

# Journal of the Senate

SECOND REGULAR SESSION

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TWENTY-SEVENTH DAY—MONDAY, FEBRUARY 25, 2002

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The Senate met pursuant to adjournment.

Senator Klarich in the Chair.

Reverend Carl Gauck offered the following prayer:

“I do not see why there is not greater enthusiasm for planning, except perhaps for this reason: that the word planning does not signify anything very spectacular about it and it takes a good many years to see results from it.” (Franklin D. Roosevelt, April 24, 1934)

Gracious Lord, let us be mindful and thankful for the time You have given us to plan and make good use of this week here which we begin anew today. Help us to organize our activities so all the really important things, from the smallest details to the people we encounter each day, are not overlooked and we fully utilize our time for the greatest good. 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, February 21, 2002, was read and approved.

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

Present—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Kennedy	Kenney

Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel—32

Absent with leave—Senators

Johnson                  Staples—2

## RESOLUTIONS

Senator Kenney offered Senate Resolution No. 1088, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Herbert Kramer, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 1089, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Donald Weigel, Blue Springs, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1090, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Robert Schutte, Benton City, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1091, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Aubrey Suter, Wyaconda, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1092, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Roy Harris,

Kirksville, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1093, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Edward P. Ausmus, Bevier, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1094, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Kenneth Anders, Unionville, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1095, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Clifford (Lavern) Anders, Livonia, which was adopted.

Senator Kenney offered Senate Resolution No. 1096, regarding Scott Lograsso, Blue Springs, which was adopted.

Senator Kenney offered Senate Resolution No. 1097, regarding Betty Parks Eubank, Lee's Summit, which was adopted.

Senator DePasco offered Senate Resolution No. 1098, regarding James B. Nutter, Kansas City, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1099, regarding the Forty-seventh Wedding Anniversary of Mr. and Mrs. George Wagner, Luray, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1100, regarding the Forty-sixth Wedding Anniversary of Mr. and Mrs. Raymond Mathies, Kahoka, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1101, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Howard Jaynes, New London, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1102, regarding the One Hundred Second Birthday of Gertie Pickens, Kirksville, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1103, regarding the Sixty-ninth Wedding

Anniversary of Mr. and Mrs. Russell Martin, Mexico, which was adopted.

Senator Westfall offered Senate Resolution No. 1104, regarding Brett McCulloch, Lamar, which was adopted.

Senators Klindt and Westfall offered Senate Resolution No. 1105, regarding Edward D. Douglas, Chillicothe, which was adopted.

Senator Kinder offered Senate Resolution No. 1106, regarding Hospice Volunteer Recognition Day 2002, which was adopted.

Senator Klarich offered Senate Resolution No. 1107, regarding the Parkway School District, St. Louis County, which was adopted.

Senator Klarich offered Senate Resolution No. 1108, regarding the Rockwood School District, St. Louis County, which was adopted.

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

SENATE RESOLUTION NO. 1109

WHEREAS, we, the members of the Missouri Senate, regard early intervention literacy programs as essential in meeting the needs of our state's young children; and

WHEREAS, Reading Recovery and early literacy programs provide children who potentially may become poor readers the vital assistance needed to become successful readers; and

WHEREAS, the Reading First Program is one of the new funding sources in the Elementary and Secondary Education Act (ESEA) passed by the U.S. Congress in December of 2001; and

WHEREAS, the U.S. Department of Education is responsible for administering the Reading First Program and recently issued "Reading First Draft Guidance 2/1/02" for implementation of the Program; and

WHEREAS, the Elementary and Secondary Education Act (ESEA) authorizes Reading First funds for instruction in both classroom and nonclassroom settings, the draft guidelines limit funding to classroom use only; and

WHEREAS, the Elementary and Secondary Education Act (ESEA) does not mandate a format base on time for providing reading instruction, the draft guidelines provide for uninterrupted 90-minute instruction periods per day; and

WHEREAS, the Elementary and Secondary Education Act (ESEA) permits states to use funding for professional development in early intervention, the draft guidelines removes professional development as eligible use of Reading First funds; and

WHEREAS, the proposed draft guidelines jeopardize use of Reading First Funds for early intervention of low achieving readers and potentially undermines state and local school decisions about early intervention reading programs:

NOW, THEREFORE, BE IT RESOLVED by the Missouri Senate, Ninety-first General Assembly, Second Regular Session, recognize the significance of early intervention for young struggling readers and urge Congress to instruct the Department of Education to fully fund literacy programs as provided by "Reading First" legislation; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for every member of the Missouri Congressional Delegation.

### INTRODUCTION OF BILLS

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

**SB 1192**—By Gross.

An Act to repeal section 452.402, RSMo, relating to grandparent visitation, and to enact in lieu thereof one new section relating to the same subject.

**SB 1193**—By Caskey.

An Act to repeal section 56.814, RSMo, relating to district attorneys, and to enact in lieu thereof seven new sections relating to the same subject.

**SB 1194**—By Klarich.

An Act to amend chapters 477 and 488, RSMo, by adding thereto two new sections relating to the basic civil legal services fund.

**SB 1195**—By Steelman, Foster and Cauthorn.

An Act to repeal sections 50.550, 558.019 and 559.021, RSMo, relating to county crime reduction funds, and to enact in lieu thereof four new sections relating to the same subject.

**SB 1196**—By Kennedy.

An Act to repeal sections 137.298 and 302.341, RSMo, and to enact in lieu thereof three new sections relating to the regulation of traffic violations.

**SB 1197**—By Gibbons.

An Act to repeal section 491.010, RSMo, relating to witnesses, and to enact in lieu thereof one new section relating to the same subject.

**SB 1198**—By Gibbons.

An Act to repeal section 144.030, RSMo, and to enact in lieu thereof one new section relating to sales tax exemptions for diabetic medical supplies and equipment.

**SB 1199**—By Foster.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the Sergeant Randy Sullivan Memorial Highway.

**SB 1200**—By Foster.

An Act to repeal section 226.030, RSMo, relating to the powers and duties of the state transportation commission, and to enact in lieu thereof one new section relating to the same subject.

**SB 1201**—By Foster.

An Act to amend chapter 266, RSMo, by adding thereto one new section relating to genetically enhanced seed, with an effective date.

**SB 1202**—By Westfall.

An Act to transfer sections 142.617, 142.830, 260.278, 260.385, 301.041, 301.265, 301.266, 301.267, 301.271, 301.275, 301.277, 304.200, 324.703, 324.706, 324.709, 324.712, 324.715, 324.718, 324.721, 324.724, 324.727, 324.730, 324.733, 324.736, 324.739, 324.742, 324.745, 387.010, 387.030, 387.040, 387.050, 387.060, 387.070, 387.080, 387.100, 387.110, 387.120, 387.130, 387.150, 387.180, 387.190, 387.200, 387.205, 387.207, 387.210, 387.300, 387.310, 387.320, 390.011, 390.020, 390.030, 390.041, 390.045, 390.051, 390.061, 390.062, 390.063,

390.066, 390.071, 390.081, 390.101, 390.111, 390.116, 390.121, 390.126, 390.128, 390.136, 390.138, 390.141, 390.150, 390.151, 390.156, 390.171, 390.201, 390.260, 390.270, 390.280, 390.290, 390.300, 390.310, 390.320, 390.330, 622.015, 622.027, 622.030, 622.035, 622.090, 622.095, 622.100, 622.110, 622.115, 622.120, 622.130, 622.140, 622.150, 622.160, 622.170, 622.190, 622.200, 622.210, 622.220, 622.230, 622.240, 622.250, 622.260, 622.290, 622.300, 622.310, 622.320, 622.330, 622.340, 622.350, 622.360, 622.370, 622.380, 622.390, 622.400, 622.410, 622.420, 622.450, 622.460, 622.470, 622.480, 622.490, 622.500, 622.520, 622.530, 622.540, 622.615 and 622.617, RSMo, and to repeal sections 32.028, 144.030, 260.203, 260.270, 260.370, 260.375, 260.380, 260.390, 260.395, 260.420, 260.425, 260.430, 301.030, 301.057, 301.058, 301.059, 301.067, 301.090, 301.121, 301.130, 301.273, 301.279, 301.442, 302.756, 303.026, 303.350, 304.030, 304.170, 304.180, 304.230, 304.235, 304.240, 307.350, 311.390, 311.400, 311.420, 311.440, 311.450, 324.700, 386.020, 387.020, 387.240, 387.270, 387.280, 387.290, 387.340, 389.005, 389.300, 389.310, 389.610, 389.612, 389.614, 389.615, 389.780, 389.795, 389.810, 389.890, 389.895, 389.900, 389.920, 389.945, 389.991, 389.992, 389.993, 389.997, 389.998, 389.1005, 389.1010, 390.106, 390.146, 390.161, 390.176, 390.250, 390.340, 390.350, 391.070, 447.080, 621.015, 622.020, 622.040, 622.045, 622.050, 622.055, 622.057, 622.430, 622.440, 622.510, 622.550, 622.600, 622.602, 622.604, 622.606, 622.608, 622.610, 622.612, 622.618 and 622.620, RSMo, section 622.010 as enacted in house committee substitute for senate bill no. 780, eighty-eighth general assembly, second regular session and section 622.010 as enacted in house committee substitute for house bill no. 991, eighty-eighth general assembly, second regular session, and to enact in lieu thereof two hundred thirty-seven new sections relating to compliance with the directives of executive order number 02-03, signed by the

governor February 7, 2002, with penalty provisions and an emergency clause.

**SB 1203**—By Yeckel.

An Act to repeal sections 137.100, 144.030 and 144.615, RSMo, relating to various tax exemptions, and to enact in lieu thereof three new sections relating to the same subject.

**SB 1204**—By Yeckel.

An Act to repeal sections 383.150, 383.155, 383.160, 383.170, 383.175, 383.180, 383.185 and 383.195, RSMo, relating to medical malpractice insurance, and to enact in lieu thereof nine new sections relating to the same subject.

**SB 1205**—By Yeckel.

An Act to amend chapter 620, RSMo, by adding thereto seven new sections relating to small businesses.

**SB 1206**—By Bentley and Stoll.

An Act to repeal section 162.081, RSMo, relating to the lapse of provisionally accredited and unaccredited school districts, and to enact in lieu thereof one new section relating to the same subject.

**SB 1207**—By Bentley.

An Act to amend chapter 334, RSMo, by adding thereto one new section relating to licensing requirements.

**SB 1208**—By Dougherty.

An Act to repeal section 227.020, RSMo, and to enact in lieu thereof one new section relating to the state highways and road system.

**SB 1209**—By Goode and Sims.

An Act to repeal sections 386.120, 386.130 and 386.210, RSMo, relating to the public service commission, and to enact in lieu thereof three new sections relating to the same subject.

**SJR 38**—By Cauthorn and Steelman.

Joint Resolution submitting to the qualified

voters of Missouri, an amendment repealing section 43(a) of article IV of the Constitution of Missouri relating to the conservation sales tax, and adopting one new section in lieu thereof relating to the same subject.

**THIRD READING OF SENATE BILLS**

**SB 997**, with **SCS**, introduced by Senator Quick, entitled:

An Act to repeal section 140.110, RSMo, relating to payment of certain taxes, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

**SCS** for **SB 997**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 997**

An Act to repeal section 140.110, RSMo, and to enact in lieu thereof one new section relating to collection of back taxes.

Was taken up.

Senator Quick moved that **SCS** for **SB 997** be adopted, which motion prevailed.

On motion of Senator Quick, **SCS** for **SB 997** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Caskey	Cauthorn	Childers
Coleman	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel—31	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Bland Johnson Staples—3

The President declared the bill passed.

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

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

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

**SB 756**, with **SCS**, introduced by Senator Westfall, entitled:

An Act to amend chapter 171, RSMo, by adding thereto one new section relating to school absences for participation in the Missouri state fair.

Was called from the Consent Calendar and taken up.

**SCS** for **SB 756**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 756**

An Act to amend chapter 171, RSMo, by adding thereto one new section relating to school absences for participation in the Missouri state fair.

Was taken up.

Senator Westfall moved that **SCS** for **SB 756** be adopted, which motion prevailed.

On motion of Senator Westfall, **SCS** for **SB 756** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Johnson Staples—2

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.

**SB 718**, introduced by Senators House and Steelman, entitled:

An Act to repeal section 171.021, RSMo, relating to reciting the Pledge of Allegiance in public schools, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator House.

On motion of Senator House, **SB 718** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Gross	House
Jacob	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Rohrbach	Russell	Schneider	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel—30		

NAYS—Senators—None

Absent—Senators

Goode Quick—2

Absent with leave—Senators

Johnson Staples—2

The President declared the bill passed.

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

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

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

**SB 1048**, introduced by Senator Kenney, entitled:

An Act to repeal section 304.027, RSMo, and to enact in lieu thereof one new section relating to the spinal cord injury fund.

Was called from the Consent Calendar and taken up.

On motion of Senator Kenney, **SB 1048** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Johnson Staples—2

The President declared the bill passed.

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

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

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

**PRIVILEGED MOTIONS**

Senator Singleton moved that the Senate refuse to concur in **HCS** for **SS No. 2** for **SB 650** and request the House to recede from its position,

or failing to do so, grant the Senate a conference thereon, which motion prevailed.

### SENATE BILLS FOR PERFECTION

Senator Yeckel moved that **SB 895**, as amended, be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Goode offered **SA 6**:

#### SENATE AMENDMENT NO. 6

Amend Senate Bill No. 895, Page 1, Section A, Line 7, by inserting immediately after said line the following:

“30.260. 1. The state treasurer shall prepare, maintain, and adhere to a written investment policy which shall include an asset allocation plan which limits the total amount of state moneys which may be invested in any particular investment authorized by section 15, article IV of the Missouri Constitution. The state treasurer shall present a copy of such policy to the governor, commissioner of administration, state auditor, and general assembly at the commencement of each regular session of the general assembly or at any time the written investment policy is amended.

2. The state treasurer shall determine by the exercise of the treasurer's best judgment the amount of state moneys that are not needed for current operating expenses of the state government, and shall keep on demand deposit in banking institutions in this state selected by the treasurer and approved by the governor and state auditor the amount of state moneys which the treasurer has so determined are needed for current operating expenses of the state government and disburse the same as authorized by law.

3. Within the parameters of the state treasurer's written investment policy, the state treasurer shall place the state moneys which the treasurer has determined are not needed for current operations of the state government on time deposit drawing interest in banking institutions in this state selected

by the treasurer and approved by the governor and the state auditor, or place them outright or, if applicable, by repurchase agreement in obligations described in section 15, article IV, Constitution of Missouri, as the treasurer in the exercise of the treasurer's best judgment determines to be in the best overall interest of the people of the state of Missouri, giving due consideration to:

- (1) The preservation of such state moneys;
- (2) The liquidity needs of the state;
- (3) The comparative yield to be derived therefrom;
- (4) The effect upon the economy and welfare of the people of Missouri of the removal or withholding from banking institutions in the state of all or some such state moneys and investing same in obligations authorized in section 15, article IV of the Missouri Constitution; and

(5) All other factors which to the treasurer as a prudent state treasurer seem to be relevant to the general public welfare in the light of the circumstances at the time prevailing. The state treasurer may also place state moneys which are determined not needed for current operations of the state government in linked deposits as provided in sections 30.750 to 30.767.

4. Except for state moneys deposited in linked deposits as provided in sections 30.750 to 30.767, the rate of interest payable by all banking institutions on time deposits of state moneys shall be **at least** the same as the average rate paid during the week next preceding the week in which the deposit was made for United States of America treasury securities maturing and becoming payable closest to the time of termination of the deposit, as determined by the state treasurer, adjusted to the nearest one-tenth of a percent; except that the rate shall never exceed the maximum rate of interest which by federal law or regulation a bank which is a member of the Federal Reserve System may from time to time pay on a time deposit of the same size and maturity.

5. Within the parameters of the state treasurer's written investment policy, the state treasurer may subscribe for or purchase outright, or [by] **through repurchase agreement, local government investment pool or money market mutual fund as defined and regulated in Rule 2a-7 of the Securities and Exchange Commission, make** investments of the character described in subsection 3 of this section which the treasurer, in the exercise of the treasurer's best judgment, believes to be the best for investment of state moneys at the time and in payment therefor may withdraw moneys from any bank account, demand or time, maintained by the treasurer without having any supporting warrant of the commissioner of administration. The state treasurer may bid on subscriptions for such obligations in accordance with the treasurer's best judgment. The state treasurer shall provide for the safekeeping of all such obligations so acquired in the same manner that securities pledged to secure the repayment of state moneys deposited in banking institutions are kept by the treasurer pursuant to law. The state treasurer may hold any such obligation so acquired by the treasurer until its maturity or prior thereto may sell the same outright or by reverse repurchase agreement provided the state's security interest in the underlying security is perfected or temporarily exchange such obligation for **cash or** other authorized securities of at least equal market value with no maturity more than one year beyond the maturity of any of the traded obligations, for a negotiated fee as the treasurer, in the exercise of the treasurer's best judgment, deems necessary or advisable for the best interest of the people of the state of Missouri in the light of the circumstances at the time prevailing. The state treasurer may pay all costs and expenses reasonably incurred by the treasurer in connection with the subscription, purchase, sale, collection, safekeeping, or delivery of all such obligations at any time acquired by the treasurer.

6. As used in this chapter, except as more particularly specified in section 30.270, obligations

of the United States shall include securities of the United States Treasury, and United States agencies or instrumentalities as described in section 15, article IV, Constitution of Missouri. The word "temporarily" as used in this section shall mean no more than six months."; and

Further amend said bill, page 3, Section 30.270, Line 70 by inserting immediately after said line the following:

**"30.951. 1. There is hereby created a "Local Government Investment Pool", consisting of the aggregate of all funds from local officials handling public funds that are placed in the custody of the state treasurer pursuant to this section and sections 30.260, 30.270, and 30.952, for investment and reinvestment as provided in this section. As used in this section, the following terms mean:**

(1) **"Governing body", the board, body or persons in which the powers of a municipality or political subdivision are vested;**

(2) **"Municipality", municipal corporations, political corporations, and other public corporations and agencies authorized to exercise governmental functions;**

(3) **"Political subdivision", counties, townships, cities, towns, villages, schools, county libraries, city libraries, city-county libraries, road, drainage, sewer, levee and fire districts, soil and water conservation districts, watershed subdistricts, county hospitals, and any board of control of an art museum, and any other public subdivision or public corporation having the power to tax.**

**2. Notwithstanding any other provision of law to the contrary, the governing body, or any person designated by the governing body of any municipality or political subdivision of this state having authority to receive, hold, and expend public moneys or funds, may invest and reinvest in accordance with this section any moneys, including proceeds of bonds, notes or other**



indebtedness, which are not immediately required for the purposes for which the moneys were collected or received.

3. The state treasurer may administer the local government investment pool on behalf of the participating local officials. The treasurer may promulgate such rules and regulations as the treasurer deems necessary for the efficient administration of the pool, including specification of minimum investment amounts and minimum investment periods. The rules may provide for the administration expenses of the pool to be paid from its earning and for the interest earnings in excess of such expenses to be credited or paid to the participants in the pool in a manner which equitably reflects the differing amounts of their respective investments and the differing periods of time for which such amounts were in the pool. The state treasurer may contract with financial institutions and other service providers in furtherance of the purposes of this section.

4. The local government investment pool may invest funds, either directly, or through repurchase agreements or through money market mutual funds as defined and regulated in Rule 2a-7 of the Securities and Exchange Commission, solely in the obligations authorized in section 15, article IV of the Missouri Constitution.

5. The state treasurer shall ensure all funds in the local government investment pool are invested with the same degree of judgment and care, under circumstances then prevailing, used in the investment of state funds.

6. A separate account for each participant in the fund shall be kept to record individual transactions and totals of all investments belonging to each participant. A monthly report showing the changes in investments made during the preceding month shall be furnished to each participant in the local government investment pool.

7. The principal and accrued income, and any part thereof, of each and every account maintained for a participant in the local government investment pool shall be subject to payment at any time from the pool upon request, subject to applicable regulations and guidelines. Accumulated income shall be remitted or credited to each participant at least quarterly.

8. The state treasurer may appoint an advisory board to assist in the marketing and administration of the local government investment pool. At least seventy-five percent of the advisory board shall be comprised of participants in the investment pool.

9. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.

30.952. Notwithstanding any other provision of law to the contrary, any municipality or political subdivision of this state, as defined in section 30.951, may invest in money market mutual funds, as defined and regulated in Rule 2a-7 of the Securities and Exchange Commission, that invest solely in securities in which the state treasurer is authorized to invest.”; and

Further amend said title, enacting clause and intersectional references accordingly.

Senator Goode moved that the above

amendment be adopted.

Senator Caskey requested a roll call vote be taken on the adoption of **SA 6** and was joined in his request by Senators Childers, Kennedy, Wiggins and Yeckel.

**SA 6** failed of adoption by the following vote:

YEAS—Senators

Bland	DePasco	Dougherty	Goode
House	Jacob	Kenney	Rohrbach
Schneider	Singleton	Stoll	Wiggins—12

NAYS—Senators

Bentley	Caskey	Cauthorn	Childers
Coleman	Foster	Gibbons	Gross
Kennedy	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Russell
Sims	Steelman	Westfall	Yeckel—20

Absent—Senators—None

Absent with leave—Senators

Johnson          Staples—2

At the request of Senator Yeckel, **SB 895**, as amended, was placed on the Informal Calendar.

**REFERRALS**

President Pro Tem Kinder referred **SCR 50** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

**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 21, 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:

Andrea D. Walton, 3778 Greenmoor Gardens Court, St. Louis, St. Louis County, Missouri 63034, as a member of the Child Abuse

and Neglect Review Board, for a term ending April 27, 2004, and until her successor is duly appointed and qualified; vice, Henri Goettel, term expired.

Respectfully submitted,  
 BOB HOLDEN  
 Governor

Also,

OFFICE OF THE GOVERNOR  
 State of Missouri  
 Jefferson City, Missouri  
 February 22, 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:

Christopher A. Gordon, 804 South Second Street, Clinton, Henry County, Missouri 64735, as a member of the State Historical Records Advisory Board, for a term ending November 1, 2002, and until his successor is duly appointed and qualified; vice, Julie March, resigned.

Respectfully submitted,  
 BOB HOLDEN  
 Governor

Also,

OFFICE OF THE GOVERNOR  
 State of Missouri  
 Jefferson City, Missouri  
 February 22, 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:

Paul G. Klute, 33255 170th Street, Westboro, Atchison County, Missouri 64498, as a student representative of the Board of Regents for Northwest Missouri State University, for a term ending May 1, 2003, and until his successor is duly appointed and qualified; vice, Matthew A. Hackett, term expired.

Respectfully submitted,  
 BOB HOLDEN  
 Governor

Also,

OFFICE OF THE GOVERNOR  
 State of Missouri  
 Jefferson City, Missouri  
 February 22, 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:

Thomas J. Koch, 594 Old Sycamore Bend Road, Old Monroe, Lincoln County, Missouri 63369, as a student representative of the Board of Regents for Linn State Technical College, for a term ending May 1, 2003, and until his successor is duly appointed and qualified; vice, Amy M. Reinsch, term expired.

Respectfully submitted,  
**BOB HOLDEN**  
 Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri  
 Jefferson City, Missouri  
 February 22, 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:

Alise Martiny-Byrd, 314 North Spring, Independence, Jackson County, Missouri 64050, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2004, and until her 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 22, 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:

William C. Wilson, 1423 Woodlawn Drive, Warrensburg, Johnson County, Missouri 64093, as a member of the State Committee for Professional Counselors, for a term ending August 28, 2005, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
**BOB HOLDEN**  
 Governor

President Pro Tem Kinder referred the above

appointments to the Committee on Gubernatorial Appointments.

**COMMUNICATIONS**

President Pro Tem Kinder submitted the following committee schedule:

**SENATE HEARING SCHEDULE  
 91st GENERAL ASSEMBLY  
 SECOND REGULAR SESSION  
 February 25, 2002**

	Monday	Tuesday	Wednesday	Thursday
8:00 a.m.		Labor & Industrial Relations- SCR 2 (Loudon)	Insurance and Housing- SCR 2 (Rohrbach)	
8:30 a.m.		Commerce and Environment- SL (Steelman)	Civil and Criminal Jurisprudence- SCR 1 (Westfall)	Rules, Jt. Rules, Resolutions and Ethics- SL (Kenney)  Agriculture, Conservation, Parks and Tourism- SCR 1 (Foster)  Appropriations- SCR 2 (Russell) <u>8:30 a.m. - 10:00 a.m.</u>
9:00 a.m.		Aging, Families & Mental Health- SCR 1 (Sims)	Gubernatorial Appointments- SL (Kinder)	
1:00 p.m.		Judiciary- SL (Klarich.)  Transportation- SCR 2 (Westfall)	Public Health and Welfare- SL (Singleton)  Pensions and General Laws- SCR 1 (Gross)	
1:30 p.m.	Financial and Governmental Organization, Veterans' Affairs and Elections- SL (Yeckel)		Education- SCR 2 (Bentley)	
2:00 p.m.		Local Government and Economic Development- SCR 1 (Childers)		
2:30 p.m.	Appropriations- SCR 2 (Russell) <u>2:30 p.m. - 4:00 p.m.</u>			
7:00 p.m.		Ways and Means- SL (Gibbons)		
7:30 p.m.	Appropriations- SCR 2 (Russell) <u>7:30 p.m. - 9:30 p.m.</u>	Appropriations- SCR 2 (Russell) <u>7:30 p.m. - 9:30 p.m.</u>	Appropriations- SCR 2 (Russell) <u>7:30 p.m. - 9:30 p.m.</u>	

SL - Senate Lounge      SCR 1 - Senate Comm Rm. 1, Room 118      SCR 2 - Senate Comm Rm. 2, Room 119

President Pro Tem Kinder assumed the Chair.

**REPORTS OF STANDING COMMITTEES**

Senator Kenney, Chairman 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 **SS** for **SCS** for **SB 1009**, 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.

Senator Singleton, Chairman of the Committee on Public Health and Welfare, submitted the following reports:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 714**, 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 Public Health and Welfare, to which was referred **SB 1024**, 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 Public Health and Welfare, to which was referred **SB 976**, 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 Rohrbach, Chairman of the Committee on Insurance and Housing, submitted the following report:

Mr. President: Your Committee on Insurance and Housing, to which was referred **SB 967**, 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 950**, 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 960**, 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 Transportation, to which was referred **SB 966**, 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 Klarich, Chairman of the Committee on Judiciary, submitted the following report:

Mr. President: Your Committee on Judiciary, to which was referred **SB 916**, 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 Sims, Chairman of the Committee on Aging, Families and Mental Health, submitted the following report:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **SB 1094**, 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 Steelman, Chairman of the Committee on Commerce and Environment, submitted the following reports:

Mr. President: Your Committee on Commerce and Environment, to which was referred **SB 834**, 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 Commerce and Environment, to which was referred **SB 941**, 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 1071**, 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 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 were referred **SB 741**, **SB 929** and **SB 871**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

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

Mr. President: Your Committee on Insurance and Housing, to which were referred **SB 1061** and **SB 1062**, 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 Insurance and Housing, to which were referred **SB 843** and **SB 658**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Westfall, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **SB 647**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

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

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which were referred **SB 969**, **SB 673** and **SB 855**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

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

Mr. President: Your Committee on Education, to which was referred **SB 1059**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Sims, Chairman of the Committee on Aging, Families and Mental Health, submitted the following report:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **SB 1052**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 884**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Steelman, Chairman of the Committee on Commerce and Environment, submitted the

following report:

Mr. President: Your Committee on Commerce and Environment, to which were referred **SB 984** and **SB 985**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Gross, 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 **SB 1046**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

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 1103**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Westfall, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which were referred **SB 915**, **SB 710** and **SB 907**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Sims, Chairman of the Committee on Aging, Families and Mental Health, submitted the following report:

Mr. President: Your Committee on Aging, Families and Mental Health, to which were referred **SB 923**, **SB 828**, **SB 876**, **SB 694** and **SB 736**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 676**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

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

Mr. President: Your Committee on Commerce and Environment, to which was referred **SB 900**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

## RESOLUTIONS

Senator Caskey offered Senate Resolution No. 1110, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. William Louis Jolly Dee, Warrensburg, which was adopted.

Senator Gross offered Senate Resolution No. 1111, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Maurice Beam, St. Peters, which was adopted.

## INTRODUCTIONS OF GUESTS

Senator Kenney introduced to the Senate, Ron Taylor, Raytown.

Senator Kenney introduced to the Senate, his daughter, Lizzy, Lee's Summit; and Lizzy was made an honorary page.

Senator Steelman introduced to the Senate, Gene Gaddy, Rolla.

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

SENATE CALENDAR

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TWENTY-EIGHTH DAY—TUESDAY, FEBRUARY 26, 2002

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FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1162-Wiggins, et al	SB 1188-Klindt
SB 1163-Steelman	SB 1189-Westfall
SB 1164-Coleman, et al	SB 1190-Schneider
SB 1165-Mathewson, et al	SB 1191-Jacob
SB 1166-DePasco	SB 1192-Gross
SB 1167-Gibbons, et al	SB 1193-Caskey
SB 1169-Childers	SB 1194-Klarich
SB 1170-Childers	SB 1195-Steelman, et al
SB 1171-House	SB 1196-Kennedy
SB 1172-Yeckel	SB 1197-Gibbons
SB 1173-Yeckel	SB 1198-Gibbons
SB 1174-Steelman	SB 1199-Foster
SB 1175-Kennedy	SB 1200-Foster
SB 1176-Loudon	SB 1201-Foster
SB 1177-Coleman	SB 1202-Westfall
SB 1178-Kinder, et al	SB 1203-Yeckel
SB 1179-Caskey and Dougherty	SB 1204-Yeckel
SB 1180-Jacob	SB 1205-Yeckel
SB 1181-Coleman	SB 1206-Bentley and Stoll
SB 1182-Singleton	SB 1207-Bentley
SB 1183-Bentley	SB 1208-Dougherty
SB 1184-Steelman	SB 1209-Goode and Sims
SB 1185-Kenney	SJR 36-Jacob
SB 1186-Kenney	SJR 37-Klindt
SB 1187-Kennedy	SJR 38-Cauthorn and Steelman

HOUSE BILLS ON SECOND READING

HB 1338-Relford, et al	HCS for HB 1154
HS for HB 1399-Ransdall	HB 1519-Boucher

HB 1192-Harding and Boucher  
 HB 1151-Smith  
 HCS for HBs 1134, 1100 & 1559

HCS for HB 1451  
 HCS for HB 1425  
 HB 1634-Hoppe

### THIRD READING OF SENATE BILLS

SCS for SB 722-Bentley  
 SB 856-Russell  
 (In Budget Control)

SS for SCS for SB 1009-Rohrbach

### SENATE BILLS FOR PERFECTION

1. SB 675-Yeckel, et al, with SCS
2. SB 881-Steelman and Yeckel, with SCS
3. SBs 641 & 705-Russell, et al, with SCS
4. SBs 721, 757, 818 & 930-Westfall, with SCS
5. SB 665-Kenney
6. SB 836-Gross and Dougherty, with SCS
7. SB 840-Gross and Russell, with SCS
8. SB 740-Wiggins
9. SB 687-Gibbons and Yeckel
10. SB 959-Kenney and Kinder, with SCS
11. SBs 817, 978 & 700-Gross, with SCS
12. SBs 837, 866, 972 & 990-Cauthorn, with SCS
13. SBs 688, 663, 691, 716, 759, 824 & 955-Gibbons, et al, with SCS
14. SBs 894, 975 & 927-Kinder, with SCS
15. SBs 670 & 684-Sims, with SCS
16. SB 1005-Loudon
17. SBs 741, 929 & 871-Wiggins, with SCS
18. SBs 1061 & 1062-Rohrbach and Kenney, with SCS
19. SBs 843 & 658-Stoll, with SCS
20. SB 647-Goode, with SCS
21. SBs 969, 673 & 855-Westfall and Bentley, with SCS
22. SB 1059-Bentley, et al, with SCS
23. SB 1052-Sims, with SCS
24. SB 884-DePasco and Kenney, with SCS
25. SBs 984 & 985-Steelman, with SCS
26. SB 1046-Gross and House, with SCS
27. SB 1103-Westfall, et al
28. SBs 915, 710 & 907-Westfall, et al, with SCS



29. SBs 923, 828, 876, 694  
& 736-Sims, with SCS

30. SB 676-Yeckel, et al, with SCS  
31. SB 900-Goode, et al, with SCS

### HOUSE BILLS ON THIRD READING

HS for HCS for HBs 1037,  
1188, 1074 & 1271-Monaco &  
Hosmer, with SCS (Klarich)

### INFORMAL CALENDAR

#### SENATE BILLS FOR PERFECTION

SB 651-Singleton and  
Russell, with SCS (pending)  
SB 659-House and Kenney,  
with SS#2, SA 3 and  
SSA 1 for SA 3 (pending)  
SB 660-Westfall, et al,  
with SCS (pending)  
SBs 662 & 704-Westfall,  
with SCS & SA 4 (pending)  
SB 668-Bentley, with SS &  
SA 1 (pending)

SB 895-Yeckel and Gross  
SBs 958 & 657-Kinder,  
with SCS  
SBs 970, 968, 921, 867,  
868 & 738-Westfall, et al,  
with SCS  
SJR 23-Singleton, with SS,  
SA 1 & SSA 1 for SA 1  
(pending)

### CONSENT CALENDAR

Senate Bills  
Reported 2/5

SB 995-Rohrbach

Reported 2/12

SB 918-Klarich, with SCS  
SB 831-Loudon and Kennedy  
SB 812-Russell

SB 729-Yeckel, with SCS  
SB 690-Gross  
SB 1001-Mathewson

## Reported 2/18

SB 775-House and Loudon  
 SB 744-Caskey  
 SB 989-Caskey  
 SB 1017-Cauthorn

SB 1041-Russell  
 SB 961-Wiggins, et al  
 SB 642-Russell, with SCS

## Reported 2/19

SB 1011-Caskey  
 SB 786-Goode

SB 1015-Foster and  
 Mathewson, with SCS

# Unofficial

Reported 2/25

SB 714-Singleton  
 SB 1024-Bentley, with SCS  
 SB 976-Steelman, et al  
 SB 967-Kennedy, et al,  
 with SCS  
 SB 950-Gibbons and Klarich  
 SB 960-Kenney, et al, with SCS

SB 966-Kennedy, with SCS  
 SB 916-Dougherty, et al,  
 with SCS  
 SB 1094-Russell  
 SB 834-Sims, with SCS  
 SB 941-DePasco  
 SB 1071-Klindt, with SCS

## BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

Requests to Recede or Grant Conference

SS#2 for SB 650-Singleton,  
 with HCS  
 (Senate requests House  
 recede or grant conference)

## RESOLUTIONS

SR 1026-Jacob, with SA 1  
 (pending)

SR 1028-Schneider

Reported from Committee

SCR 38-Klarich  
SCR 35-Stoll

SR 1054-Singleton  
SCR 48-Sims, et al

✓

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