB 11, with SCS,
as amended (Goode)
HCS for HB 12, with SCS
(Goode)
HB 248-Kissell, with SCS (Westfall)
(House adopted CCR
and passed CCS)
HCS for HB 348, with SCS (Caskey)
HB 789-Berkstresser and
Bartelsmeyer, with SCS
(Childers)

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)

Requests to Concur

SCS for HB 792-Kissell &
McKenna, with HPA 1
(Mathewson)

RESOLUTIONS

SR 359-Ehlmann
SCR 9-Mueller
SCR 14-Quick, with HCA 1
SCR 2-Goode, et al, with HCS

SCR 13-Stoll, with HA 1
SCR 5-Caskey, with HCS,
as amended
SCR 1-Clay, with HA 1

Reported from Committee

HCR 11-Mays (Goode)
HCR 9-Bonner (DePasco)
SR 595-Flotron
HCR 28-Ransdall, with SCS
(Goode)
HCR 21-Kissell & Kelly
(27th), with SCS
HCS for HCR 19, with SCS
(Caskey)

HCS for HCR 3, with SCS
(Childers)
HCR 17-Barnett (Graves)
HCR 16-Leake, with SCS
HCS for HCR 29, with SCS
HCR 30-Clayton, with SCS
(Wiggins)
HCS for HCRs 24 & 15, with SCS
SR 588-Sims

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