

# Journal of the Senate

FIRST REGULAR SESSION

**ELEVENTH DAY—MONDAY, JANUARY 22, 2001**

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

“The Lord shall watch over your going out and your coming in, from this time forth forevermore.” (Psalm 121:8)

Gracious God, we thank You for watching our “going out and coming in,” and bringing us safely here to the beginning of this new week. Bless us with Your presence and guide our hearts and minds as we discern the calling You have given to each of us here and the work that is before us. We pray for Senator Yeckel who had surgery this week and pray You will touch her life and body with Your healing power. Bring her to health and wholeness. May what we do and say reflect Your presence and be blessed. In Your gracious 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, January 18, 2001, was read and approved.

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

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

Present—Senators

Bentley	Bland	Caskey	Childers
DePasco	Foster	Gibbons	Goode
Gross	House	Jacob	Johnson

Kenney	Kinder	Klarich	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins—29			

Absent with leave—Senators  
Carter                      Yeckel—2

Vacancies—3

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Caskey offered Senate Resolution No. 84, regarding the One Hundredth Birthday of Ruth E. Shubert, Butler, which was adopted.

Senator Quick offered Senate Resolution No. 85, regarding Fordyce W. Mitchel, Jefferson City, which was adopted.

Senator Mathewson offered Senate Resolution No. 86, regarding the Sedalia-Pettis County Emergency Management Agency, which was adopted.

Senator Stoll offered Senate Resolution No. 87, regarding Helen Church, Crystal City, which was adopted.

Senator Bentley offered Senate Resolution No. 88, regarding the death of W. E. “Bull” Starnes, Springfield, which was adopted.

Senator Bentley offered Senate Resolution No. 89, regarding Dr. Tedd A. Hamaker, D.V.M., Springfield, which was adopted.

Senator Singleton offered the following

resolution, which was adopted:

SENATE RESOLUTION NO. 90

WHEREAS, the members of the Missouri Senate are always pleased to acknowledge important events of great significance to the history of this fine state and its many outstanding citizens; and

WHEREAS, Jasper County will mark an impressive milestone on January 29, 2001, with the celebration of its One Hundred Sixtieth Anniversary by all those proud citizens who are so very fortunate to call it home; and

WHEREAS, organized on January 29, 1841, Jasper County has a history of one hundred sixty years that evolved at the first courthouse, a log cabin constructed in the early 1830s which still stands at the old cabin shop on Mound Street Road; and

WHEREAS, when Carthage was chosen as Jasper County's permanent seat on March 28, 1842, a \$100 one-room building was erected on the north side of the square and served as the courthouse for twelve years until a new two-story structure was erected in the middle of the square in 1854; and

WHEREAS, during the Civil War battle known today as the Battle of Carthage, that new courthouse sustained severe damage from heavy artillery fire on the square which prompted the citizenry to construct a different edifice that was completed in 1895 at the cost of \$100,000 and placed on the National Register of Historic Places in 1973; and

WHEREAS, Jasper County enjoys the distinction of being one of the fastest-growing counties in the Show-Me State and prides itself on the success which the community of Joplin has experienced in attracting new business virtually every day; and

WHEREAS, the residents of Jasper County have a reputation of being a close-knit family, the members of which assist, support, and encourage each other especially in time of need:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-first General Assembly, join unanimously in extending hearty congratulations to the citizens of Jasper County as they commemorate one hundred sixty years of achievement and in wishing them continued growth and prosperity in the challenging years that lie ahead; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the One Hundred Sixtieth Anniversary celebration of Jasper County, Missouri.

Senator DePasco offered Senate Resolution No. 91, regarding James V. Spallo, Kansas City, which was adopted.

**CONCURRENT RESOLUTIONS**

Senator Caskey offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 8

Recognizing the Northern Cherokee Indian People of Missouri.

WHEREAS, the Northern Cherokee Indian people are descendants of the Cherokee Nation; and

WHEREAS, the Northern Cherokee settled in Missouri rather than in Indian territory; and

WHEREAS, the Northern Cherokee citizens of Missouri have represented our state in the armed services through several wars; and

WHEREAS, they are very much a part of the state's history and its future; and

WHEREAS, they have continued a form of tribal government for the past 140 years, and in 1979, wrote a constitution and by-laws creating a new and working tribal organization into the state of Missouri in 1982; and

WHEREAS, recognition by the state of Missouri confers certain benefits upon the Northern Cherokee Indian people:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-First General Assembly, First Regular Session, the House of Representatives concurring therein, hereby recognize the Northern Cherokee Indians; and

BE IT FURTHER RESOLVED that this resolution be sent to the Governor for his approval or rejection pursuant to the Missouri Constitution.

Senators Loudon and Gross offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 9

WHEREAS, the federal Environmental Protection Agency's reformulated gasoline program uses methyl tertiary butyl ether or MTBE as a gasoline additive which makes gasoline burn more efficiently and reduces air pollution; and

WHEREAS, while MTBE is not harmful if completely combusted, contamination of water and air can occur if gasoline is allowed to evaporate or leak into the ground; and

WHEREAS, two recent spills in Missouri have resulted in ground water pollution, which the impact of is yet to be determined; and

WHEREAS, as recently as March of 2000, the federal government took steps to ban MTBE because of continuing reports that the chemical has contaminated drinking water and threatened human health; and

WHEREAS, President Clinton has announced that he wants Congress to replace the Clean Air Act provision that governs additives such as MTBE and ethanol with a renewable fuel standard for all gasoline; and

WHEREAS, as a result of the environmental and health concerns over MTBE, the states of California and New Jersey have already opted out of the EPA's reformulated gasoline program; and

WHEREAS, at a time when gasoline prices have risen, eliminating the use of more costly MTBE treated gasoline could provide Missouri consumers with more than six cents a gallon in much needed tax relief; and

WHEREAS, in the St. Louis Region, MTBE came into use in the summer of 1999, as a method of reducing the area's ozone problem and will be used until 2004 because of the governmental red tape involved in removing MTBE from the market:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety First General Assembly, First Regular Session, the House of Representatives concurring therein, hereby urge the Governor to allow St. Louis to opt out of the EPA's reformulated gasoline program until a safer substitute for MTBE is found; and

BE IT FURTHER RESOLVED the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the Governor.

Senator House requested unanimous consent of the Senate to withdraw **SB 261**, which request was granted.

#### INTRODUCTION OF BILLS

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

**SB 333**—By DePasco.

An Act to repeal sections 160.420, 169.270, 169.280, 169.291, 169.301, 169.315 and 169.324, RSMo 2000, relating to teacher and school retirement systems, and to enact in lieu thereof seven new sections relating to the same subject.

**SB 334**—By Kinder.

An Act to amend chapter 144, RSMo, by adding thereto one new section relating to a temporary exemption from state and local sales and use tax on retail sales of clothing before the start of the school year, with an emergency clause and a termination date.

**SB 335**—By Kinder.

An Act to amend chapter 490, RSMo, by adding thereto seven new sections relating to environmental audit privileges, with penalty provisions.

**SB 336**—By Caskey.

An Act to repeal section 192.935, RSMo 2000, relating to vision examinations for students, and to

enact in lieu thereof two new sections relating to the same subject.

**SB 337**—By House.

An Act to amend chapter 1, RSMo, by adding thereto three new sections relating to the prohibition of interference with the free exercise of religion.

**SB 338**—By House.

An Act to repeal section 288.055, RSMo 2000, relating to employment security, and to enact in lieu thereof one new section relating to the same subject.

**SB 339**—By Stoll and Childers.

An Act to repeal section 313.835, RSMo 2000, relating to the veterans' commission capital improvements trust fund, and to enact in lieu thereof one new section relating to the same subject.

**SB 340**—By Stoll and Childers.

An Act to repeal section 313.835, RSMo 2000, relating to veterans' affairs, and to enact in lieu thereof seven new sections relating to the same subject.

**SB 341**—By Jacob.

An Act to repeal sections 57.010, 590.100, 590.130, 590.170 and 590.175, RSMo 2000, relating to law enforcement agencies, and to enact in lieu thereof three new sections relating to the same subject.

**SB 342**—By Jacob.

An Act to repeal section 478.610, RSMo 2000, relating to certain judges, and to enact in lieu thereof one new section relating to the same subject.

**SB 343**—By Scott.

An Act to repeal section 56.807, RSMo 2000, relating to the retirement system for prosecuting and circuit attorneys, and to enact in lieu thereof one new section relating to the same subject.

**SB 344**—By Rohrbach and Jacob.

An Act to repeal section 375.1220, RSMo 2000, relating to insurer liquidation law, and to

enact in lieu thereof one new section relating to the same subject, with a termination date, with an emergency clause.

**SB 345—By House.**

An Act to repeal section 71.285, RSMo 2000, relating to removal of weeds, and to enact in lieu thereof one new section relating to the same subject.

**REPORTS OF STANDING COMMITTEES**

Senator DePasco and Senator Kenney, Co-Chairs of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 2**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

**MESSAGES FROM THE GOVERNOR**

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City, Missouri  
January 18, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY  
OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Gracia Yancey Backer, 2885 State Road TT, New Bloomfield, Callaway County, Missouri 65063, as Director of the Division of Employment Security for the Department of Labor and Industrial Relations, for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified; vice, Catherine B. Leapheart, resigned.

Respectfully submitted,  
BOB HOLDEN  
Governor

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City, Missouri  
January 18, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY  
OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice

and consent the following appointment to office:

Marilyn Taylor Williams, 10863 County Road 442, Dudley, Stoddard County, Missouri 63936, as Director of the Division of Professional Registration for the Department of Economic Development, for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified; vice, Randall J. Singer, resigned.

Respectfully submitted,  
BOB HOLDEN  
Governor

President Pro Tem Quick referred the above appointments to the Committee on gubernatorial appointments.

**SECOND READING OF SENATE BILLS**

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

**SB 151—Insurance and Housing.**

**SB 152—Ways and Means.**

**SB 153—Education.**

**SB 154—Education.**

**SB 155—Ways and Means.**

**SB 156—Commerce and Environment.**

**SB 157—Commerce and Environment.**

**SB 158—Insurance and Housing.**

**SB 159—Insurance and Housing.**

**SB 160—Insurance and Housing.**

**SB 161—Insurance and Housing.**

**SB 162—Insurance and Housing.**

**SB 163—Public Health and Welfare.**

**SB 164—Public Health and Welfare.**

**SB 165—Insurance and Housing.**

**SB 166—Insurance and Housing.**

**SB 167—Public Health and Welfare.**

**SB 168—Aging, Families and Mental Health.**

**SB 169—Local Government and Economic Development.**

**SB 170—Civil and Criminal Jurisprudence.**

**SB 171—Local Government and Economic Development.**

**SB 172**—Ways and Means.

**SB 173**—Ways and Means.

**SB 174**—Financial and Governmental Organization, Veterans' Affairs and Elections.

**SB 175**—Local Government and Economic Development.

**SB 176**—Local Government and Economic Development.

**SB 177**—Ways and Means.

**SB 178**—Insurance and Housing.

**SB 179**—Financial and Governmental Organization, Veterans' Affairs and Elections.

**SB 180**—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:

**SCR 7**—Rules, Joint Rules, Resolutions and Ethics.

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

## SENATE CALENDAR

TWELFTH DAY—TUESDAY, JANUARY 23, 2001

## FORMAL CALENDAR

## SECOND READING OF SENATE BILLS

SB 181-Caskey  
SB 182-Loudon  
SB 183-Schneider  
SB 184-Johnson, et al  
SB 185-Loudon  
SB 186-Klarich  
SB 187-Schneider and  
Wiggins  
SB 188-Russell  
SB 189-Russell  
SB 190-Russell  
SB 191-Goode  
SB 192-Schneider, et al  
SB 193-Rohrbach  
SB 194-Schneider and  
Bland  
SB 195-Schneider and  
Goode

SB 196-Scott  
SB 197-Johnson  
SB 198-Staples  
SB 199-Sims  
SB 200-Sims  
SB 201-Sims  
SB 202-Wiggins  
SB 203-Scott  
SB 204-House  
SB 205-Bland  
SB 206-Wiggins  
SB 207-Klarich  
SB 208-Sims  
SB 209-DePasco  
SB 210-DePasco  
SB 211-DePasco  
SB 212-Gross, et al  
SB 213-Gross, et al

SB 214-Gross, et al  
SB 215-Gross  
SB 216-Scott  
SB 217-Russell  
SB 218-Russell  
SB 219-Mathewson  
SB 220-Kinder and Gross  
SB 221-Westfall  
SB 222-Caskey  
SB 223-Caskey  
SB 224-Russell  
SB 225-Mathewson  
SB 226-Goode, et al  
SB 227-Jacob  
SB 228-Jacob  
SB 229-Jacob  
SB 230-Childers  
SB 231-Gross  
SB 232-Gross  
SB 233-Wiggins  
SB 234-Wiggins  
SB 235-Sims  
SB 236-Sims  
SB 237-Westfall  
SB 238-Staples, et al  
SB 239-Stoll  
SB 240-Stoll and Bentley  
SB 241-Rohrbach  
SB 242-Kenney  
SB 243-DePasco  
SB 244-Staples  
SB 245-Caskey  
SB 246-Caskey  
SB 247-Westfall and  
Staples  
SB 248-Wiggins and  
DePasco  
SB 249-Wiggins  
SB 250-Bentley and  
Johnson  
SB 251-Kinder  
SB 252-Singleton  
SB 253-Gross  
SB 254-Gross and Foster  
SB 255-Gross, et al  
SB 257-Caskey  
SB 258-Rohrbach and  
Schneider  
SB 259-Childers, et al  
SB 260-Gross and Stoll  
SB 262-Stoll  
SB 263-Stoll  
SB 264-Steelman  
SB 265-Schneider and  
Caskey  
SB 266-Bland, et al  
SB 267-Klarich and  
Schneider  
SB 268-Schneider  
SB 269-Schneider  
SB 270-Schneider  
SB 271-Schneider  
SB 272-DePasco  
SB 273-Caskey  
SB 274-Caskey  
SB 275-Sims  
SB 276-Sims  
SB 277-Sims  
SB 278-Westfall  
SB 279-Staples  
SB 280-Yeckel, et al  
SB 281-Yeckel  
SB 282-Klarich  
SB 283-Steelman  
SB 284-Steelman  
SB 285-Steelman  
SB 287-Klarich  
SB 288-Klarich  
SB 289-Sims  
SB 290-Wiggins and  
DePasco  
SB 291-Westfall  
SB 292-Singleton  
SB 293-Steelman  
SB 294-Steelman  
SB 295-Stoll and Staples  
SB 296-Gross  
SB 297-DePasco

SB 298-Quick	SB 323-Childers, et al
SB 299-Quick	SB 324-Childers
SB 300-Rohrbach	SB 325-Foster, et al
SB 301-Johnson	SB 326-Bland, et al
SB 302-Johnson, et al	SB 327-Yeckel and Carter
SB 303-Johnson	SB 328-Yeckel and DePasco
SB 304-Klarich	SB 329-Yeckel and Stoll
SB 305-Jacob	SB 330-Jacob, et al
SB 306-Jacob	SB 331-DePasco, et al
SB 307-Jacob	SB 332-Westfall
SB 308-Jacob	SB 333-DePasco
SB 309-Steelman	SB 334-Kinder
SB 310-Quick	SB 335-Kinder
SB 311-Mathewson	SB 336-Caskey
SB 312-Caskey	SB 337-House
SB 313-Caskey	SB 338-House
SB 314-Steelman	SB 339-Stoll and Childers
SB 315-Childers	SB 340-Stoll and Childers
SB 316-Stoll	SB 341-Jacob
SB 317-Stoll	SB 342-Jacob
SB 318-Sims	SB 343-Scott
SB 319-Carter	SB 344-Rohrbach and Jacob
SB 320-Goode	SB 345-House
SB 321-Westfall	SJR 10-Quick
SB 322-Gross and Gibbons	SJR 11-Yeckel

RESOLUTIONS

SR 58-Singleton	HCR 3-Crump (DePasco)
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To be Referred

SCR 8-Caskey	SCR 9-Loudon and Gross
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Reported from Committee

SCR 2-Singleton

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