

Journal of the Senate

FIRST REGULAR SESSION

TENTH DAY—THURSDAY, JANUARY 21, 1999

The Senate met pursuant to adjournment.

President Wilson in the Chair.

The Reverend Carl R. Gauck offered the following prayer:

Gracious God: We ask that You preserve and protect us this day from all that would distract us from serving You and Your righteousness. Be with us in our thoughts and words and deeds as we call this week a wrap and return to our homes where we might be refreshed in mind, body and spirit. This we ask in Your Holy Name. Amen.

The Pledge of Allegiance to the Flag was recited.

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

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	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins

Yeckel—33

Absent with leave—Senator Scott—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Singleton offered Senate Resolution No. 95, regarding Mary Eleanor Coffield, Carthage, which was adopted.

Senator Stoll offered Senate Resolution No. 96, regarding the Ninetieth Birthday of Charles Alfred Ewald Schmidt, Festus, which was adopted.

Senator Bentley offered the following resolution:

SENATE RESOLUTION NO. 97

Notice of Proposed Rule Change

BE IT RESOLVED by the Senate of the Ninetieth General Assembly, First Regular Session that Senate Rule 95 be amended as follows:

"Rule 95. 1. Notetaking and writing in the Senate Gallery is permissible, but no person shall enter the Senate Gallery with any typewriter or recording device. Laptop computers may be used by **members of the senate at their desks and** by the press at the press table in the Senate Chamber. No person shall take any photograph in the Senate Gallery. Persons with cameras, flash cameras, lights, or other paraphernalia may be allowed to use such devices at committee meetings with the permission of the Chairman as long as they don't prove disruptive to the decorum of the committee. Smoking is not permissible in the Senate Chamber or Gallery, committee rooms, lounge, the hallways, restrooms or elevators.

2. For the purpose of compliance with the Americans with Disabilities Act, the President Pro Tem may designate a portion of the Senate Chamber as handicap accessible and such areas shall not be considered a part of the floor of the Senate for the purposes of section 21.420, RSMo. Persons using such area shall not lobby members of the Senate while going to and from or while using the designated area."

INTRODUCTION OF BILLS

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

SB 320—By Caskey.

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.

SB 321—By Caskey.

An Act to repeal section 456.535, RSMo 1994, relating to trustee's powers, and to enact in lieu thereof one new section relating to the same subject.

SB 322—By Sims and Goode.

An Act to repeal sections 210.211, 210.245, 210.251, 210.252, 210.254 and 210.256, RSMo 1994, and section 210.221, RSMo Supp. 1998, relating to the regulation of certain child care providers, and to enact in lieu thereof seven new sections relating to the same subject, with penalty provisions.

SB 323—By Kenney and Sims.

An Act to amend chapter 182, RSMo, by adding thereto one new section relating to public libraries.

SB 324—By Banks.

An Act to repeal section 660.053, RSMo 1994, and to enact in lieu thereof three new sections for the purpose of creating a shared care program in the division of aging for the care of the elderly.

SB 325—By Stoll.

An Act to repeal sections 327.011, 327.051, 327.075, 327.091, 327.111, 327.131, 327.141, 327.151, 327.161, 327.171, 327.181, 327.191, 327.201, 327.221, 327.231, 327.241, 327.251, 327.261, 327.272, 327.281, 327.291, 327.312, 327.313, 327.314, 327.321, 327.331, 327.341, 327.351, 327.361, 327.371, 327.381, 327.391, 327.411, 327.421, 327.441, 327.451 and 327.461, RSMo 1994, and sections 327.031, 327.041, 327.101 and 327.401, RSMo Supp. 1998, relating to architects, professional engineers and professional land surveyors, and to enact in lieu thereof forty-two new sections relating to the same subject, with penalty provisions.

SB 326—By Goode.

An Act to repeal section 198.439, RSMo Supp. 1998, relating to nursing facility reimbursement allowance, and to enact in lieu thereof one new section relating to the same subject.

SB 327—By Kinder.

An Act to repeal sections 91.025, 393.106 and 394.312, RSMo 1994, relating to electric utility industry competition and consumer choice, and to enact in lieu thereof nineteen new sections relating to the same subject.

SB 328—By Clay, Banks and Wiggins.

An Act to repeal sections 574.090 and 574.093, RSMo 1994, relating to the crime of intimidation, and to enact in lieu thereof three new sections relating to the same subject, with penalty provisions.

SB 329—By Jacob.

An Act relating to dissolution of marriage.

SB 330—By Rohrbach, Russell, Sims, Bentley, Flotron, Singleton, Yeckel and Childers.

An Act to repeal sections 32.055 and 32.091, RSMo Supp. 1998, relating to motor vehicle records, and to enact in lieu thereof two new sections relating to the same subject.

SB 331—By Maxwell.

An Act to repeal sections 169.010, 169.060, 169.070 and 169.075, RSMo Supp. 1998, relating to public school retirement systems, and to enact in lieu thereof four new sections relating to the same subject, with an emergency clause.

SB 332—By House.

An Act to repeal sections 444.772 and 444.773, RSMo 1994, relating to environmental protection, and to enact in lieu thereof two new sections relating to the same subject.

SB 333—By Staples and Mathewson.

An Act to amend chapter 620, RSMo, by adding thereto one new section relating to highway enhancement for the purposes of economic development.

CONCURRENT RESOLUTIONS

Senators Howard and Johnson offered the following concurrent resolution, which was referred to the Committee on Rules, Joint Rules and Resolutions:

SENATE CONCURRENT RESOLUTION NO. 11

WHEREAS, Missouri is and will continue to be a leading agricultural state; and

WHEREAS, the economic success of this state depends to a large degree on the success of agriculture and related industries; and

WHEREAS, falling prices for commodities and livestock have placed Missouri farms and businesses supporting Missouri farms in severe economic distress; and

WHEREAS, there exists a variety of farm-related businesses providing goods and services to Missourians engaged in agriculture that are also facing economic distress resulting from the distress of their primary market; and

WHEREAS, federal policies and laws affecting agriculture have an immediate and direct impact on Missouri's farmers and agricultural industries;

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate of the Ninetieth General Assembly, the Missouri House of Representatives concurring therein, respectfully request the federal government to take all necessary and appropriate action to support those businesses existing to provide the goods and services necessary to farm operations; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to send a copy of this resolution to the Missouri delegation in the United States House of Representatives and the United States Senate, the Secretary of the United States Department of Agriculture, the Secretary of the United States Department of Commerce and the President of the United States.

REPORTS OF STANDING COMMITTEES

Senator Quick, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Catherine B. Leapheart, as Director of Employment Security;

Also,

Judy C. Logan, as a member of the Missouri Public Entity Risk Management Fund Board of Trustees;

Also,

Peter W. Hofherr, Larry D. Furbeck, Charles B. Keller, IV and L. Kirby VanAusdall, as members of the State Soil and Water Districts Commission;

Also,

Thomas J. Mathis, III, as a member of the Missouri Board for Architects, Professional Engineers and Land Surveyors;

Also,

Dennis C. Eckhold, as a member of the Board of Police Commissioners for Kansas City;

Also,

Ryne P. "Patt" Lilly, as a member of the Missouri Western State College Board of Regents;

Also,

Karen A. Sylvara, as a member of the State Board of Health;

Also,

Cheryl Kay Dolan, as a member of the Consolidated Health Care Plan Board of Trustees;

Also,

Charlotte L. Connell, as a member of the Board of Hearing Instrument Specialists;

Also,

Lisa E. Hosey and John T. Howard, as members of the Missouri Board of Geologist Registration;

Also,

Daniel J. Szatkowski, as a member of the Low-Level Radioactive Waste Compact Advisory Committee;

Also,

Christine E. Hancock, as a member of the State Board of Cosmetology;

Also,

Joann E. Noll, as a member of the Missouri Planning Council for Developmental Disabilities;

Also,

Micquanita "Nita Johnson" Mosely, as a member of the Minority Environmental Literacy Advisory Committee;

Also,

Judith Sutter Hinrichs and David A. Childers, as members of the Environmental Improvement and Energy Resources Authority;

Also,

Charlotte S. Hill, as a public member of the State Board of Chiropractic Examiners;

Also,

Mary Marjorie Hughes, as a public member of the State Board of Podiatric Medicine;

Also,

Linda Hickam-Fountain, as a member of the Missouri Veterinary Medical Board;

Also,

Karen B. Rosen, as a member of the State Board of Optometry;

Also,

Thomas J. Downey and Dallas G. Dickens, as members of the Missouri Family Trust Board of Trustees;

Also,

Franklin D. Nickell, as a member of the Missouri River Parkway Commission.

Senator Quick requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Quick moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

REFERRALS

President Pro Tem Quick referred **SR 97** to the Committee on Rules, Joint Rules and Resolutions.

RESOLUTIONS

Senator Rohrbach offered Senate Resolution No. 98, regarding Charles John Esienbath, Jefferson City, which was adopted.

COMMUNICATIONS

Senator Caskey submitted the following:

January 21, 1999

Mrs. Terry Spieler
Secretary, Missouri Senate

Dear Terry:

This letter is to inform you that on Jan. 21, 1999 the Senate Ethics Committee voted to recognize the Jackson County Republican Caucus at the request of Sen. Bill Kenney. I have included a copy of Sen. Kenney's request letter which also lists the members of this new caucus, and I would ask that the appropriate information be printed in the Senate Journal.

Very truly yours,

/s/ Harold Caskey

Harold L. Caskey

January 19, 1999

The Honorable Harold Caskey
Chairman, Ethics Committee
Room 320, State Capitol Building
Jefferson City, Mo 65101

Dear Senator Caskey:

This is to respectfully request that the Ethics Committee recognize the following legislative members as the Jackson County Republican Caucus.

Bill Kenney-MO State Senator-District 08

Don Lograsso-MO House of Representatives-District 54

Connie Cierpiot-MO House of Representatives-District 52

Matthew Bartle-MO House of Representatives-District 56

Pat Kelley-MO House of Representatives-District 47

Carson Ross-MO House of Representatives-District 55

Thank you for your consideration in this matter.

Sincerely,

/s/ Bill Kenney

Senator Bill Kenney

INTRODUCTIONS OF GUESTS

Senator Jacob introduced to the Senate, the Physician of the Day, Dr. Lyndell Scoles, M.D. and Dr. Bernie Esser, Columbia.

On motion of Senator DePasco, the Senate adjourned until 4:00 p.m., Monday, January 25, 1999.

SENATE CALENDAR

ELEVENTH DAY—MONDAY, JANUARY 25, 1999

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 261-Howard
SB 262-Caskey
SB 263-Caskey
SB 264-Caskey
SB 265-Jacob
SB 266-Klarich
SB 267-Kenney
SB 268-Staples
SB 269-Scott
SB 270-Ehlmann
SB 271-Ehlmann
SB 272-Ehlmann
SB 273-Ehlmann
SB 274-House, et al
SB 275-Caskey
SB 276-Caskey
SB 277-Russell
SB 278-Klarich
SB 279-Bland
SB 280-Bland
SB 281-Bland
SB 282-Clay, et al
SB 283-Clay
SB 284-Yeckel
SB 285-Yeckel
SB 286-Maxwell
SB 287-Maxwell
SB 290-House
SB 292-Sims
SB 293-Staples
SB 294-Staples
SB 295-Schneider, et al
SB 296-Wiggins, et al
SB 297-Howard
SB 298-Kinder
SB 299-Yeckel
SB 300-Goode
SB 301-Ehlmann
SB 302-Bland
SB 303-Flotron
SB 304-Childers
SB 305-Wiggins
SB 306-Wiggins
SB 307-Rohrbach
SB 308-Scott and Russell
SB 309-Maxwell
SB 310-Maxwell
SB 311-Wiggins, et al
SB 312-Sims
SB 313-Stoll
SB 314-Scott and Staples
SB 315-Staples
SB 316-Schneider and
Ehlmann
SB 317-Howard
SB 318-Jacob, et al
SB 319-House
SB 320-Caskey
SB 321-Caskey
SB 322-Sims and Goode

SB 323-Kenney and Sims
SB 324-Banks
SB 325-Stoll
SB 326-Goode
SB 327-Kinder
SB 328-Clay, et al
SB 329-Jacob

SB 330-Rohrbach, et al
SB 331-Maxwell
SB 332-House
SB 333-Staples and
Mathewson
SJR 20-Stoll

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