

# Journal of the Senate

FIRST REGULAR SESSION

FIFTY-FOURTH DAY—THURSDAY, APRIL 15, 1999

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl R. Gauck offered the following prayer:

Let us Pray: Gracious and Merciful Father: Help us to recognize that there is nothing we can give someone that will show our love more than the gift of our time and attention. Help each of us to make this a priority in our lives for our family and then to those we serve, behind only our time with You, Oh God. Help us keep our word to our children and grandchildren so that they may know that in a world with increasingly glib promises, our word was true so that someday they will one day "rise up and call us blessed." 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	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel—34		

Absent with leave—Senators—None

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Wiggins offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 589

WHEREAS, the members of the Missouri Senate have learned that Friday, April 16th, will mark the Fourth Annual Kansas City Cattle Drive sponsored by Mike Murphy, founder of the drive and premier KCMO Radio talk show personality and also the founder of Kansas City's fabulous St. Patrick's Day Parade; and

WHEREAS, the purpose of the Cattle Drive is to allow Kansas Citians to participate in a full day of festivities celebrating their city's proud heritage of cattle and great steaks; and

WHEREAS, the day will also be marked by the first annual "Take Back the Kansas City Strip" cook-off featuring recognized chefs from Kansas City to prepare the best Kansas City Strips ever, after which local celebrities, including our colleague, the current Senator from the 10th District, Senator Harry Wiggins, will be on hand to taste-test the culinary masterpieces and award prizes for the finest steak recipe presentation; and

WHEREAS, the winning Kansas City Strip will then be flown by Derrick Thomas, All Star player for the Kansas City Chiefs, to New York City to be presented to Mayor Rudolph Guiliani, as evidence that the people of Kansas City are tired and irritated that New York continues to claim the long time traditional Kansas City Strip Steak, which is falsely renamed, on restaurant menus as the New York Strip, and that the people of Kansas City intend to take back their beloved Kansas City Strip permanently with the name it earned and deserves;

NOW, THEREFORE, BE IT RESOLVED, that the members of the Missouri Senate, pause in their deliberations to congratulate Mike Murphy on his fourth annual cattle drive, wish the people of Kansas City good luck in their laudable efforts to return the Kansas City Strip to its traditional name for Kansas City and Missouri, and wish Mike Murphy many long years continued good health and happiness; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for Mike Murphy, Derrick Thomas, Lesley Hause, Chair of Take Back the Strip Campaign.

Senator Goode offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 590

WHEREAS, it is with heavy hearts that the members of the Missouri Senate pause to acknowledge the significant lifetime achievements of the late Roger Pryor of St. Louis, Missouri, a preservationist and conservationist in the forefront of protecting the beauty and natural features and resources of this fine state; and

WHEREAS, Roger Pryor received both his Bachelor's degree and his Master's degree in Biology at Saint Louis University before embarking on his profession in the environmental field, a position provided by Leo A. Drey and the L-A-D Foundation for which he completed a statewide survey of valuable natural areas that was presented to the Missouri Department of Conservation for use in determining future land purchases by the Department; and

WHEREAS, an invaluable leader on conservation teaching and outreach, Roger Pryor organized the first natural areas conference held in Missouri and signed on as program director with the Missouri Coalition for the Environment in 1985 after working with the Missouri Department of Natural Resources; and

WHEREAS, regarded as one of the giants of resource advocacy in the Show-Me State, Roger Pryor became executive director of the 5,000- member coalition in 1988 and added the additional title of senior policy director in 1992 to denote officially a job he had held unofficially for years; and

WHEREAS, a Renaissance man who will be remembered for his many diverse interests and accomplishments as a lecturer, author, guitar player, folk singer, and stamp collector, Roger Pryor received countless awards and accolades from various environmental groups that include the Audubon Society, the Missouri Open Space Council, and the Ozark Chapter of the Sierra Club; and

WHEREAS, though environmentalists have been losing battles since the 1960s, no one did more to preserve open space than Roger Pryor, whose vast knowledge and understanding of the environment gained many allies for the coalition and helped to raise the public consciousness on numerous environmental issues; and

WHEREAS, a proud father and loving husband, Roger Pryor departed this life on March 23, 1999, leaving his devoted wife, Linda; his three wonderful children, Andrew, Jessica, and Kathryn; and a host of friends and fellow environmental activists, including groups of senior citizens and young people who benefitted from his work with them and his teachings about the environment and the heritage of Missouri:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, unanimously join in paying final tribute to Roger Pryor, 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 the widow of the late Roger Pryor, as an expression of our deepest sympathy.

Senator Johnson assumed the Chair.

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

**HOUSE BILLS ON THIRD READING**

**HCS for HB 4, with SCS, entitled:**

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue and the Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 1999 and ending June 30, 2000.

Was taken up by Senator Goode.

**SCS for HCS for HB 4, entitled:**

**SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 4**

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue and the Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 1999 and ending June 30, 2000.

Was taken up.

Senator Goode moved that **SCS for HCS for HB 4** be adopted.

Senator Goode offered **SA 1:**

**SENATE AMENDMENT NO. 1**

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 4, Page 3, Section 4.030, by inserting immediately after said section the following new section:

"Section 4.032. To the Department of Revenue  
For the purpose of paying refunds for overpayment or erroneous payments of any tax or any payment credited to Federal and Other Funds From Federal and Other Funds. . . . \$ 500,000 E".

Senator Goode moved that the above

amendment be adopted, which motion prevailed.

Senator Goode moved that **SCS** for **HCS** for **HB 4**, as amended, be adopted, which motion prevailed.

On motion of Senator Goode, **SCS** for **HCS** for **HB 4**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

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

Yeckel—33

NAYS—Senators—None

Absent—Senator Graves—1

Absent with leave—Senators—None

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

Senator Mathewson assumed the Chair.

**HCS** for **HB 5**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, and the Chief Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 1999 and ending June 30, 2000.

Was taken up by Senator Goode.

**SCS** for **HCS** for **HB 5**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 5

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, and the Chief Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 1999 and ending June 30, 2000.

Was taken up.

Senator Goode moved that **SCS** for **HCS** for **HB 5** be adopted.

Senator Goode offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 5, Page 23, Section 5.340, Line 3, by deleting the number "211.393.1(4)" and inserting in lieu thereof the number "211.393.2(4)".

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

Senator Steelman offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 5, Page 24, Section 5.360, Line 3, by deleting the number "\$12,000,000" and inserting thereof the number "0".

Senator Steelman moved that the above amendment be adopted.

At the request of Senator Steelman, **SA 2** was withdrawn.

Senator Goode moved that **SCS** for **HCS** for **HB 5**, as amended, be adopted, which motion prevailed.

On motion of Senator Goode, **SCS** for **HCS** for **HB 5**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senator Steelman—1

Absent—Senators

Banks	Clay—2
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Absent with leave—Senators—None

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

**HCS for HB 6, with SCS, entitled:**

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 1999 and ending June 30, 2000.

Was taken up by Senator Goode.

**SCS for HCS for HB 6, entitled:**

**SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 6**

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several

divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 1999 and ending June 30, 2000.

Was taken up.

Senator Goode moved that **SCS** for **HCS** for **HB 6** be adopted.

Senator Maxwell offered **SA 1:**

**SENATE AMENDMENT NO. 1**

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 6, Page 6, Section 6.060, by inserting immediately after said section the following new section:

"Section 6.061. To the Department of Agriculture For the purpose of funding the Division of Animal Health

For the purpose of funding state meat and poultry inspections to enable value-added meat and poultry processing

Personal Service . . . . . \$ 54,936

Expense & Equipment . . . . . 74,926

From General Revenue Fund

(Not to exceed 2.00 FTE) . . . . . \$129,862".

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

Senator Goode moved that **SCS** for **HCS** for **HB 6**, as amended, be adopted, which motion prevailed.

Senator Johnson assumed the Chair.

On motion of Senator Goode, **SCS** for **HCS** for **HB 6**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House

Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Staples
Steelman	Stoll	Westfall	Wiggins

Yeckel—33

NAYS—Senators—None

Absent—Senator Singleton—1

Absent with leave—Senators—None

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

**HCS for HB 7, with SCS, entitled:**

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, and the Department of Labor and Industrial Relations, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 1999 and ending June 30, 2000.

Was taken up by Senator Goode.

**SCS for HCS for HB 7, entitled:**

**SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 7**

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, and the Department of Labor and Industrial Relations, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 1999 and ending June 30, 2000.

Was taken up.

President Wilson assumed the Chair.

Senator Johnson assumed the Chair.

Senator Goode moved that **SCS** for **HCS** for **HB 7** be adopted, which motion prevailed.

On motion of Senator Goode, **SCS** for **HCS** for **HB 7** was read the 3rd time and passed by the following vote:

YEAS—Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

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

**HCS for HB 8, with SCS, entitled:**

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1999 and ending June 30, 2000.

Was taken up by Senator Goode.

**SCS for HCS for HB 8, entitled:**

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 8

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1999 and ending June 30, 2000.

Was taken up.

Senator Goode moved that **SCS for HCS for HB 8** be adopted, which motion prevailed.

On motion of Senator Goode, **SCS for HCS for HB 8** was read the 3rd time and passed by the following vote:

YEAS—Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

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

**HCS for HB 9**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections, and the several divisions and programs thereof to be expended only as provided

in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1999 and ending June 30, 2000.

Was taken up by Senator Goode.

**SCS for HCS for HB 9**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 9

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1999 and ending June 30, 2000.

Was taken up.

Senator Goode moved that **SCS for HCS for HB 9** be adopted, which motion prevailed.

President Pro Tem Quick assumed the Chair.

On motion of Senator Goode, **SCS for HCS for HB 9** was read the 3rd time and passed by the following vote:

YEAS—Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

The President Pro Tem 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 DePasco moved that motion lay on the table, which motion prevailed.

**SENATE BILLS FOR PERFECTION**

Senator Schneider moved that **SB 70**, with **SS No. 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SS No. 2** for **SB 70** was again taken up.

Senator Rohrbach raised the point of order that **SS No. 2** is out of order in that it goes beyond the scope and purpose of the original bill.

Senator Wiggins assumed the Chair.

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

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

**SENATE AMENDMENT NO. 1**

Amend Senate Substitute No. 2 for Senate Bill No. 70, Page 22, Section 407.825, Lines 14-22, by striking all of said lines; and further amend said section, page 22, line 2, by striking the phrase, "through contact using the Internet,".

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

Senator Clay offered **SA 2**, which was read:

**SENATE AMENDMENT NO. 2**

Amend Senate Substitute No. 2 for Senate Bill No. 70, Page 22, Section 407.825, Line 22, by inserting immediately after all of said line the following:

**"Section 1. All dealer franchises sanctioned and approved by the Missouri department of revenue shall provide compensation and benefits to their employees which are at least equal to compensation and benefits of employees of automobile manufacturers who assemble vehicles in the state of Missouri.";** and

Further amend the title and enacting clause accordingly.

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

Senator Schneider offered **SA 3**:

**SENATE AMENDMENT NO. 3**

Amend Senate Substitute No. 2 for Senate Bill No. 70, Page 22, Section 407.825, Line 8, by adding:

"Discrimination prohibited by this subsection shall be prohibited only within the same market area and the complaining dealer shall have the burden of demonstrating the market area.".

Senator Schneider moved that the above amendment be adopted.

Senator Staples assumed the Chair.

Senator Flotron offered **SSA 1** for **SA 3**, which was read:

**SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 3**

Amend Senate Substitute No. 2 for Senate Bill No. 70, Page 21, Section 407.825, Lines 18-25, and Page 22, Lines 1-8, by striking all of said lines.

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

Senator Flotron offered **SA 4**, which was read:

**SENATE AMENDMENT NO. 4**

Amend Senate Substitute No. 2 for Senate Bill No. 70, Pages 1-22, All Sections, All Lines, by removing any new language which has not yet been removed.

Senator Flotron moved that the above amendment be adopted.

Senator Schneider requested a roll call vote be taken on the adoption of **SA 4** and was joined in his request by Senators Childers, Kenney, Steelman and Stoll.

**SA 4** failed of adoption by the following vote:

YEAS—Senator Staples—1

NAYS—Senators

Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Mathewson	Maxwell	Quick	Rohrbach
Russell	Schneider	Scott	Steelman
Stoll	Westfall	Wiggins	Yeckel—28

Absent—Senators

Banks Klarich Mueller Sims

Singleton—5

Absent with leave—Senators—None

### PRIVILEGED MOTIONS

Having voted on the prevailing side, Senator Schneider moved that the vote by which **SA 2** was adopted be reconsidered, which motion prevailed by the following vote:

YEAS—Senators

Bentley	Caskey	Childers	DePasco
Flotron	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Mathewson	Maxwell	Quick	Rohrbach
Russell	Schneider	Scott	Staples
Steelman	Stoll	Westfall	Wiggins

Yeckel—25

NAYS—Senators

Bland Clay—2

Absent—Senators

Banks	Ehlmann	Goode	Klarich
Mueller	Sims	Singleton—7	

Absent with leave—Senators—None

President Pro Tem Quick assumed the Chair.

At the request of Senator Clay, **SA 2** was withdrawn.

Senator Schneider moved that **SS No. 2** for **SB 70**, as amended, be adopted, which motion prevailed.

On motion of Senator Schneider, **SS No. 2** for **SB 70**, as amended, was declared perfected and ordered printed.

### RESOLUTIONS

Senator Sims offered Senate Resolution No. 591, regarding Fred Batcher, Sycamore Hills, which was adopted.

Senator Kenney offered Senate Resolution No. 592, regarding Daniel Christopher "Danny" Beard, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 593, regarding Jared Scott Livingston, Lee's

Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 594, regarding Jonathan James "Jon" Revo, Lee's Summit, which was adopted.

Senator Flotron offered the following resolution, which was referred to the Committee on Rules, Joint Rules and Resolutions:

#### SENATE RESOLUTION NO. 595

WHEREAS, Chief Justice John Marshall wrote in 1819, "The power to tax involves the power to destroy."; and

WHEREAS, the state of Missouri has 2,646 taxing authorities and these taxing authorities have 4,777 tax rates; and

WHEREAS, while the taxing power may not destroy, the sheer numbers of authorities and rates may cause complications and confusion; and

WHEREAS, with taxes and taxing powers uppermost in the minds of citizens the time to resolve this complex situation may have come; and

NOW, THEREFORE BE IT RESOLVED by the members of the Missouri Senate of the Ninetieth General Assembly that there hereby be created a bipartisan "Commission on Taxing Authorities and Rates," which shall be composed of three members of the majority party and two members of the minority party to be appointed by the President Pro Tem of the Senate; and

BE IT FURTHER RESOLVED that the Commission on Taxing Authorities and Rates be directed to study the taxing powers of the state, the taxing authorities within the state and to study ways in which to maintain the ability of the state to efficiently provide an adequate level of services while structuring a taxing system which lessens the burden on the citizens of this state and which does not collect revenues in excess of any constitutional limitations; and

BE IT FURTHER RESOLVED that the Commission on Taxing Authorities and Rates be authorized to hold hearings within the state, as it deems advisable, with members of the committee to receive reimbursement only for their actual and necessary expenses incurred in the course of their committee service, from the appropriation of the contingent fund of the Senate; and

BE IT FURTHER RESOLVED that the members of the Senate Research staff and the Senate Appropriations staff be utilized to provide necessary clerical, research, legal and fiscal services for the Commission, with travel expenses for the staff members to be paid from appropriation made for their staffs; and

BE IT FURTHER RESOLVED that the Commission present a final report on its activities and recommendations to the Senate in January, 2000.

### REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Civil and



Criminal Jurisprudence, to which was referred **HB 857**, begs leave to report that it has considered the same and recommends that the bill do pass.

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 **HCS** for **HB 343**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Schneider, Chairman of the Committee on Judiciary, submitted the following report:

Mr. President: Your Committee on Judiciary, to which was referred **HS** for **HCS** for **HB 274**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Scott, Chairman of the Committee on Pensions and General Laws, submitted the following report:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **HCS** for **HB 814**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Howard, Chairman of the Committee on Aging, Families and Mental Health, Senator DePasco submitted the following report:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **HS** for **HCS** for **HB 618**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Johnson, Chairman of the Committee on Agriculture, Conservation, Parks and Tourism, submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **HCS** for **HB 888**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

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

Mr. President: Your Committee on Financial and Governmental Organization, to which was referred **HCS** for **HB 349**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator House, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **HJR 5**, begs leave to report that it has considered the same and recommends that the joint resolution do pass, with Senate Committee Amendment No. 1.

#### SENATE COMMITTEE AMENDMENT NO. 1

Amend House Joint Resolution No. 5, Page 2, Section 26(b), Line 9, by striking the word "all" and inserting in lieu thereof the following: "**April, August and November**".

Senator Maxwell, Chairman of the Committee on Commerce and Environment, submitted the following report:

Mr. President: Your Committee on Commerce and Environment, to which was referred **HS** for **HB 450**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Staples, Chairman of the Committee on Transportation, Senator DePasco submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **HB 468**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Stoll, Chairman of the Committee on Elections, Veterans' Affairs and Corrections, submitted the following report:

Mr. President: Your Committee on Elections, Veterans' Affairs and Corrections, to which was referred **HCS** for **HB 676**, begs leave to report that it has considered the same and recommends that

the Senate Committee Substitute, hereto attached, do pass.

Senator Bland, Chairman of the Committee on Labor and Industrial Relations, submitted the following report:

Mr. President: Your Committee on Labor and Industrial Relations, to which was referred **HS** for **HB 162**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Stoll, Chairman of the Committee on Elections, Veterans' Affairs and Corrections, submitted the following reports:

Mr. President: Your Committee on Elections, Veterans' Affairs and Corrections, to which was referred **HB 326**, 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 Elections, Veterans' Affairs and Corrections, to which was referred **HB 415**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

#### SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 415, Page 1, Section 2, Line 3, by inserting after the word "not" the words "**without proof of such registration**"; and

Further amend said bill, page 1, Section 2, Lines 4-5, by striking the words "without proof of such registration"; and

Further amend said bill, Page 1, Section 3, Line 2-3, by striking the words "rules and regulations" and inserting in lieu thereof the word "**procedures**".

Also,

Mr. President: Your Committee on Elections, Veterans' Affairs and Corrections, to which was referred **HB 812**, 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 Jacob, Chairman of the Committee on

Insurance, submitted the following report:

Mr. President: Your Committee on Insurance, to which was referred **HB 866**, 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 Wiggins, Chairman of the Committee on Ways and Means, submitted the following reports:

Mr. President: Your Committee on Ways and Means, to which was referred **HB 548**, 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 Ways and Means, to which was referred **HB 988**, 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 Ways and Means, to which was referred **HB 399**, 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 Ways and Means, to which was referred **HB 115**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

On behalf of Senator Howard, Chairman of the Committee on Aging, Families and Mental Health, Senator DePasco submitted the following report:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **HB 472**, 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 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 **SS** for **SCS** for **SBs 1, 92, 111, 129** and **222**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **HCR 11**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **HCR 9**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Senator House, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 236**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Scott, Chairman of the Committee on Pensions and General Laws, submitted the following report:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **HB 65**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

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 **HB 779**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Banks, Chairman of the Committee on Public Health and Welfare, submitted the following report:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **HS** for **HCS** for **HBs 427, 40, 196** and **404**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Maxwell assumed the Chair.

### HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

**HB 763**—Local Government and Economic Development.

**HCS** for **HB 13**—Appropriations.

**HB 17**—Appropriations.

**HS** for **HB 700**—Commerce and Environment.

**HS** for **HB 971**—Financial and Governmental Organization.

### CONCURRENT RESOLUTIONS

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

**HCR 17**—Rules, Joint Rules and Resolutions.

### REFERRALS

President Pro Tem Quick referred **HCS** for **HCR 3**; **HCS** for **HCR 19**; **HCR 28**; and **HCR 21** to the Committee on Rules, Joint Rules and Resolutions.

President Pro Tem Quick referred **SCS** for **SBs 392, 393** and **267**; and **SS** for **SCS** for **SBs 347, 40, 241** and **301** to the Committee on State Budget Control.

### 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 **HCS** for **HBs 718, 225, 876** and **838**, entitled:

An Act to repeal sections 143.141, 376.421, 376.424, 376.960, 376.961, 376.966, 376.986, 379.930, 379.938, 379.940, 379.943 and 379.952, RSMo 1994, relating to health insurance, and to enact in lieu thereof twenty-one new sections relating to the same subject, with an effective 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 **HCS** for **HBs 192** and **945**, entitled:

An Act to repeal section 407.020, RSMo Supp. 1998, relating to telemarketing practices, and to enact in lieu thereof seven new sections relating to the same subject, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### INTRODUCTIONS OF GUESTS

Senator Wiggins introduced to the Senate, the Physician of the Day, Dr. Mark B. Chaplick, D.O., Kansas City.

Senator Westfall introduced to the Senate, members of DECA from Bolivar High School, Bolivar; and Barrett Pierce, Keila Combs, Medonna Jenkins, Deborah Dunlap, Valeria Podobea and Tiffany Standley were made honorary pages.

Senator Stoll introduced to the Senate, Ralph and Elizabeth Krodinger, Mona Denny, and Laura and Audrey Lassing, Jefferson County; and Audrey was made an honorary page.

Senator Sims introduced to the Senate, Dan and Sara Barwinski, and their daughter, Jessica, Karen

Dapron and Bethany LaPlante, St. Louis.

Senator Flotron introduced to the Senate, fifty eighth grade students from St. Monica's School, St. Louis.

Senator Bentley introduced to the Senate, Mrs. Johnson and forty-five fourth grade students from Greenwood Elementary School, Springfield.

On behalf of Senator Graves, Senator Scott introduced to the Senate, Dick and Marcella Wiles and Jack and Gilta Oddy, Maryville.

Senator Clay introduced to the Senate, twenty-one students from Youth Build, St. Louis.

Senator Bentley introduced to the Senate, Hasem Claudio, Monique Gibson, Sarah Ingalsbe, Casey Smith, Eric Hesse, Beth Nickle and Margaret Skidmore, Springfield.

Senator Schneider introduced to the Senate, fifty fourth grade students from Robinwood Elementary School, Florissant; and Uniqueka Hampton, Ashley Hopkins, Amanda Meyer and Tom Sevier were made honorary pages.

Senator Flotron introduced to the Senate, one hundred fourth grade students from Pierremont School, Manchester; and Brittany Bajier, Frank Xing, Megan Willett, Haoron Li, Sharon Harper and Lane Rieck were made honorary pages.

Senator Jacob introduced to the Senate, Lakea Graves, Kayla Hagan and Andrea Gerlt, Fayette; and Kayla and Andrea were made honorary pages.

Senator Yeckel introduced to the Senate, Glen Drysdale and twenty-two Community Service students from Mehlville High School, St. Louis.

Senator Banks introduced to the Senate, members of Youth Build: Donald Brown, Deandra Morgan, Melinda Rice, Corey Earl and Yvonne Nunn, St. Louis; who were made honorary pages.

Senator Caskey introduced to the Senate, Patricia Pike, Tracy Scavuzzo, Laura Perdue and thirty-five students from Harrisonville High School and Middle School, Harrisonville.

Senator Graves introduced to the Senate, Mary Garr, Jackie Basket and seventeen seventh grade students from Meadville.

Senator Caskey introduced to the Senate, Joyce Barnes, Jean McNeil, Kathryn Wilson, Marjorie Woods and Tina Keith, Warrensburg.

Senator Kenney introduced to the Senate, Laura, Mike, Mark and Bryan Hoggard, Homeschoolers from Kansas City.

Senator Yeckel introduced to the Senate, Cal

Rudsinski, Paula Nelson and sixty fifth grade students from Green Park Lutheran School, St. Louis; and Joshua Garcia, Ben Anderson, Jason Hicks and Thomas Johnson were made honorary pages.

On motion of Senator DePasco, the Senate adjourned until 3:00 p.m., Monday, April 19, 1999.

## SENATE CALENDAR

FIFTY-FIFTH DAY—MONDAY, APRIL 19, 1999

## FORMAL CALENDAR

### HOUSE BILLS ON SECOND READING

HS for HB 492-Hosmer  
HS for HCS for HBs 718,  
225, 876 & 838-Harlan

HCS for HBs 192 & 945

### THIRD READING OF SENATE BILLS

1. SJR 17-Mueller  
(In Budget Control)
2. SB 359-Mueller, et al
3. SCS for SB 351-Johnson  
and Russell
4. SB 472-House  
(In Budget Control)
5. SCS for SB 440-Schneider  
(In Budget Control)
6. SCS for SB 377-Howard  
(In Budget Control)
7. SB 371-Flotron, et al
8. SB 125-Childers
9. SB 29-Mueller
10. SB 495-Goode
11. SS for SCS for SB 94-  
Ehlmann
12. SCS for SBs 392, 393  
& 267-Goode  
(In Budget Control)
13. SCS for SBs 328, 87,  
100 & 55-Clay, et al
14. SS for SB 455-Stoll
15. SS for SCS for SBs 347, 40,  
241 & 301-House  
(In Budget Control)
16. SS for SCS for SBs 1,  
92, 111, 129 & 222-  
Schneider

## SENATE BILLS FOR PERFECTION

- |  |   |
|--|---|
| 1. SB 248-Maxwell, with SCS                    | 8. SB 507-Childers                        |
| 2. SBs 429, 430 & 407-<br>Jacob, with SCS      | 9. SB 413-Johnson, et al                  |
| 3. SB 525-Rohrbach, with SCS                   | 10. SJR 16-Schneider,<br>with SCS         |
| 4. SB 374-Mathewson,<br>with SCS               | 11. SB 98-Kenney                          |
| 5. SB 274-House, et al,<br>with SCS            | 12. SJR 29-Caskey                         |
| 6. SBs 18, 49 & 167-<br>Goode, et al, with SCS | 13. SB 16-Mathewson,<br>et al, with SCA 1 |
| 7. SBs 398 & 376-Maxwell,<br>with SCS          | 14. SB 52-Klarich and Flotron             |
|  | 15. SB 236-Stoll                          |

## HOUSE BILLS ON THIRD READING

- |  |   |
|--|---|
| 1. HCS for HB 10, with<br>SCS (Goode)                      | 9. HCS for HB 888, with SCS   |
| 2. HCS for HB 11, with<br>SCS (Goode)                      | 10. HCS for HB 349, with SCS  |
| 3. HCS for HB 12, with<br>SCS (Goode)                      | 11. HJR 5-Barry, et al,<br>with SCA 1                                 |
| 4. HB 857-Monaco, et al<br>(Caskey)                        | 12. HS for HB 450-Relford,<br>with SCS                                |
| 5. HCS for HB 343, with<br>SCS (Caskey)                    | 13. HB 468-Koller, with SCS   |
| 6. HS for HCS for HB 274-<br>May (108th) (Schneider)       | 14. HCS for HB 676, with SCS  |
| 7. HCS for HB 814, with SCS                                | 15. HS for HB 162-Luetkenhaus   |
| 8. HS for HCS for HB 618-<br>Harlan, with SCS<br>(Maxwell) | 16. HB 65-O'Toole and May<br>(108th), with SCS (Scott)                |
|  | 17. HB 779-Skaggs, with SCS   |
|  | 18. HS for HCS for HBs 427, 40,<br>196 & 404-Luetkenhaus,<br>with SCS |

## INFORMAL CALENDAR

## THIRD READING OF SENATE BILLS

SCS for SB 425-Stoll, et al

SENATE BILLS FOR PERFECTION

SB 5-Wiggins	SB 316-Schneider and Ehlmann
SB 30-Howard, with SCS (pending)	SB 318-Jacob, et al, with SCS & SS for SCS (pending)
SBs 75, 381 & 204-Wiggins, with SCS	SB 336-Caskey, with SA 3 (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)	
SB 235-Stoll, with SS & SA 2 (pending)	

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CONSENT CALENDAR

House Bills

Reported 4/6

HB 661-Crump (Caskey)	HB 464-Richardson, with SCS (Howard)
HB 165-May (108th) (DePasco)	HB 514-Franklin (Stoll)
HB 242-May (108th) (Caskey)	HB 662-Crump (Scott)
HB 103-Treadway (DePasco)	HB 920-Farnen, with SCA 1 (Maxwell)
HB 275-May (108th) and O'Toole, with SCS (Scott)	HB 778-Luetkenhaus (House)
HB 366-Hartzler (123rd), with SCS (Caskey)	HB 282-Clayton (Wiggins)
HB 776-McBride (Maxwell)	HB 445-Auer, with SCA 1 (Jacob)
HB 795-Kennedy and Crawford, with SCS (Scott)	HB 478-Ward, et al (Scott)
HB 853-Seigfreid, with SCA 1 (Mathewson)	HB 35-Campbell, with SCS (Johnson)
	HB 834-Crump (Staples)
	HB 518-Ross, with SCA 1 (Mathewson)

HB 708-Meredith, et al  
(Johnson)

HB 800-Linton (Klarich)  
HB 791-Wagner (Russell)

Reported 4/12

HB 570-Rizzo (DePasco)  
HB 476-Hegeman, with SCS  
(Johnson)  
HB 528-Chrismer (Ehlmann)  
HB 789-Berkstresser and  
Bartelsmeyer, with SCS  
(Childers)  
HB 930-Ward, et al  
HB 271-Clayton (Maxwell)  
HB 721-Barry, with SCS  
(Howard)  
HB 893-Murray, et al,  
with SCA 1 (Maxwell)  
HB 94-Clayton (Wiggins)  
HB 358-Hosmer (Singleton)

HB 185-Lakin, with SCA 1  
(Sims)  
HB 290-Champion (Bentley)  
HB 517-Backer, et al  
(Staples)  
HB 646-Hampton, et al  
(Staples)  
HB 678-Leake and Koller  
(Mathewson)  
HB 34-Auer, with SCA 1  
(Mueller)  
HB 915-Mays (50th) and  
Legan (Maxwell)  
HB 145-Wiggins (Maxwell)  
HB 216-Parker (Maxwell)

Reported 4/13

HB 328-Parker (Caskey)  
HB 136-Smith (Caskey)  
HB 39-Dougherty, with SCS  
(Maxwell)  
HB 929-Griesheimer  
(Klarich)  
HB 453-Gross (Yeckel)  
HB 568-May (108th)  
(Schneider)  
HB 861-Griesheimer and  
Murray (Sims)  
HB 965-Wilson (Bentley)  
HB 201-Boucher (Caskey)  
HB 352-Foley, et al, with SCA 1  
HB 402-Relford, et al  
(Mathewson)

HB 748-O'Toole and May  
(108th) (Scott)  
HB 775-Hosmer, with SCS  
(Bentley)  
HB 796-Smith (Jacob)  
HB 987-Backer  
HB 607-Wilson, et al  
(Jacob)  
HB 265-Smith (Caskey)  
HB 79-Ransdall and Gaw,  
with SCS (Maxwell)  
HB 867-McKenna, with  
SCA 1 (Scott)  
HB 979-Auer (Scott)  
HB 152-Leake, et al, with  
SCS (Maxwell)



Reported 4/14

HB 327-Parker (Caskey)	HB 346-Thompson (37th)
HB 268-Crawford, et al (Caskey)	(Wiggins)
HB 724-Crump (Caskey)	HB 300-Green (Staples)
HB 266-Britt, et al (Howard)	HB 452-Boatright, et al (Mathewson)
HS for HCS for HB 256- George (Caskey)	HB 680-Leake, et al, with SCA 1 (Stoll)
HB 792-Kissell & McKenna, with SCS (Mathewson)	HB 58-Treadway, with SCS (Maxwell)
HB 261-Auer (Scott)	HB 903-Auer (Jacob)
	HB 926-Liese and Ward (Jacob)

Reported 4/15

HB 326-Parker	HB 548-Kennedy, with SCS
HB 415-Vogel and Gratz, with SCA 1	HB 988-Backer (Wiggins)
HB 812-Berkowitz, et al, with SCS	HB 399-Bray
HB 866-Treadway, with SCS	HB 115-Kreider, et al (Mathewson)
	HB 472-Nordwald

BILLS IN CONFERENCE AND BILLS  
CARRYING REQUEST MESSAGES

Requests to Recede or Grant Conference

HCS for HCRs 6 & 7 (Staples),  
with SA 1, as amended & SA 2  
(Senate refuses to recede and  
requests House grant conference)

RESOLUTIONS

SR 359-Ehlmann

SCR 9-Mueller

Reported from Committee

HCR 11-Mays

HCR 9-Bonner



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