

Journal of the Senate

SECOND REGULAR SESSION

FIFTEENTH DAY—MONDAY, FEBRUARY 4, 2002

The Senate met pursuant to adjournment.

Senator Klarich in the Chair.

Reverend Carl Gauck offered the following prayer:

“Make a joyful noise to God, all the earth; sing the glory of his name...” (Psalm 66:1,2)

Gracious Lord, we give You thanks and praise for the beauty of this day and bringing us safely here to continue our work for Your people. Bless us with Your presence and guide our hearts and minds as we discern the bills that are brought to our attention. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

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

The Journal for Thursday, January 31, 2002, was read and approved.

Photographers from the Associated Press were 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 | Cauthorn |
| Childers | DePasco | Dougherty | Foster |
| Gibbons | Goode | Gross | House |

| | | | |
|---------|-----------|---------|-----------|
| Johnson | Kennedy | Kenney | Kinder |
| Klarich | Klindt | Loudon | Mathewson |
| Quick | Rohrbach | Russell | Schneider |
| Sims | Singleton | Staples | Steelman |
| Stoll | Westfall | Wiggins | Yeckel—32 |

Absent with leave—Senator Jacob—1

Vacancies—1

RESOLUTIONS

Senator Schneider offered Senate Resolution No. 993, regarding Bradley Vernon Wisdom, St. Louis, which was adopted.

Senator Kinder offered Senate Resolution No. 994, regarding Joseph Wayne “Joey” Campbell, Chaffee, which was adopted.

Senator Schneider offered Senate Resolution No. 995, regarding Ernestine Zegar, St. Ann, which was adopted.

CONCURRENT RESOLUTIONS

Senator Klindt offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 42

WHEREAS, the Menfro soil series was established in Missouri in Perry County and is named for the town of Menfro where it was first described and mapped. Menfro soils are very

deep, well-drained soils formed in layers of silt loam and silty clay loam; and

WHEREAS, over a million acres of Missouri soil in more than forty counties have been identified as Menfro soil. The Menfro soil series consists of soils formed on wooded upland slopes along the Missouri and Mississippi Rivers and their major tributaries; and

WHEREAS, the current State Capitol, Governor's Mansion, the original State Capitol in St. Charles, the Daniel Boone burial site, and much of the upland areas of Kansas City, St. Louis, Jefferson City, Hermann, Hannibal, and Cape Girardeau are located on Menfro soil; and

WHEREAS, the major land uses of Menfro soils are agriculture and woodland productivity. The main agricultural enterprises grown on Menfro soil are feed grains and forages for livestock, grape vineyards, orchards, and other fruit and vegetable crops; and

WHEREAS, in appreciation for this resource and its value in our economy and environment, the state of Missouri should publicly recognize the importance of soils to our state and encourage educators and other science professionals to teach about soil as a natural resource:

NOW, THEREFORE, BE IT RESOLVED that the members of the Senate of the Ninety-first General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby designate "Menfro soil" as the official state soil of Missouri.

INTRODUCTION OF BILLS

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

SB 1094—By Russell.

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

SB 1095—By Cauthorn.

An Act to amend chapter 650, RSMo, by adding thereto one new section relating to the establishment of the Missouri sheriff methamphetamine relief team.

SB 1096—By Kennedy.

An Act to repeal section 144.030, RSMo, and to enact in lieu thereof one new section relating to sales tax on coffins, caskets and urns.

SB 1097—By Kennedy and Stoll.

An Act to amend chapter 334, RSMo, by adding thereto one new section relating to surgical comanagement arrangements.

SB 1098—By Steelman.

An Act to amend chapter 307, RSMo, by adding thereto one new section relating to electric personal assistive mobility devices.

SB 1099—By Childers.

An Act to amend chapter 407, RSMo, by adding thereto six new sections relating to tourist services.

SB 1100—By Childers.

An Act to amend chapter 386, RSMo, by adding thereto one new section relating to the promotion of energy efficiency.

SB 1101—By Kenney, House and Wiggins.

An Act to repeal sections 30.260 and 30.270, RSMo, and to enact in lieu thereof four new sections relating to investment policies.

THIRD READING OF SENATE BILLS

SS for **SB 650**, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 650

An Act to repeal section 556.036, RSMo, relating to sexual offenses, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions and an emergency clause.

Was taken up by Senator Singleton.

On motion of Senator Singleton, **SS** for **SB 650** was read the 3rd time and passed by the following vote:

YEAS—Senators

| | | | |
|----------|----------|-----------|-----------|
| Bentley | Bland | Caskey | Cauthorn |
| Childers | DePasco | Dougherty | Foster |
| Gibbons | Goode | Gross | House |
| Johnson | Kennedy | Kenney | Kinder |
| Klarich | Klindt | Loudon | Mathewson |
| Quick | Rohrbach | Russell | Sims |

| | | | |
|-----------|---------|-----------|-------|
| Singleton | Staples | Stelman | Stoll |
| Westfall | Wiggins | Yeckel—31 | |

NAYS—Senator Schneider—1

Absent—Senators—None

Absent with leave—Senator Jacob—1

Vacancies—1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

| | | | |
|----------|-----------|-----------|-----------|
| Bentley | Bland | Caskey | Cauthorn |
| Childers | DePasco | Dougherty | Foster |
| Gibbons | Goode | House | Johnson |
| Kennedy | Kenney | Kinder | Klarich |
| Klindt | Loudon | Mathewson | Quick |
| Rohrbach | Russell | Sims | Singleton |
| Staples | Stelman | Stoll | Westfall |
| Wiggins | Yeckel—30 | | |

NAYS—Senator Schneider—1

Absent—Senator Gross—1

Absent with leave—Senator Jacob—1

Vacancies—1

Senator Loudon assumed the Chair.

Senator Singleton moved that the title to the bill be agreed to.

At the request of Senator Singleton, the above motion was withdrawn.

Having voted on the prevailing side, Senator Singleton moved that the vote by which the emergency clause was adopted be reconsidered, which motion prevailed by the following vote:

YEAS—Senators

| | | | |
|-----------|--------|----------|----------|
| Bentley | Caskey | Cauthorn | Childers |
| Dougherty | Foster | Gibbons | Goode |

| | | | |
|-----------|----------|-----------|-----------|
| House | Johnson | Kennedy | Kenney |
| Kinder | Klarich | Klindt | Loudon |
| Mathewson | Quick | Rohrbach | Russell |
| Schneider | Sims | Singleton | Stelman |
| Stoll | Westfall | Wiggins | Yeckel—28 |

NAYS—Senators—None

Absent—Senators

| | | | |
|-------|---------|-------|-----------|
| Bland | DePasco | Gross | Staples—4 |
|-------|---------|-------|-----------|

Absent with leave—Senator Jacob—1

Vacancies—1

At the request of Senator Singleton, the motion to adopt the emergency clause was withdrawn.

Having voted on the prevailing side, Senator Singleton moved that the vote by which **SS** for **SB 650** was read the 3rd time and finally passed, be reconsidered, which motion prevailed by the following vote:

YEAS—Senators

| | | | |
|-----------|---------|-----------|----------|
| Bentley | Bland | Caskey | Cauthorn |
| Childers | DePasco | Dougherty | Foster |
| Gibbons | Goode | House | Johnson |
| Kennedy | Kenney | Kinder | Klarich |
| Klindt | Loudon | Mathewson | Quick |
| Rohrbach | Russell | Schneider | Sims |
| Singleton | Staples | Stelman | Stoll |
| Westfall | Wiggins | Yeckel—31 | |

NAYS—Senators—None

Absent—Senator Gross—1

Absent with leave—Senator Jacob—1

Vacancies—1

At the request of Senator Singleton, the motion for 3rd reading and final passage was withdrawn.

Having voted on the prevailing side, Senator Singleton moved that the vote by which **SS** for **SB 650** was declared perfected and ordered printed be reconsidered, which motion prevailed by the following vote:

YEAS—Senators

| | | | |
|----------|-----------|-----------|-----------|
| Bentley | Bland | Caskey | Cauthorn |
| Childers | DePasco | Dougherty | Foster |
| Gibbons | Goode | House | Johnson |
| Kennedy | Kenney | Kinder | Klarich |
| Loudon | Mathewson | Quick | Rohrbach |
| Russell | Schneider | Sims | Singleton |
| Staples | Steelman | Stoll | Westfall |
| Wiggins | Yeckel—30 | | |

NAYS—Senators—None

Absent—Senators

Gross Klindt—2

Absent with leave—Senator Jacob—1

Vacancies—1

At the request of Senator Singleton, the motion for perfection was withdrawn.

At the request of Senator Singleton, **SS** for **SB 650** was placed on the Informal Calendar.

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
February 1, 2002

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:

Mary Elizabeth Nelson, 4100 Laclede Avenue, #202, St. Louis City, Missouri 63108, as a member of the St. Louis City Board of Police Commissioners, for a term ending January 31, 2004, and until her successor is duly appointed and qualified; vice, Rev.

Maurice J. Nutt, resigned.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City, Missouri
February 1, 2002

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:

Susan C.J. Rollins, 5071 Westminster Place, St. Louis City, Missouri 63108, as a member of the St. Louis City Board of Police Commissioners, for a term ending January 31, 2005, and until her successor is duly appointed and qualified; vice, Leslie Bond, Sr, term expired.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City, Missouri
February 1, 2002

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:

Bartholomew M. "Bart" Saracino, 6457 Kinsey Place, St. Louis City, Missouri 63109, as a member of the St. Louis City Board of Police Commissioners, for a term ending January 31, 2006, and until his successor is duly appointed and qualified; vice, Edward Roth, term expired.

Respectfully submitted,
BOB HOLDEN
Governor

President Pro Tem Kinder referred the above appointments to the Committee on Gubernatorial Appointments.

REPORTS OF STANDING COMMITTEES

Senator Rohrbach, Chairman of the Committee on Insurance and Housing, submitted the following reports:

Mr. President: Your Committee on Insurance and Housing, to which was referred **SB 656**, 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 Insurance and Housing, to which was referred **SB 893**, 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 Childers, Chairman of the Committee on Local Government and Economic Development, submitted the following reports:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 804**, 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 Local Government and Economic Development, to which was referred **SB 645**, 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 Westfall, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **SB 891**, 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 Transportation, to which was referred **SB 798**, 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 Foster, 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 **SB 865**, 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 Singleton, 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 **SB 639**, 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 Klarich, Chairman of the Committee on Judiciary, submitted the following reports:

Mr. President: Your Committee on Judiciary, to which was referred **SB 932**, 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 Judiciary, to which was referred **SB 742**, 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 Senate Bill No. 742, Page 1, In the Title, Line 3, by striking the following: "one new section" and inserting in lieu thereof the following: "two new sections"; and

Further amend said bill and page, Section A, Line 1, by striking the following: "one new section" and inserting in lieu thereof the following:

“two new sections”; and further amend line 2, by striking “sections” and inserting in lieu thereof the following: “sections 362.011 and”; and further amend line 2, by inserting after all of said line the following:

“362.011. For the purposes of this chapter, a person does not engage in the trust business by:

(1) The rendering of fiduciary services by an attorney-at-law admitted to the practice of law in this state;

(2) Rendering services as a certified or registered public accountant in the performance of duties as such;

(3) Acting as a trustee or receiver in bankruptcy;

(4) Engaging in the business of an escrow agent;

(5) Receiving rents and proceeds of sale as a licensed real estate broker on behalf of the principal;

(6) Acting as trustee under a deed of trust made only as security for the payment of money or for the performance of another act;

(7) Acting in accordance with its authorized powers as a religious, charitable, educational, or other not-for-profit corporation or as a charitable trust or as an unincorporated religious organization;

(8) Engaging in securities transactions as a dealer or salesman;

(9) Acting as either a receiver under the supervision of a court or as an assignee for the benefit of creditors under the supervision of a court; or

(10) Engaging in such other activities that the Director may prescribe by rule.”.

On behalf of Senator Gross, Chairman of the Committee on Pensions and General Laws, Senator Kenney submitted the following reports:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 860**, 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 Pensions and General Laws, to which was referred **SB 836**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 840**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

SECOND READING OF SENATE BILLS

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

SB 1010—Financial and Governmental Organization, Veterans’ Affairs and Elections.

SB 1051—Education.

SB 1052—Aging, Families and Mental Health.

SB 1053—Education.

SB 1054—Commerce and Environment.

SB 1055—Public Health and Welfare.

SB 1056—Pensions and General Laws.

SB 1057—Civil and Criminal Jurisprudence.

SB 1058—Ways and Means.

SB 1060—Local Government and Economic Development.

SB 1061—Insurance and Housing.

SB 1062—Insurance and Housing.

SB 1063—Insurance and Housing.

SB 1064—Insurance and Housing.

INTRODUCTION OF BILLS

January 31, 2002

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

SB 1102–By Westfall.

An Act to repeal section 191.680, RSMo, relating to nuisance, and to enact in lieu thereof one new section relating to the same subject.

SB 1103–By Westfall, Russell and Childers.

An Act to amend chapter 10, RSMo, by adding thereto one new section relating to the establishment of an official state horse.

SB 1104–By Mathewson.

An act to repeal section 143.811, RSMo, relating to interest paid on refunds, and to enact in lieu thereof one new section relating to the same subject.

COMMUNICATIONS

President Pro Tem Kinder submitted the following:

The Honorable Bob Holden
Governor of Missouri
State Capitol, Room 216
Jefferson City, MO 65101

RE: Senate Appointments to the Missouri Commission on Intergovernmental Cooperation

Dear Governor Holden:

Pursuant to Executive Order 01-16, I am appointing Senator Doyle Childers (R-Reeds Spring) and Senator Steve Stoll (D-Festus) to the Missouri Commission on Intergovernmental Cooperation.

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,
/s/ Peter Kinder
PETER D. KINDER
President Pro Tem

INTRODUCTIONS OF GUESTS

Senator Wiggins introduced to the Senate, Bill Grigsby, Kansas City.

Senator Klindt introduced to the Senate, former State Senator, U.S. Congressman Sam Graves, Tarkio; and U.S. Attorney Todd Graves, Platte County.

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

SENATE CALENDAR

SIXTEENTH DAY–TUESDAY, FEBRUARY 5, 2002

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1059-Bentley, et al
SB 1065-Staples
SB 1066-Klindt
SB 1067-Foster and Johnson

SB 1068-Dougherty
SB 1069-Sims
SB 1070-Gibbons
SB 1071-Klindt

| | |
|-----------------------------|---------------------------|
| SB 1072-Childers, et al | SB 1089-Goode |
| SB 1073-Cauthorn | SB 1090-Loudon |
| SB 1074-Goode and Schneider | SB 1091-Loudon |
| SB 1075-Caskey and Childers | SB 1092-Loudon |
| SB 1076-DePasco | SB 1093-Loudon |
| SB 1077-Klarich | SB 1094-Russell |
| SB 1078-Kennedy | SB 1095-Cauthorn |
| SB 1079-Bland | SB 1096-Kennedy |
| SB 1080-Bland | SB 1097-Kennedy and Stoll |
| SB 1081-Bland | SB 1098-Steelman |
| SB 1082-Bland | SB 1099-Childers |
| SB 1083-Russell | SB 1100-Childers |
| SB 1084-Stoll | SB 1101-Kenney, et al |
| SB 1085-Yeckel | SB 1102-Westfall |
| SB 1086-DePasco | SB 1103-Westfall, et al |
| SB 1087-Gibbons, et al | SB 1104-Mathewson |
| SB 1088-Foster, et al | |

HOUSE BILLS ON SECOND READING

HB 1338-Relford, et al

HS for HB 1399-Ransdall

SENATE BILLS FOR PERFECTION

- | | |
|---|---|
| 1. SBs 958 & 657-Kinder, with SCS | 8. SB 931-Klarich, with SCS |
| 2. SB 668-Bentley | 9. SB 722-Bentley, with SCS |
| 3. SB 659-House and Kenney | 10. SB 856-Russell |
| 4. SJR 23-Singleton | 11. SB 895-Yeckel and Gross |
| 5. SB 712-Singleton and Sims, with SCS | 12. SB 675-Yeckel, et al, with SCS |
| 6. SB 1009-Rohrbach, with SCS | 13. SB 881-Steelman and Yeckel, with SCS |
| 7. SBs 970, 968, 921, 867, 868 & 738- Westfall, et al, with SCS | 14. SBs 641 & 705-Russell, et al, with SCS |
| | 15. SBs 721, 757, 818 & 930-Westfall, with SCS |
| | 16. SB 665-Kenney |

17. SB 836-Gross and
Dougherty, with SCS

18. SB 840-Gross and
Russell, with SCS

HOUSE BILLS ON THIRD READING

HCS for HBs 1386 & 1038

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SS for SB 650-Singleton
SB 651-Singleton and
Russell, with SCS
(pending)

SB 660-Westfall, et al,
with SCS (pending)
SBs 662 & 704-Westfall,
with SCS & SA 3 (pending)

CONSENT CALENDAR

Journal
Senate Bills

Reported 1/28

SB 758-Bentley
SB 720-Westfall
SB 644-Mathewson and Yeckel
SB 701-Wiggins
SB 737-Cauthorn and
Russell, with SCS

SB 745-Russell, with SCS
SB 669-Bentley, with SCS
SB 726-Childers
SB 896-Yeckel

Reported 1/29

SB 702-Caskey
SB 695-Dougherty and Sims

SB 776-House, with SCS

Reported 1/30

SB 749-Goode

Reported 1/31

SB 813-Mathewson

Reported 2/4

SB 656-Rohrbach, with SCS

SB 865-Foster and Kinder

SB 893-Rohrbach

SB 639-Caskey

SB 804-DePasco, with SCS

SB 932-Klarich

SB 645-Mathewson, with SCS

SB 742-Caskey, with SCA 1

SB 891-Kenney

SB 860-Rohrbach

SB 798-Westfall

Unofficial

RESOLUTIONS

To be Referred

Journal

SCR 42-Klindt

Reported from Committee

SCR 38-Klarich

Copy ✓