

# Journal of the Senate

FIRST REGULAR SESSION

VETO SESSION

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**SECOND DAY—THURSDAY, SEPTEMBER 16, 1999**

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The Senate met pursuant to adjournment.

President Wilson in the Chair.

The Reverend Carl R. Gauck offered the following prayer:

“Now there was a great wind, so strong that it was splitting mountains and breaking rocks in pieces before the Lord but the Lord was not in the wind; and after the wind an earthquake, but the Lord was not in the earthquake; and after the earthquake a fire, but the Lord was not in the fire; and after the fire a sound of sheer silence.” (1 Kings 19:11-12)

Gracious and Heavenly Father: Amid the thunderous sounds of thousands of feet in the Capitol and the wind of disagreeing voices we need this quiet moment of prayer with You, so that we may experience Your presence and that You may touch our hearts and minds providing the wisdom and courage we need to know and do Your will for Your people here in Missouri. Grant these things to us this day dear God. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

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

Present—Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton

Staples Steelman Stoll Westfall  
Wiggins Yeckel—34

Absent with leave—Senators—None

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Childers offered Senate Resolution No. 7, regarding the Monett Kiwanis Club, Monett, which was adopted.

Senator Howard offered Senate Resolution No. 8, regarding the death of Herschel Wilburn Bess, Poplar Bluff, which was adopted.

Senator Howard offered Senate Resolution No. 9, regarding Daryl Vaughn, Mingo, which was adopted.

Senator DePasco offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 10

BE IT RESOLVED by the Senate that the Secretary of Senate inform the House of Representatives that the Senate, having been duly convened as provided by Section 32, Article III of the Constitution, made no motion to override the Governor's vetoes of Senate Committee Substitute for Senate Bill No. 244; Conference Committee Substitute for Senate Bill No. 294 and House Substitute for Senate Committee Substitute for Senate Bill No. 498 when the bills were so called by the President.

Senator DePasco offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 11

BE IT RESOLVED by the Senate, that the Administrator of the Senate be and is hereby instructed to purchase and deliver to each Senator postage stamps not to exceed the value of three

hundred thirty dollars (\$330.00) and to take his or her receipt for the amount of postage stamps delivered, said stamps to be used by each Senator only for official business connected with his or her office, the expenses of same to be paid out of the contingent fund of the Senate.

Senator Stoll offered Senate Resolution No. 12, regarding the Fortieth Anniversary of St. Pius X High School, Festus, which was adopted.

Senator Klarich moved that **SR 4** be taken up for adoption, which motion prevailed.

On motion of Senator Klarich, **SR 4** was adopted by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Childers
Clay	DePasco	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Russell	Schneider
Scott	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel—27	

NAYS—Senators

Mueller	Rohrbach	Sims—3
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Absent—Senators

Ehlmann	Quick	Staples—3
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Absent with leave—Senator Banks—1

Senator Howard offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 13

WHEREAS, it is with heavy hearts that the members of the Missouri Senate pause to acknowledge the significant achievements of a life gone by, that of Herschel Wilburn Bess, who was baptized into the Hope of Christ's Resurrection on September 12, 1999; and

WHEREAS, Herschel Wilburn Bess came into this world in Bollinger County, Missouri, on February 15, 1904, and attended West Mayfield Junior College in Marble Hill upon his graduation from Blodgett High School in 1922; and

WHEREAS, on December 17, 1939, Herschel Bess married his beloved Arrettia Ellis, a kind and caring woman who enjoyed each and every moment of his company until her departure from this world on June 26, 1995; and

WHEREAS, a former teacher and basketball coach at Braggadocio in Pemiscot County, Herschel Bess provided a safe and secure future for himself and his wife through many years of tireless endeavor in the produce business; and

WHEREAS, following his retirement as the co-owner of Bluff

City Produce in 1965, Herschel Bess remained active as a member of the board of directors of eleven banks in Southeast Missouri, the Bank of Poplar Bluff's board of directors, and the Appalachian Life Insurance Board; and

WHEREAS, a 32nd degree mason and member of the Masonic Order Blue Lodge, Knight Temple, and the Lions Club, Herschel Bess compiled an enviable list of service to his community through many years of active affiliation with the Southeast Missouri State University Board of Regents; the Poplar Bluff School Board; the City, Light & Water Board; and the First Baptist Church Board of Trustees; and

WHEREAS, Herschel Bess was known, admired, and respected by his fellow citizens for the unwavering support and financial assistance he provided to countless institutions and organizations that include Three Rivers Community College, Southeast Missouri State University, the United Gospel Rescue Mission, the Greater Poplar Bluff Area Chamber of Commerce, and the First Baptist Church, which dedicated a new chapel with a gift provided by Herschel and Arrettia Bess; and

WHEREAS, the proud recipient of the Greater Poplar Bluff Area Chamber of Commerce 1989 Citizen of the Year award, Herschel Bess leaves behind to cherish his memory his sister, Marilyn Thrower of Poplar Bluff; his twenty-nine nieces and nephews; and a host of other family members and friends:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, unanimously join in paying final tribute to Herschel Bess, a remarkable gentleman of peace and kindness in this world who will be sadly missed by all those who had the distinct pleasure of knowing and loving him; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for his son, Buddy Bess, Marilyn Thrower and Three Rivers Community College.

Senator Wiggins offered Senate Resolution No. 14, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. William A. Tate, Kansas City, which was adopted.

Senator Howard offered Senate Resolution No. 15, regarding the Fiftieth Anniversary of Doctors Regional Medical Center, Poplar Bluff, which was adopted.

Senator DePasco announced that photographers from the Kansas City Star, KMBC-TV, the Associated Press, the St. Louis Post-Dispatch, KSDK-TV, KOMU-TV, KTVI-TV, KYTV-Springfield, KRCG-TV, KCTV 5 and the Columbia Missourian had been given permission to take pictures in the Senate Chamber today.

**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 passed Senate Substitute #3 for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill Nos. 427, 40, 196 and 404, the objections of the Governor thereto notwithstanding.

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 attached is a certified copy of the Roll Call on Senate Substitute #3 for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill Nos. 427, 40, 196 and 404.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HR 3**.

HOUSE RESOLUTION NO. 3

BE IT RESOLVED by the House of Representatives, that the Chief Clerk of the House inform the Senate that the House, having been duly convened as provided by Section 32, Article III of the Constitution, made no motions to override the Governor's vetoes on **CCS for HB 2, CCS for HB 3, CCS for HB 5, CCS for HB 7, CCS for HB 8, CCS for HB 11, CCS for HB 12, CCS for HB 13, CCS for HB 18, SCS for HCS for HB 60, CCS for SS for SCS for HCS for HB 267, CCS for SS for SCS for HS for HCS for HB 793, and HB 929** when the bills were called by the Speaker and that a motion to override the veto on **CCS for HB 9** was made and failed when the bill was called by the Speaker.

Senator House moved that **SS No. 3 for SCS for HS for HCS for HBs 427, 40, 196 and 404** be passed, the objections of the Governor thereto notwithstanding.

Senator House was recognized to speak on his motion and proceeded to demonstrate with the use of props.

President Pro Tem Quick assumed the Chair.

Senator Maxwell raised the point of order that

the use of props during debate on the Senate floor was out of order.

Senator Mathewson assumed the Chair.

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

Senator Jacob offered a substitute motion, pursuant to Senate Rule 73, to postpone indefinitely the question before the body.

Senator House requested a roll call vote be taken on the substitute motion and was joined in his request by Senators Childers, Klarich, Russell and Yeckel.

Senator Childers raised the point of order that the motion to postpone indefinitely is non-debatable.

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

Senator Jacob was recognized to close.

Senator Jacob yielded to Senator Klarich for interrogation.

Senator Maxwell rose to interrogate Senator Klarich.

Senator Jacob yielded the floor to Senator Maxwell.

Senator Caskey raised the point of order that once a member has been recognized to close he may yield to another Senator for inquiry, but for no other purpose.

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

At the request of Senator Jacob, the substitute motion was withdrawn.

Senator Jacob rose seeking the floor.

Senator Schneider raised the point of order that it is out of order for Senator Jacob to be recognized since a Senator cannot speak more than once on a bill.

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

Senator Jacob offered a substitute motion that the question of the override of **SS No. 3 for SCS**

for **HS** for **HCS** for **HBs 427, 40, 196** and **404** be postponed until 11:00 a.m., September 24, 1999.

Senator Russell requested a roll call vote be taken on the substitute motion made by Senator Jacob and was joined in his request by Senators Kenney, Flotron, Rohrbach and Wiggins.

Senator Staples assumed the Chair.

Senator Mathewson assumed the Chair.

Senator Johnson assumed the Chair.

Senator Mathewson assumed the Chair.

Senator Johnson assumed the Chair.

Senator Mathewson assumed the Chair.

The substitute motion made by Senator Jacob failed of adoption by the following vote:

YEAS—Senators

Banks	Bland	Clay	Jacob
Maxwell	Quick	Sims—7	

NAYS—Senators

Bentley	Caskey	Childers	DePasco
Ehlmann	Flotron	Graves	House
Howard	Johnson	Kenney	Kinder
Klarich	Mathewson	Mueller	Rohrbach
Russell	Schneider	Scott	Singleton
Staples	Stelman	Stoll	Westfall
Wiggins	Yeckel—26		

Absent—Senator Goode—1

Absent with leave—Senators—None

The motion to override the Governor’s veto of **SS No. 3** for **SCS** for **HS** for **HCS** for **HBs 427, 40, 196** and **404** was again taken up.

President Pro Tem Quick assumed the Chair.

Senator Mathewson assumed the Chair.

President Wilson assumed the Chair.

On motion of Senator House, **SS No. 3** for **SCS** for **HS** for **HCS** for **HBs 427, 40, 196** and **404** was passed, the objections of the Governor thereto notwithstanding, by the following vote:

YEAS—Senators

Bentley	Caskey	Childers	DePasco
Ehlmann	Flotron	Graves	House
Howard	Johnson	Kenney	Kinder
Klarich	Mathewson	Mueller	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Stelman	Stoll
Westfall	Wiggins	Yeckel—27	

NAYS—Senators

Banks	Bland	Clay	Goode
Jacob	Maxwell	Quick—7	

Absent—Senators—None

Absent with leave—Senators—None

**RESOLUTIONS**

Senator Steelman offered Senate Resolution No. 16, regarding Carolyn A. Bluma, Meta, which was adopted.

Senator Howard offered Senate Resolution No. 17, regarding Noranda Aluminum, Inc., New Madrid, which was adopted.

Senator Childers offered Senate Resolution No. 18, regarding Dayton Mackey, Monett, which was adopted.

**INTRODUCTION OF GUESTS**

Senators Rohrbach and Jacob introduced to the Senate, members of the Church of God-Holiness, Columbia; and Brad Davis, Jalyn Davis, Beth Maddox and Reagan Maddox were made honorary pages.

On motion of Senator DePasco, the Senate adjourned sine die pursuant to the Constitution.

ROGER B. WILSON  
Lieutenant Governor

TERRY L. SPIELER  
Secretary of Senate

