

Journal of the Senate

SECOND REGULAR SESSION

NINETEENTH DAY—MONDAY, FEBRUARY 11, 2002

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

“Is anything too wonderful for the Lord?” (Genesis 18:14a)

Dear God, we know life is filled with challenges and obstacles and tunnels that seem to have no light at the end of them. Yet hearing Your word in Genesis we are assured that You are with us and that there is nothing too hard for us to accomplish with Your assistance. So please guide us this week with our doubts knowing that all things are possible with Your help. Amen.

The Pledge of Allegiance to the Flag was recited.

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

The Journal for Thursday, February 7, 2002, was read 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
Jacob	Johnson	Kennedy	Kenney

Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel—33			

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator House offered Senate Resolution No. 1009, regarding Jody J. Bush, Troy, which was adopted.

Senator House offered Senate Resolution No. 1010, regarding Robert Tiesing, St. Charles, which was adopted.

Senator Rohrbach offered Senate Resolution No. 1011, regarding Larry W. Wilson, Jefferson City, which was adopted.

Senator Bentley offered Senate Resolution No. 1012, regarding Gordon McCann, Springfield, which was adopted.

Senator Steelman offered Senate Resolution No. 1013, regarding the Rolla Public School District, which was adopted.

Senator Steelman offered Senate Resolution No. 1014, regarding the One Hundred First Birthday of Goldie Foster, Owensville, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1015, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. James V. Harbison, Sr., Hannibal, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1016, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Aubrey Suter, Wyaconda, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1017, regarding Robert J. Vickers, Clarence, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1018, regarding the Sixty-second Wedding Anniversary of Mr. and Mrs. Fred Brown, Center, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1019, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. John Robert Wienhoff, Hannibal, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1020, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Merlyn Gardner, Kirksville, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1021, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. James Keith, Hannibal, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1022, regarding Michael Johnson, which was adopted.

Senator Caskey offered the following resolution, which was read:

SENATE RESOLUTION NO. 1023

WHEREAS, the members of the Missouri Senate strive to maintain the ethical integrity of the institution to which they were elected by the citizens of this state; and

WHEREAS, ethical considerations are part of any decisions regarding the hiring of staff personnel, particularly in the highest office of this body; and

WHEREAS, section 105.452, RSMo, prohibits any employee from using confidential information obtained in the course of employment with the intent to result in financial gain for any business with which he is associated; and

WHEREAS, financial disclosure reports of political committees shall, pursuant to law, file accurate and complete reports of expenditures, including the amount of indebtedness and the purpose of any expenditures, with potential civil and criminal penalties for violations; and

WHEREAS, section 105.483, RSMo, requires any decision making public servant to file financial interest statements; and

WHEREAS, the Code of Conduct for the staff of the Senate prohibits employees from using their positions "in a manner designed to create personal gain,...abuse the privileges of Senate employment, or be untruthful to the Senate"; and

WHEREAS, the Senate Code of Conduct further holds staff to a high standard of knowledge and conduct with regard to the law; and

WHEREAS, the office of the President Pro Tem has a duty to all Senators regardless of political party, and any conduct of political activity on the part of staff of the Pro Tem presents an inherent conflict of interest; and

WHEREAS, the Chief of Staff for President Pro Tem Peter Kinder maintains ownership interest in a political consulting corporation which has publicly reported to have experienced substantial financial gain during his tenure of employment with the Senate; and

WHEREAS, serious concerns have been raised concerning an inherent conflict of interest in the dual roles of the Chief of Staff for President Pro Tem Peter Kinder, which warrant inquiry by the members of the Senate;

NOW THEREFORE BE IT RESOLVED, that we, the members of the Missouri Senate, Ninety-first General Assembly, hereby request a full and fair public investigation and subsequent report by the Senate Committee on Rules, Joint Rules, Resolutions and Ethics to ascertain the exact nature and extent of the financial interest held by the Chief of Staff for President Pro Tem Peter Kinder in an political consulting company, whether such financial interest presents the appearance or existence of ethical, civil or criminal violations, and whether relevant information concerning such financial interest was purposely omitted from financial disclosure reports; and

BE IT FURTHER RESOLVED that we hereby request that

an open hearing of the Committee on Rules, Joint Rules, Resolutions and Ethics be convened the week of February 11, 2002, as immediate action is necessary to protect the integrity and honor of the Missouri Senate.

Senator Caskey moved that the above resolution be adopted and requested a roll call vote be taken. He was joined in his request by Senators Dougherty, Kennedy, Mathewson and Stoll.

Senator Kinder offered a substitute motion that **SR 1023** be referred to the Committee on Rules, Joint Rules, Resolutions and Ethics.

Senator Caskey requested a roll call vote be taken on the substitute motion made by Senator Kinder and was joined in his request by Senators Kenney, Kinder, Mathewson and Wiggins.

The substitute motion made by Senator Kinder was adopted by the following vote:

YEAS—Senators

Bentley	Cauthorn	Childers	Foster
Gibbons	Gross	Kenney	Kinder
Klarich	Klindt	Loudon	Rohrbach
Russell	Sims	Singleton	Steelman
Westfall	Yeckel—18		

NAYS—Senators

Bland	Caskey	DePasco	Dougherty
Goode	House	Jacob	Johnson
Kennedy	Mathewson	Quick	Staples
Stoll	Wiggins—14		

Absent—Senators—None

Absent with leave—Senator Schneider—1

Vacancies—1

CONCURRENT RESOLUTIONS

Senators Cauthorn, Gross, Kinder, House, Foster, Klindt and Stoll offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 44

WHEREAS, the state of Missouri borders 488 miles of the Mississippi River; and

WHEREAS, many of Missouri's locks and dams are more than 60 years old and only 600 feet long, making them unable to accommodate modern barge tows of 1,200 feet long, nearly tripling locking times and causing lengthy delays and ultimately increasing shipping costs; and

WHEREAS, the use of 1,200-foot locks has been proven nationwide as the best method of improving efficiency, reducing congestion and modernizing the inland waterways; and

WHEREAS, the construction of the lock and dam system has spurred economic growth and a higher standard of living in the Mississippi and Illinois' river basin, and today supplies more than 300 million tons of the nation's cargo, supporting more than 400,000 jobs, including 90,000 in manufacturing; and

WHEREAS, more than 60 percent of American agricultural exports including corn, wheat, and soybeans, are shipped down the Mississippi and Illinois rivers on the way to foreign markets; and

WHEREAS, Missouri farmers, producers, and consumers rely on efficient transportation to remain competitive in a global economy, and efficiencies in river transport offset higher production costs compared to those incurred by foreign competitors; and

WHEREAS, the Upper Mississippi and Illinois lock and dam system saves our nation more than \$1.5 billion in higher transportation costs each year, and failing to construct 1,200-foot locks will cause farmers to use more expensive alternative modes of transportation, including trucks and trains; and

WHEREAS, according to the U.S. Army Corps of Engineers, congestion along the Upper Mississippi and Illinois rivers is costing Missouri and other producers and consumers in the basin \$98 million per year in higher transportation costs; and

WHEREAS, river transportation is the most environmentally friendly form of transporting goods and commodities, creating almost no noise pollution and emitting 35 to 60 percent fewer pollutants than either trucks or trains, according to the U.S. EPA; and

WHEREAS, moving away from river transport would add millions of trucks and rail cars to our nation's infrastructure, adding air pollution, traffic congestion, and greater wear and tear on highways; and

WHEREAS, backwater lakes created by the lock and dam system provide breeding grounds for migratory waterfowl and fish; and

WHEREAS, the lakes and 500 miles of wildlife refuge also support a \$1 billion-a-year recreational industry, including hunting, fishing, and tourism jobs; and

WHEREAS, upgrading the system of locks and dams on the

Upper Mississippi and Illinois rivers will provide 3,000 high-paying construction and related jobs over a 15-20 year period with health benefits, which will benefit, not only those directly employed, but the local health care systems and economies of the communities in which these individuals live and work; and

WHEREAS, in 1999 the state of Missouri shipped 18.8 million tons of commodities including grain, coal, chemicals, aggregates, and other products; and

WHEREAS, 38.6 million tons of commodities including grain, coal, chemicals, aggregates, and other products were shipped to, from, and within Missouri by barge, representing \$4.2 billion in value; and

WHEREAS, shippers moving by barge in Missouri realized a savings of approximately \$380 million compared to other transportation modes; and

WHEREAS, Missouri docks shipped products by barge to 18 states and received products from 17 states; and

WHEREAS, the Port of Metropolitan St. Louis shipped and received 32.6 million tons of commodities in 1999 worth over \$5 billion and is the second busiest inland port in the United States, linking rural Missouri and St. Louis with world markets; and

WHEREAS, there are approximately 183 manufacturing facilities, terminals, and docks on the waterways of Missouri, representing thousands of jobs in the state; and

WHEREAS, the Missouri General Assembly recognizes the importance of inland waterway transportation to Missouri agriculture and industry in the state, the region, and the nation:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-First General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby urge the Congress of the United States to authorize funding for modernization of lock and dam infrastructure in order to construct 1,200-foot locks on the Upper Mississippi and Illinois Rivers' Inland Waterways Transportation System; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the President of the United States Senate, the Speaker of the United States House of Representatives, the Chair of the Senate Committee on Commerce, Science and Transportation, the Chair of the House Committee on Transportation and Infrastructure and the members of the Missouri Congressional delegation.

Senator Sims moved that **SCR 40** be taken up for adoption, which motion prevailed.

On motion of Senator Sims, **SCR 40** was

adopted by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Schneider—1

Vacancies—1

INTRODUCTION OF BILLS

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

SB 1128—By Johnson.

An Act to repeal section 67.1004, RSMo, and to enact in lieu thereof one new section relating to transient guest taxes.

SB 1129—By Johnson.

An Act to repeal section 67.669, RSMo, relating to economic development, and to enact in lieu thereof one new section relating to the same subject.

SB 1130—By House.

An Act to amend chapter 507, RSMo, by adding thereto one new section relating to legislative intervention in judicial proceedings.

SB 1131—By Gibbons.

An Act to repeal sections 386.025, 393.295, 393.700, 393.705, 393.715, 393.725, 393.740 and 393.765, RSMo, relating to joint municipal utility projects, and to enact in lieu thereof five new sections relating to the same subject.

SB 1132—By Kennedy.

An Act to repeal section 193.065, RSMo, relating to local registrars, and to enact in lieu thereof one new section relating to the same subject.

SB 1133—By Gross.

An Act to repeal sections 104.050, 104.095, 104.110, 104.140, 104.250, 104.270, 104.335, 104.344, 104.350, 104.374, 104.380, 104.400, 104.436, 104.438, 104.515, 104.540, 104.601, 104.620, 104.1018, 104.1021, 104.1039, 104.1054, 104.1072, 104.1075, 104.1200, 104.1210 and 476.517, RSMo, and to enact in lieu thereof twenty-eight new sections relating to public retirement systems.

SB 1134—By Yeckel.

An Act to amend chapter 144, RSMo, by adding thereto eleven new sections relating to taxation of controlled substances.

SB 1135—By Yeckel and Loudon.

An Act to repeal sections 188.080 and 197.200, RSMo, relating to protection of recipients of medical services, and to enact in lieu thereof three new sections relating to the same subject, with penalty provisions.

SB 1136—By Bentley and Stoll.

An Act to repeal section 163.011, RSMo, relating to state aid, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

SB 1137—By Bentley.

An Act to repeal sections 193.015, 193.045, 193.065, 193.085, 193.087, 193.115, 193.125, 193.145, 193.225, 193.245, 193.265, 473.697 and 490.620 RSMo, relating to electronic creation and access to birth and death records, and to enact in lieu thereof thirteen new sections relating to the same subject.

SB 1138—By Childers.

An Act to amend chapter 321, RSMo, by adding thereto three new sections relating to ambulance and fire protection districts.

SJR 34—By Gibbons.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 27 of article VI of the Constitution of Missouri relating to political subdivision revenue bonds for utility, industrial and airport purposes, and adopting one new section in lieu thereof relating to the same subject.

SJR 35—By Jacob.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 8 of article III of the Constitution of Missouri relating to term limits.

THIRD READING OF SENATE BILLS

SB 758, introduced by Senator Bentley, entitled:

An Act to repeal section 589.400, RSMo, relating to registration of offenders, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Bentley, **SB 758** 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
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel—31	

NAYS—Senators—None

Absent—Senator Staples—1

Absent with leave—Senator Schneider—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Bentley, title to the bill was agreed to.

Senator Bentley moved that the vote by which the bill passed be reconsidered.

Senator Westfall moved that motion lay on the table, which motion prevailed.

SB 720, introduced by Senator Westfall, entitled:

An Act to repeal sections 52.300 and 54.330, RSMo, relating to bonds for deputies for county collectors and treasurer ex officio collectors, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Westfall, **SB 720** 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
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Russell	Sims
Steelman	Stoll	Westfall	Wiggins
Yeckel—29			

NAYS—Senator Rohrbach—1

Absent—Senators

Singleton Staples—2

Absent with leave—Senator Schneider—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Westfall, title to the bill

was agreed to.

Senator Westfall moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

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 adopted and third read **HCR 5**.

HOUSE CONCURRENT RESOLUTION NO. 5

WHEREAS, American Sign Language (ASL) has been appropriately recognized by the Missouri General Assembly as "a fully developed, autonomous, unique, visual-gestural language with its own syntax, rhetoric, grammar and morphology" (Section 209.285, RSMo); and

WHEREAS, there are an estimated 546,000 persons in Missouri who are deaf or hard of hearing, of whom approximately 10,000 have American Sign Language (ASL) as their first or native language; and

WHEREAS, the Missouri General Assembly truly values the socio, cultural, ethnic, and linguistic diversity of its citizenry:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-first General Assembly, Second Regular Session, the Senate concurring therein, hereby recognize American Sign Language as the first or native language of many of its deaf and hard of hearing citizens; and

BE IT FURTHER RESOLVED that the members of the House of Representatives of the Ninety-first General Assembly, Second Regular Session, the Senate concurring therein, hereby urge the Governor to establish by executive order an annual "Deaf Awareness Week" to be held in September of each year to coincide with the International Deaf Awareness Week, at which time the language, culture, and contributions of Missouri's deaf and hard of hearing citizens will be recognized; recognize the diversity of deaf and hard of hearing citizens, including both the oral deaf and the signing deaf; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for Governor Bob Holden.

In which the concurrence of the Senate is

respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up adopted and third read **HCR 6**.

HOUSE CONCURRENT RESOLUTION NO. 6

WHEREAS, on September 11, 2001, terrorists hijacked and destroyed four civilian aircraft, crashing two of them into the towers of the World Trade Center in New York City, and a third into the Pentagon outside Washington, D.C., and a fourth into the ground in Pennsylvania; and

WHEREAS, thousands of innocent Americans were killed or injured as a result of these attacks, including the passengers and crew of the four aircraft, workers in the World Trade Center and in the Pentagon, rescue workers and bystanders; and

WHEREAS, these attacks destroyed both towers of the World Trade Center, as well as adjacent buildings and, by targeting symbols of American strength and success, clearly were intended to intimidate our Nation and weaken its resolve;

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-first General Assembly, Second Regular Session, the Senate concurring therein, recommend that Congress condemns in the strongest possible terms the terrorists who planned and carried out the September 11, 2001, attacks against the United States, as well as their sponsors; that we extend our deepest condolences to the victims of these heinous and cowardly attacks, as well as to their families, friends and loved ones; that the people of Missouri will stand united as our Nation begins the process of recovering and rebuilding in the aftermath of these tragic acts; that we commend the heroic action of the rescue workers, volunteers, and State and local officials who responded to these tragic events with courage, determination, and skill; that we declare that these premeditated attacks struck not only at the people of America, but also at the symbols and structures of our economic and military strength, and that the United States is entitled to respond under international law; that we extend our thanks to those foreign leaders and individuals who have expressed solidarity with the United States in the aftermath of the attacks, and ask them to continue to stand with the United States in the war against international terrorism; that we commit to support increased resources in the war to eradicate terrorism; and that we support the determination of the President, in close consultation with Congress, to bring to justice and punish the perpetrators of these attacks as well as their sponsors; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for members of the

Missouri Congressional Delegation.

In which the concurrence of the Senate is respectfully requested.

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 8, 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:

Solomon Agin, Republican, 14194 Parliament Drive, Chesterfield, St. Louis County, Missouri 63017, as a member of the Missouri Community Service Commission, for a term ending December 15, 2003, and until his successor is duly appointed and qualified; vice, Solomon Agin, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 8, 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:

Bobby J. Blue, Democrat, 606 East 127th Street, Kansas City, Jackson County, Missouri 64145, as a member of the Unmarked Human Burial Consultation Committee, for a term ending June 3, 2004, and until his successor is duly appointed and qualified; vice, Bobby J. Blue, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 8, 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:

Jerry T. Duvall, 803 Commercial, Belton, Cass County, Missouri 64012, as a member of the Kansas City Area Transportation Authority, for a term ending October 13, 2004, and until his successor is duly appointed and qualified; vice, Jerry T. Duvall, withdrawn.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
February 8, 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:

Mark Graviett, 9709 North Virginia Avenue, Kansas City, Clay County, Missouri 64155, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2003, and until his successor is duly appointed and qualified; vice, Mark Graviett, withdrawn.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
February 8, 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:

James E. O'Mara, Democrat, 214 Summit Ridge Place, St. Charles, St. Charles County, Missouri 63304, as a member of the Missouri Development Finance Board, for a term ending September 14, 2004, and until his successor is duly appointed and qualified; vice, James E. O'Mara, withdrawn.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
February 8, 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:

Kathy A. Surratt-States, Democrat, 5012 Bischoff Avenue, St. Louis City, Missouri 63110, as a member of the Board of Election Commissioners for St. Louis City, for a term ending January 1, 2005, and until her successor is duly appointed and qualified; vice, Kathy A. Surratt-States, withdrawn.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
February 8, 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:

Valerie R. Taylor, Democrat, 2957 Franklin Avenue, St. Louis City, Missouri 63106, as a member of the State Board of Senior Services, for a term ending August 30, 2002, and until her successor is duly appointed and qualified; vice, Valerie R. Taylor, withdrawn.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
February 8, 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:

Charles W. Tyler, 4031 Botanical, St. Louis City, Missouri 63110, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2003, and until his successor is duly appointed and qualified; vice, Charles W. Tyler, withdrawn.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
February 11, 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:

Ronald L. Bobo, Sr., Democrat, 1130 Olivaire Lane, Olivette, St. Louis County, Missouri 63132, as a member of the Missouri Housing Development Commission, for a term ending October 13, 2004, and until his successor is duly appointed and qualified; vice, Charles Braithwait, resigned.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
February 11, 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:

Dwayne A. Crompton, Democrat, 11705 Summit, Kansas City, Jackson County, Missouri 64114, as a member of the Missouri Housing Development Commission, for a term ending October 13, 2005, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
February 11, 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:

Larry D. Furbeck, Republican, 22420 Jordan Road, Dearborn, Platte County, Missouri 64439, as a member of the State Soil and Water Districts Commission, for a term ending August 15, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
February 11, 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:

Stephen R. Goff, D.V.M., Republican, 607 South High Street, Grant City, Worth County, Missouri 64456, as a member of the Missouri Veterinary Medical Board, for a term ending August 29,

2004, and until his successor is duly appointed and qualified; vice, R. Thomas Dunn, D.V.M., term expired.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
February 11, 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:

Jasper Kee, 600 East 8th Street #102, Kansas City, Jackson County, Missouri 64106, as a member of the State Board of Barber Examiners, for a term ending April 5, 2005, and until his successor is duly appointed and qualified; vice, Albert Santoscoy, term expired.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
February 11, 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:

Lori L. Williamson-Kruse, 1302 Bradford Road, Willow Springs, Texas County, Missouri 65793, as a member of the Missouri Genetic Advisory Committee, for a term ending April 9, 2003, and until her successor is duly appointed and qualified; vice, Patricia Monteleone, term expired.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
February 7, 2002

REORGANIZATION PLAN NO. 1
2002

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF
THE STATE OF MISSOURI:

By virtue of the authority vested in me by the Constitution and laws of the State of Missouri, including the Omnibus State Reorganization Act of 1974 and sections 26.500 through 26.540, RSMo, I hereby transmit Reorganization Plan No. 1 of 2002, by

Executive Order 02-03, providing for the re-establishment of the Motor Carrier Services Unit in the Department of Transportation.

Respectfully submitted,

BOB HOLDEN

Governor

EXECUTIVE ORDER

02-03

WHEREAS, the Department of Transportation's Motor Carrier Services Unit is currently the state agency designated to issue permits to commercial motor vehicles for oversize and overweight vehicles, conduct the house-moving permit system, and issue bridge-stress studies and administer other road-safety programs for the citizens of Missouri; and

WHEREAS, the Department of Economic Development, Division of Motor Carrier and Railroad Safety currently administers the Federal Single State Registration Program (SSRS) for commercial motor vehicles, the railroad and light rail safety program, the regulation of household goods and passenger transportation, and other safety, insurance and training programs in relation to commercial motor vehicles for the citizens of Missouri, and

WHEREAS, the Department of Revenue, Highway Reciprocity Commission provides commercial motor vehicle apportioned license plates through the International Registration Plan (IRP), cab cards, and International Fuel Tax (IFTA) licenses, and temporary trip permits to commercial motor vehicles and administers the provision of such services to its clients; and

WHEREAS, the Department of Natural Resources issues hazardous waste transporter licenses and waste tire hauling permits to commercial motor vehicles for the hauling of such material for the benefit of Missouri citizens; and

WHEREAS, these agencies have worked closely together in the past; and

WHEREAS, consolidation of the commercial motor vehicle licensing and permit programs currently administered by the Division of Motor Carrier and Railroad Safety, the Highway Reciprocity Commission, the Department of Transportation's Motor Carrier Services Unit, and the Department of Natural Resources' hazardous waste transporter licensing and waste tire permit functions in one state agency will benefit the citizens of the state by promoting efficiency and eliminating duplication of activities and administrative costs; and

WHEREAS, the Department of Transportation currently compiles statistical information which is essential to the efficient operation of the transportation system; and

WHEREAS, combining the research and analysis functions of

the Department of Transportation with other commercial motor vehicle licensing and permitting programs will result in a single point of contact for the motor carrier industry and a better consolidation of the functions relating to commercial motor vehicle licensing, permitting, regulation, safety and travel and would benefit the citizens of the state by further promoting safer and more efficient use of our highways by commercial motor vehicles.

NOW, THEREFORE, I, BOB HOLDEN, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the constitution and laws of the state of Missouri, do hereby re-establish the Motor Carrier Services Unit within the Department of Transportation. Said unit shall be designated to receive highway funds, shall administer programs under the federally mandated IRP, IFTA and SSRS agreements, and shall otherwise coordinate and administer the commercial motor vehicle licensing and permitting activities in order to improve transportation safety and customer satisfaction for the citizens of the state of Missouri.

All the authority, powers, permits, licenses, credentials, functions, records, personnel, property, receipts, contracts, and matters pending and other pertinent vestiges of the: 1. Division of Motor Carrier and Railroad Safety within the Department of Economic Development, and 2. Highway Reciprocity Commission within the Department of Revenue are hereby transferred by a Type I transfer to the Division of Motor Carrier Services within the Department of Transportation. The authority of the Administrative Law Judge shall be as currently provided in statute.

All the authority, powers, permits, licenses, credentials, functions, records, contracts, and matters pending and other pertinent vestiges of issuing hazardous waste transporter licenses and waste tire hauling permits within the Department of Natural Resources are also hereby transferred by a Type I transfer to the Motor Carrier Services Unit within the Department of Transportation. The personnel, receipts and property of this unit will remain at the Department of Natural Resources. The Department of Natural Resources shall continue to exist and perform its functions and duties related to the preservation of the state's land and water resources with the exception of issuing hazardous waste transporter licenses and waste tire hauling permits, for which it shall contract with the Department of Transportation.

The Motor Carrier Services Unit shall maintain a working relationship with the Department of Natural Resources for future improvements and upgrades to the hazardous waste transporter licensing and waste tire hauling permitting functions. The Division of Motor Carrier and Railroad Safety within the Department of Economic Development and the Highway Reciprocity Commission within the Department of Revenue are abrogated.

There shall be coordination between the training, licensing, permitting, and audit programs performed by the Department of

Revenue, the Department of Natural Resources and the Motor Carrier Services Unit. There shall also be coordination between the motor vehicle insurance functions of the Department of Revenue and the Motor Carrier Services Unit.

(Seal) IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed this Great Seal of the State of Missouri, in the City of Jefferson on this 7th day of February, 2002.

BOB HOLDEN
GOVERNOR

MATT BLUNT
SECRETARY OF STATE

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

Senator Kenney requested unanimous consent of the Senate that the Committee on Education be allowed to meet while the Senate is in session, which request was granted.

SECOND READING OF SENATE BILLS

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

SB 1079—Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 1081—Public Health and Welfare.

SB 1083—Transportation.

SB 1084—Local Government and Economic Development.

SB 1085—Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 1086—Local Government and Economic Development.

SB 1087—Pensions and General Laws.

SB 1088—Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 1089—Pensions and General Laws.

SB 1090—Civil and Criminal Jurisprudence.

SB 1091—Labor and Industrial Relations.

SB 1092—Judiciary.

SB 1093—Transportation.

SB 1094—Aging, Families and Mental Health.

SB 1095—Civil and Criminal Jurisprudence.

SB 1096—Ways and Means.

SB 1097—Pensions and General Laws.

SB 1098—Transportation.

SB 1099—Agriculture, Conservation, Parks and Tourism.

SB 1100—Commerce and Environment.

SB 1101—Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 1102—Civil and Criminal Jurisprudence.

SB 1103—Agriculture, Conservation, Parks and Tourism.

SB 1104—Ways and Means.

SB 1105—Labor and Industrial Relations.

SB 1106—Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 1107—Local Government and Economic Development.

SB 1108—Local Government and Economic Development.

SB 1109—Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 1110—Commerce and Environment.

SB 1111—Public Health and Welfare.

SB 1112—Pensions and General Laws.

SB 1113—Local Government and Economic Development.

SB 1114—Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 1115—Civil and Criminal Jurisprudence.

SB 1116—Commerce and Environment.

SB 1117—Ways and Means.

SB 1118—Rules, Joint Rules, Resolutions and Ethics.

SB 1119—Pensions and General Laws.

SB 1120—Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 1121—Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 1122—Judiciary.

SB 1123—Transportation.

SB 1124—Local Government and Economic Development.

SB 1125—Insurance and Housing.

SB 1126—Local Government and Economic Development.

SB 1127—Agriculture, Conservation, Parks and Tourism.

SJR 33—Transportation.

REPORTS OF STANDING COMMITTEES

On behalf of Senator Steelman, Chairman of the Committee on Commerce and Environment, Senator Kenney submitted the following report:

Mr. President: Your Committee on Commerce and Environment, to which was referred **SB 959**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

RESOLUTIONS

Senator Rohrbach offered Senate Resolution No. 1024, regarding John Allen Young, Jefferson City, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Kennedy introduced to the Senate, Mayor Francis Slay, St. Louis.

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

Journal

SENATE CALENDAR

TWENTIETH DAY—TUESDAY, FEBRUARY 12, 2002

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1128-Johnson

SB 1129-Johnson

SB 1130-House

SB 1131-Gibbons

SB 1132-Kennedy

SB 1133-Gross

SB 1134-Yeckel

SB 1135-Yeckel and Loudon

SB 1136-Bentley and Stoll

SB 1137-Bentley

SB 1138-Childers

SJR 34-Gibbons

SJR 35-Jacob

HOUSE BILLS ON SECOND READING

HB 1338-Relford, et al
HS for HB 1399-Ransdall
HCS for HB 1154

HB 1519-Boucher
HB 1192-Harding and
Boucher

SENATE BILLS FOR PERFECTION

1. SB 712-Singleton and Sims, with SCS
2. SB 1009-Rohrbach, with SCS
3. SBs 970, 968, 921, 867, 868 & 738-Westfall, et al, with SCS
4. SB 931-Klarich, with SCS
5. SB 722-Bentley, with SCS
6. SB 856-Russell
7. SB 895-Yeckel and Gross
8. SB 675-Yeckel, et al, with SCS
9. SB 881-Steelman and Yeckel, with SCS
10. SBs 641 & 705-Russell, et al, with SCS
11. SBs 721, 757, 818 & 930-Westfall, with SCS
12. SB 665-Kenney
13. SB 836-Gross and Dougherty, with SCS
14. SB 840-Gross and Russell, with SCS
15. SB 740-Wiggins
16. SB 687-Gibbons and Yeckel
17. SB 959-Kenney and Kinder, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|---|--|
| SB 651-Singleton and Russell, with SCS (pending) | SB 668-Bentley, with SS & SA 1 (pending) |
| SB 659-House and Kenney, with SS (pending) | SBs 958 & 657-Kinder, with SCS |
| SB 660-Westfall, et al, with SCS (pending) | SJR 23-Singleton, with SS, SA 1 & SSA 1 for SA 1 (pending) |
| SBs 662 & 704-Westfall, with SCS & SA 3 (pending) | |

CONSENT CALENDAR

Senate Bills

Reported 1/28

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 893-Rohrbach

SB 804-DePasco, with SCS

SB 645-Mathewson, with SCS

SB 891-Kenney

SB 798-Westfall

SB 865-Foster and Kinder

SB 639-Caskey

SB 932-Klarich

SB 742-Caskey, with SCA 1

SB 860-Rohrbach

Reported 2/5

SB 708-Mathewson

Unofficial

Journal

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RESOLUTIONS

To be Referred

HCR 7-Boykins and Barry
SCR 44-Cauthorn, et al

HCR 5-Reynolds
HCR 6-Jetton

Reported from Committee

SCR 38-Klarich
SCR 35-Stoll

SCR 37-Dougherty

Unofficial

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