

# Journal of the Senate

SECOND REGULAR SESSION

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FIFTY-SIXTH DAY—THURSDAY, APRIL 18, 2002

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The Senate met pursuant to adjournment.

Senator Klarich in the Chair.

Reverend Carl Gauck offered the following prayer:

“I love the Lord, because he has heard the voice of my supplications, because he has inclined his ear to me whenever I called upon him.” (Psalm 116:1)

Holy God, we thank You daily for we call upon You and You hear our voice and You incline Your ear to our prayers. We thank You for Your blessing us with Your guidance presence. We thank You for those You have given us to love and for teaching us to love as You have loved us. We ask You to watch over us this day in the work we complete here and in our traveling to be with loved ones once again. 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 of the previous day was read and approved.

Photographers from KRCG-TV, KOMU-TV, Columbia Missourian and 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	Coleman	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—Senator DePasco—1

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Klarich offered Senate Resolution No. 1525, regarding the Fire Department New York, which was adopted.

Senator Stoll offered Senate Resolution No. 1526, regarding the Jefferson County Democratic Central Committee, which was adopted.

Senator Stoll offered Senate Resolution No. 1527, regarding Sharon “Sherry” Armstrong, which was adopted.

Senator Wiggins offered the following resolution, which was adopted:

## SENATE RESOLUTION NO. 1528

WHEREAS, the members of the Missouri Senate have been deeply saddened to learn of the death of Carl L. Schweitzer, of Kansas City; and

WHEREAS, Mr. Schweitzer, a native of Boonville, MO, grew up in Windsor and graduated from Windsor High School in 1946; and

WHEREAS, Mr. Schweitzer served in the United States Navy from 1946 to 1948 and then graduated from the University of Missouri-Columbia in 1952, after which he became one of the most loyal and outspoken alumni in the history of the University and an ardent fan of all of its athletic teams; and

WHEREAS, Mr. Schweitzer became associated with Price-Waterhouse in St. Louis in 1952, later worked for Trogue Nichols in Kansas City as the company's controller, became treasurer for Columbian Hog and Cattle Farm and later Vice President and Treasurer of National Alfalfa, before his retirement in 1994; and

WHEREAS, Mr. Schweitzer was a member of the Vanguard Breakfast Club, received the Distinguished Service Award from the University of Missouri Alumni Association, was Past President of the University of Missouri Association in 1988, and on its Executive Committee for eight years, receiving the Faculty-Alumni Award in 1991, and received the National Alumni Award for support of Volunteer Services to the University of Missouri; and

WHEREAS, Mr. Schweitzer was a Diplomat in the Jefferson Club of the University of Missouri Alumni Association and served by appointment of Governor Mel Carnahan as a Commissioner of the Jackson County Sports Complex Authority for seven years; and

WHEREAS, Carl Schweitzer was most of all a devoted husband and father in whose heart and love his family always came first:

NOW, THEREFORE, BE IT RESOLVED, that the members of the Missouri Senate pause in their deliberations to salute the memory of a distinguished Kansas Citian and Missourian, Carl Lawrence Schweitzer, express their appreciation for his lifetime of good citizenship and his contribution to Kansas City and to Missouri, and express to his wife, Mrs. Barbara Connors Schweitzer, his family and many friends, most sincere sympathy on his death.

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the family of Carl Schweitzer.

**REPORTS OF STANDING COMMITTEES**

Senator Singleton, Chairman of the Committee on State Budget Control, submitted the following

reports:

Mr. President: Your Committee on State Budget Control, to which were referred **SCS** for **SBs 894, 975 and 927**; **SS** for **SCS** for **SBs 837, 866, 972 and 990**; and **SS** for **SCS** for **SBs 670 and 684**, begs leave to report that it has considered the same and recommends that the bills do pass.

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCS** for **SB 892**; **SCS** for **SB 676**; **SB 1104**; and **SS** for **SCS** for **SB 900**; begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Senator Kinder, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

James D. Jackson, as a member of the Missouri Family Trust Board of Trustees;

Also,

Tia Marie Strait and Frances E. Tourdot, as members of the Advisory Commission for Dental Hygienists;

Also,

Charles E. Templeton, as a member of the Personnel Advisory Board;

Also,

Cynthia A. Webb, as a member of the State Board of Cosmetology;

Also,

William A. Markland, as a member of the Missouri Board for Occupational Therapy;

Also,

Mariann Tow and Pier C. Patterson, as members of the Missouri Ethics Commission;

Also,

Randa Rawlins, as a member of the Board of Governors for Truman State University;

Also,

Dwayne A. Crompton and John R. Wilson, as members of the Missouri Housing Development Commission;

Also,

Terry E. Carlisle, as a member of the Advisory Commission for Registered Physician Assistants;

Also,

John J. McNerney, as a member of the Elevator Safety Board.

Senator Kinder requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Kinder moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

### REFERRALS

President Pro Tem Kinder referred **HCR 18**, **HCR 13** and **HCR 28** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

### SECOND READING OF CONCURRENT RESOLUTIONS

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

**HCR 16**—Rules, Joint Rules, Resolutions and Ethics.

**HCR 24**—Rules, Joint Rules, Resolutions and Ethics.

**HCR 34**—Rules, Joint Rules, Resolutions and Ethics.

### REFERRALS

President Pro Tem Kinder referred **SS** for **SCS** for **SBs 923, 838, 876, 694** and **736** to the Committee on State Budget Control.

### THIRD READING OF SENATE BILLS

**SS** for **SCS** for **SBs 837, 866, 972** and **990**, introduced by Senator Cauthorn, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 837, 866, 972 and 990

An Act to repeal sections 142.028, 348.430, 348.432 and 414.032, RSMo, relating to agriculturally-based fuels, and to enact in lieu thereof five new sections relating to the same subject.

Was taken up.

On motion of Senator Cauthorn, **SS** for **SCS** for **SBs 837, 866, 972** and **990** was read the 3rd time and passed by the following vote:

#### YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Russell
Sims	Steelman	Stoll	Westfall
Wiggins	Yeckel—26		

#### NAYS—Senator Rohrbach—1

#### Absent—Senators

Coleman	Quick	Schneider	Singleton—4
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#### Absent with leave—Senators

DePasco	Johnson	Staples—3
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The President declared the bill passed.

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

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

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

**SCS for SBs 894, 975 and 927:**

**SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 894, 975 and 927**

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

Was taken up by Senator Kinder.

On motion of Senator Kinder, **SCS for SBs 894, 975 and 927** was read the 3rd time and passed by the following vote:

**YEAS—Senators**

Bland	Caskey	Cauthorn	Childers
Dougherty	Foster	Gibbons	Gross
House	Jacob	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Russell	Sims	Steelman
Stoll	Westfall	Wiggins	Yeckel—24

**NAYS—Senators**

Goode	Rohrbach	Singleton—3
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**Absent—Senators**

Bentley	Coleman	Quick	Schneider—4
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**Absent with leave—Senators**

DePasco	Johnson	Staples—3
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The President declared the bill passed.

The emergency clause failed to receive the necessary two-thirds majority by the following

vote:

**YEAS—Senators**

Bland	Caskey	Cauthorn	Dougherty
FosterGibbons	Gross	House	
Jacob	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Sims
Steelman	Stoll	Wiggins	Yeckel—20

**NAYS—Senators**

Goode	Mathewson	Rohrbach	Schneider
Singleton	Westfall—6		

**Absent—Senators**

Bentley	Childers	Coleman	Quick
Russell—5			

**Absent with leave—Senators**

DePasco	Johnson	Staples—3
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On motion of Senator Kinder, title to the bill was agreed to.

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

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

**SS for SCS for SBs 670 and 684**, introduced by Senator Sims, entitled:

**SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 670 and 684**

An Act to repeal sections 168.021, 191.900, 191.910, 198.012, 198.029, 198.032, 198.067, 198.070, 198.082, 198.090, 198.526, 198.532, 344.050, 565.186, 565.188, 565.190, 630.140, 630.167, 660.050, 660.058, 660.305, 660.315, 660.317 and 660.320, RSMo, relating to protection of the elderly, and to enact in lieu thereof thirty-five new sections relating to the same subject, with penalty provisions.

Was taken up.

On motion of Senator Sims, **SS for SCS for SBs 670 and 684** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

Yeckel—29

NAYS—Senators—None

Absent—Senators

Coleman Quick—2

Absent with leave—Senators

DePasco Johnson Staples—3

The President declared the bill passed.

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

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

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

**SENATE BILLS FOR PERFECTION**

Senator Loudon moved that **SB 954**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

**SCS for SB 954**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 954

An Act to repeal section 288.030, RSMo, relating to employment security definitions, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Loudon moved that **SCS for SB 954** be adopted, which motion prevailed.

President Maxwell assumed the Chair.

On motion of Senator Loudon, **SCS for SB 954** was declared perfected and ordered printed.

Senator Wiggins moved that **SB 739**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

**SCS for SB 739**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 739

An Act to repeal sections 436.200, 436.205, 436.209 and 436.212, RSMo, and to enact in lieu thereof eighteen new sections relating to athlete agents.

Was taken up.

Senator Wiggins moved that **SCS for SB 739** be adopted, which motion prevailed.

On motion of Senator Wiggins, **SCS for SB 739** was declared perfected and ordered printed.

Senator Kenney moved that **SB 1026**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

**SCS for SB 1026**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 1026

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to health insurance coverage.

Was taken up.

Senator Kenney moved that **SCS for SB 1026** be adopted, which motion prevailed.

On motion of Senator Kenney, **SCS for SB 1026** was declared perfected and ordered printed.

Senator Klindt moved that **SB 1014** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

On motion of Senator Klindt, **SB 1014** was declared perfected and ordered printed.

Senator Caskey moved that **SB 1112** and **SB 854**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

**SCS** for **SBs 1112** and **854**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 1112 and 854

An Act to repeal sections 44.023, 306.124, 307.177, 542.400, 542.402, 542.404, 542.406, 542.408, 542.410, 542.412, 542.414, 542.416, 542.418, 542.420, 542.422, 570.030, 571.020, 574.105, 574.115, 575.080, 578.008 and 610.021, RSMo, relating to terrorism, and to enact in lieu thereof twenty-six new sections relating to the same subject, with an emergency clause and penalty provisions.

Was taken up.

Senator Caskey moved that **SCS** for **SBs 1112** and **854** be adopted, which motion prevailed.

On motion of Senator Caskey, **SCS** for **SBs 1112** and **854** was declared perfected and ordered printed.

Senator Rohrbach moved that **SRB 1236** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

On motion of Senator Rohrbach, **SRB 1236** was declared perfected and ordered printed.

Senator Westfall moved that **SB 1060**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

**SCS** for **SB 1060**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 1060

An Act to repeal sections 52.250 and 52.290, RSMo, relating to county collectors and treasurers ex officio collectors, and to enact in lieu thereof eight new sections relating to the same subject.

Was taken up.

Senator Westfall moved that **SCS** for **SB 1060** be adopted.

Senator Rohrbach offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 1060, Page 5, Section 54.327, Line 13, by inserting after said line the following:

**“59.040. 1. In a county of the third class, the question of combining the offices of circuit clerk and recorder or separating the offices may be submitted to the voters of the county by the county commission and shall be submitted by the county commission upon the petition of voters who comprise at least eight percent of the voters of the county as determined by the total vote for governor at the last preceding general election at which a governor was elected.**

**2. If the two offices are separate and the question is to combine the two offices, the question shall be submitted in substantially the following form:**

**Shall the offices of circuit clerk and recorder in . . . . . (name of county) county be combined?**

**3. If the two offices are combined and the question is to separate the two offices, the question shall be submitted in substantially the following form:**

**Shall the offices of circuit clerk and recorder in . . . . . (name of county) county be separated?**

**4. The submission of the question provided for in this section may be made at the November election in 2004, or any fourth year thereafter. Any consolidation or separation brought about as a result of the provisions of this section shall not become effective until the expiration of the term of office of the officers affected.**

59.042. In any county where the offices of the clerk of the circuit court and the recorder of deeds are combined, the governing body of said county [,

by public vote,] may, **by their own action in public session or under the provisions of 59.040**, authorize the separation of the two offices. Thereafter, the recorder of deeds shall be elected pursuant to section 59.020.”; and

Further amend said bill by amending the title and enacting clause accordingly.

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

Senator Westfall moved that **SCS for SB 1060**, as amended, be adopted, which motion prevailed.

On motion of Senator Westfall, **SCS for SB 1060**, as amended, was declared perfected and ordered printed.

#### REPORTS OF STANDING COMMITTEES

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **HB 1406**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **HB 1086**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **HB 1837**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **HB 2032**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 60**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

#### SENATE COMMITTEE SUBSTITUTE FOR SENATE CONCURRENT RESOLUTION NO. 60

WHEREAS, the State of Missouri recognizes the critical importance of information technology to its government, industry and local economy; and

WHEREAS, high technology has made enormous contributions to Missouri's economic growth and competitiveness; and

WHEREAS, the high technology industry is one of the most vibrant sectors of Missouri's economy, with over 3,670 high technology companies employing 21,300 Missouri residents and generating over \$1 billion in annual wages; and

WHEREAS, high technology jobs are high-paying, high-skill, dynamic, and adaptable, with the average Missouri high technology worker earning \$50,000 a year; and

WHEREAS, the positive economic impact of high technology in Missouri does not end with workers in well-paid high technology jobs, but extends to the businesses that provide goods and services to high technology companies, resulting in an overall impact of 66,100 jobs and more than \$2.4 billion in wages for Missouri residents; and

WHEREAS, software piracy represents one of the greatest threats to the continued growth of Missouri's high technology industry, with software piracy costing the Missouri economy nearly 1,900 jobs and \$80 million in wages annually; and

WHEREAS, software piracy robs \$15.1 million annually from the State of Missouri in lost tax revenues; and

WHEREAS, software piracy can have a serious chilling effect on creativity, innovation, and profitability in the vital high technology sector of Missouri's economy; and

WHEREAS, counterfeit and other forms of pirated software expose consumers, including state agencies, to the risk of computer viruses, reduced technical support, and other problems that prevent the efficient operation of information systems; and

WHEREAS, due to the destructive impact of software piracy on the Missouri economy and consumers, the Missouri General Assembly recognizes the need to develop a comprehensive statewide response to combat the use of unlicensed software in all state agencies and promote sound management of state information systems:

NOW, THEREFORE, BE IT RESOLVED that the members of the Senate of the Ninety-first General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby urge the Governor to issue an executive order that:

- (1) Directs each state agency to work diligently to prevent and combat computer software piracy;
- (2) Gives full force and effect to copyrights associated with computer software;
- (3) Observes all relevant provisions of federal law, including the federal copyright acts and all applicable licensing restrictions; and
- (4) Promotes the proper acquisition, management, and use of software by state agencies, contractors, and recipients of state funds; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the Governor of Missouri.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 64**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 57**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE CONCURRENT RESOLUTION NO. 57

WHEREAS, sustained investment in electric, natural gas, water sewer and heating utility infrastructure is vital to the economic vitality and well-being of the State of Missouri; and

WHEREAS, Missouri electric, natural gas, water sewer and heating utility companies compete with utility companies in other states for the capital necessary to sustain investment in utility infrastructure in Missouri; and

WHEREAS, Missouri electric, natural gas, water sewer and heating utility companies must achieve reasonable rates of return as compared to the rates of return achieved by utility companies in other states to ensure sustained investment in utility infrastructure in Missouri; and

WHEREAS, the utility regulatory process in Missouri, as it applies to electric, natural gas, water sewer and heating corporations, is governed primarily by Chapter 393, RSMo, which is largely unchanged since original enactment in 1913; and

WHEREAS, the potential for the deregulation of utilities in Missouri has received substantial legislative study in recent years, while the ongoing utility regulatory process and procedure has not enjoyed broad legislative evaluation; and

WHEREAS, the utility regulatory process must be periodically evaluated so as to promote the interests of fairness and balance among all constituencies, including consumers and shareholders of regulated utility companies, by addressing policy and practice advances in areas including, but not limited to, non-traditional regulatory rate plans, performance-based regulatory rate plans, incentive regulatory rate plans, capital recovery schedules, consistency of utility regulatory policy with generally accepted accounting principles, consistency of utility regulatory policy with financial accounting standards, consistency of utility regulatory policy with generally accepted engineering principles, communication between and among participants in the regulatory process, time schedules for the initiation and conclusion of proceedings before utility regulatory agencies, the role, function and needs of the Public Service Commission, the role, function and needs of the Office of Public Counsel and the overall structure and cost of governmental utility regulatory agencies and the utility regulatory process:

NOW, THEREFORE, BE IT RESOLVED that the members of the Senate of the Ninety-first General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby establish the Joint Legislative Committee on Utility Regulation and Infrastructure Investment; and

BE IT FURTHER RESOLVED that said Committee be composed of five members of the Senate, to be appointed by the President Pro Tem and five members of the House of Representatives to be appointed by the Speaker of the House and that said committee be authorized to function throughout the entirety of the Ninety-second General Assembly; and

BE IT FURTHER RESOLVED that said Committee conduct in-depth studies and make appropriate recommendations



concerning: how the utility regulatory process and the results thereof in Missouri in regard to electric, natural gas, water sewer and heating utility companies compare to the utility regulatory process and the results thereof in other states; and how the utility regulatory process in Missouri in regard to electric, natural gas, water sewer and heating utility companies can, or should, be modernized to be more efficient and effective, ensure sustained investment in utility infrastructure and promote the interests of fairness and balance among all constituencies, including consumers and shareholders of regulated utility companies; and

BE IT FURTHER RESOLVED that said Committee present a final report, together with its recommendations for any legislative action it deems necessary for submission to the General Assembly prior to the commencement of the First Regular Session of the Ninety-third General Assembly; and

BE IT FURTHER RESOLVED that said Committee may solicit any input and information necessary to fulfill its obligations from the Missouri Public Service Commission, the Department of Economic Development, the Office of Public Counsel, political subdivisions of this state, energy utilities, water utilities, heating corporations and representatives of energy and water customer groups; and

BE IT FURTHER RESOLVED that House Research, the Committee on Legislative Research and Senate Research shall provide such legal, research, clerical, technical and bill drafting services as the committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of the Committee, its members and any staff personnel assigned to the Committee incurred in attending meetings of the Committee or any subcommittee thereof shall be paid from the Joint Contingent Fund.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1306**, entitled:

An Act to amend chapter 26, RSMo, by adding thereto one new section relating to a multicultural program and committee within the office of the lieutenant governor, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HBs 1654** and **1156**, entitled:

An Act to repeal sections 191.900, 191.910, 197.310, 197.317, 197.318, 197.340, 197.367, 197.455, 198.006, 198.012, 198.022, 198.026, 198.029, 198.032, 198.036, 198.039, 198.067, 198.070, 198.073, 198.080, 198.082, 198.085, 198.086, 198.088, 198.090, 198.093, 198.525, 198.526, 198.531, 198.532, 208.156, 210.933, 210.936, 344.050, 565.186, 565.188, 565.190, 630.140, 630.167, 660.050, 660.263, 660.270, 660.300, 660.305, 660.315, 660.317, and 660.320, RSMo, and to enact in lieu thereof seventy-six new sections relating to protection of the elderly, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 1756**, entitled:

An Act to repeal sections 191.656, 191.659, 191.677, and 567.020, RSMo, and to enact in lieu thereof five new sections relating to sexually transmitted diseases, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of

Representatives to inform the Senate that the House has taken up and passed **HB 1058**, entitled:

An Act to repeal section 557.035, RSMo, and to enact in lieu thereof one new section relating to hate crimes, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS for HCS for HBs 1502 and 1821**, entitled:

An Act to amend chapter 375, RSMo, by adding thereto one new section relating to credit information used in insurance underwriting.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HBs 1509 and 1510**, entitled:

An Act to repeal sections 86.370, 86.398, 86.447, 86.600, 86.671, and 86.745, RSMo, and to enact in lieu thereof eleven new sections relating to police retirement systems.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 1888**, entitled:

An Act to repeal sections 367.031 and 367.055, RSMo, and to enact in lieu thereof two new sections relating to use of pawnshop databases

for law enforcement purposes, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS for HCS for HB 1527**, entitled:

An Act to repeal sections 172.030, 172.040, 172.060, 174.450, 174.610, 174.620, and 174.621, RSMo, and to enact in lieu thereof seven new sections relating to the governing boards of certain state higher education institutions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 1809**, entitled:

An Act to repeal sections 162.291, 162.459, and 162.601, RSMo, and to enact in lieu thereof four new sections relating to recall elections for certain school board members.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

## 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

April 18, 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:

Vergil L. Belfi, 5638 Murdoch, St. Louis City, Missouri 63109, as a member of the Board of Boiler and Pressure Vessel Rules, for a term ending May 31, 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

April 18, 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:

Burton A. Boxerman, 9622 Old Bonhomme Road, St. Louis, St. Louis County, Missouri 63121, as a member of the Second State Capitol Commission, for a term ending April 18, 2004, and until his successor is duly appointed and qualified; vice, RSMo. 8.001.

Respectfully submitted,

BOB HOLDEN  
Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 18, 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:

Scott Burnett, 1100 Valentine Road, Kansas City, Jackson County, Missouri 64111, as a member of the Second State Capitol Commission, for a term ending April 18, 2006, and until his successor is duly appointed and qualified; vice, RSMo. 8.001.

Respectfully submitted,

BOB HOLDEN  
Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 18, 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:

H. Gene Dexter, 620 Northwest Cortland Drive, Blue Springs, Jackson County, Missouri 64015, as a public member of the Committee for Professional Counselors, for a term ending August 28, 2004, and until his successor is duly appointed and qualified; vice, Pier Patterson, resigned.

Respectfully submitted,

BOB HOLDEN  
Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 18, 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:

Betty Cooper Hearnes, 3100 East Marshall, Charleston, Mississippi County, Missouri 63834, as a member of the Second State Capitol Commission, for a term ending April 18, 2004, and until her successor is duly appointed and qualified; vice, RSMo. 8.001.

Respectfully submitted,

BOB HOLDEN  
Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 18, 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:

Dana Hockensmith, 428 Redwood Forest Drive, Manchester, St. Louis County, Missouri 63021, as a member of the Missouri Family Trust Board of Trustees, for a term ending October 25, 2003,

and until his successor is duly appointed and qualified; vice, Lonnie Hasty, term expired.

Respectfully submitted,  
BOB HOLDEN  
Governor

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City, Missouri  
April 18, 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:

Douglas Lang, 6824 Bonnie Avenue, St. Louis, St. Louis County, Missouri 63123, as a member of the Missouri Board of Pharmacy, for a term ending April 12, 2007, and until his successor is duly appointed and qualified; vice, Thomas M. Gialde, term expired.

Respectfully submitted,  
BOB HOLDEN  
Governor

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City, Missouri  
April 18, 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 M. Mahfood, 7311 North Shore Road, Hartsburg, Boone County, Missouri 65039, as a member of the Second State Capitol Commission, for a term ending April 18, 2004, and until his successor is duly appointed and qualified; vice, RSMo. 8.001.

Respectfully submitted,  
BOB HOLDEN  
Governor

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City, Missouri  
April 18, 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 L. Roling, Democrat, 11920 Summit Street, Kansas City, Jackson County, Missouri 64145, as Chairperson of the Missouri State Penitentiary Redevelopment Commission, for a term ending March 4, 2005, and until his successor is duly appointed and qualified; vice, RSMo. 217.900.

Respectfully submitted,  
BOB HOLDEN  
Governor

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

### REFERRALS

President Pro Tem Kinder referred **SB 1104** and **SCS for SB 676** to the Committee on State Budget Control.

### RESOLUTIONS

Senator Gross offered Senate Resolution No. 1529, regarding Thomas R. Hughes, St. Charles, which was adopted.

### INTRODUCTIONS OF GUESTS

On behalf of Senator Mathewson and himself, Senator Kenney introduced to the Senate, Jeff Grisamore, Ms. Erin Moore, Arlin Bauer and seventh and eighth grade students from Trinity Lutheran School, Alma.

Senator Klindt introduced to the Senate, his brother, Douglas Klindt, Cameron.

Senator Foster introduced to the Senate, Ralph Stucker, Jack Armor, Randy Hastings, Toby M. Tuggle, Bob Fredwell and Allen Smith, Poplar Bluff.

Senator Loudon introduced to the Senate, the Physician of the Day, Dr. Jim Gibbons, M.D., St. Louis.

Senator Childers introduced to the Senate, 30 eighth grade students from Shell Knob School, Shell Knob.

Senator Stoll introduced to the Senate, Kathy

Weither and 30 seventh grade students from St. Joseph's Catholic School, Imperial.

Senator Singleton introduced to the Senate, Andy Nimmo and Grady Weston, Redings Mill; and Allyn and Jack Reding, Duenweg.

Senator Kinder introduced to the Senate, students, parents and teachers from Clippard Elementary School, Cape Girardeau.

On motion of Senator Kenney, the Senate adjourned until 2:00 p.m., Monday, April 22, 2002.

SENATE CALENDAR

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FIFTY-SEVENTH DAY—MONDAY, APRIL 22, 2002

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FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 1869-Barry

HB 1306-Williams, et al

HS for HCS for HBs 1654 &  
1156-Hosmer

HS for HCS for HB 1756-  
Reid

HB 1058-Haywood

HS for HCS for HBs 1502 &  
1821-Luetkenhaus

HCS for HBs 1509 & 1510

HCS for HB 1888

HS for HCS for HB 1527-  
Graham

HCS for HB 1809

THIRD READING OF SENATE BILLS

SS for SCS for SB 1059-Bentley  
(In Budget Control)

SCS for SBs 662 & 704-Westfall  
(In Budget Control)

SS#2 for SCS for SBs  
984 & 985-Steelman  
(In Budget Control)

SS for SCS for SBs 923,  
828, 876, 694 & 736-Sims  
(In Budget Control)

SCS for SB 892-Kenney

SCS for SB 676-Yeckel, et al  
(In Budget Control)

SB 1104-Mathewson  
(In Budget Control)

SS for SCS for SB 900-  
Goode

## INFORMAL CALENDAR

## SENATE BILLS FOR PERFECTION

SBs 641 & 705-Russell, et al, with SCS (pending)	SB 1046-Gross and House, with SCS (pending)
SB 647-Goode, with SCS (pending)	SB 1052-Sims, with SCS, SS for SCS, SA 1 & SA 1 to SA 1 (pending)
SB 651-Singleton and Russell, with SCS (pending)	SBs 1063 & 827-Rohrbach and Kenney, with SCS
SB 659-House and Kenney, with SS#2, SA 3 and SSA 1 for SA 3 (pending)	SB 1087-Gibbons, et al, with SCS
SB 660-Westfall, et al, with SCS (pending)	SBs 1095 & 1195-Cauthorn, with SCS
SB 668-Bentley, with SS & SA 1 (pending)	SB 1099-Childers, with SCS
SB 689-Gibbons, et al, with SCS	SB 1103-Westfall, et al, with SA 2 (pending)
SB 713-Singleton	SB 1105-Loudon
SB 735-Steelman and Kinder, with SCS	SB 1111-Quick, with SCS
SBs 766, 1120 & 1121- Steelman, with SCS	SB 1133-Gross, with SCS
SB 878-Sims, with SCS	SB 1140-Rohrbach
SB 881-Steelman and Yeckel, with SCS & SS for SCS (pending)	SB 1152-Klarich, with SCS
SB 910-Gibbons	SB 1157-Klindt, with SCS
SB 912-Mathewson, with SCS, SS for SCS & SA 4 (pending)	SB 1191-Jacob
SB 926-Kenney, et al, with SCS	SB 1205-Yeckel
SB 938-Cauthorn, et al	SB 1206-Bentley and Stoll
SB 971-Klindt, et al, with SCS	SB 1232-Singleton
SB 1010-Sims	SB 1248-Mathewson and Kenney, with SCAs 1 & 2
SB 1040-Gibbons, et al, with SCS	SBs 1279, 1162 & 1164- Kinder and Wiggins, 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

House Bills

Reported 4/15

HB 2120-Ridgeway and  
Hosmer, with SCS  
HB 1955-Hilgemann, et al,  
with SCS  
HB 1659-Kelly (27)  
HB 1537-Clayton, with SCS  
(Klarich)  
HB 1814-Monaco, et al,  
with SCA 1  
HB 1715-Moore, et al  
HB 1768-Hosmer, et al,  
with SCA 1 (Klarich)  
HB 1895-Carnahan, et al  
HB 1151-Smith (Caskey)  
HB 1078-Whorton, et al,  
with SCS  
HB 1148-Ross  
HB 1580-Barnett  
HB 1811-Gambaro, with SCS  
(Dougherty)  
HB 1839-Seigfreid  
HB 1846-Scott, with SCS  
HB 1849-Barnitz and  
Overschmidt, with SCS  
HB 1861-Burcham  
HB 1982-Richardson  
(Foster)  
HB 2002-Farnen and Naeger  
HB 2018-Bartle, et al  
HB 2039-Kreider  
HB 2064-Walton, et al  
HB 2130-Boykins, et al  
HB 2047-Ransdall, et al,  
with SCS  
HB 2022-Richardson, with  
SCS (Stoll)

HB 1973-Bowman  
HB 1515-Burton  
HB 1477-Farnen, with SCS  
HB 1964-Gambaro, with SCS  
(Yeckel)  
HB 1635-Hoppe, with SCS  
HB 2009-O'Connor, with  
SCS  
HB 1838-Hosmer  
HB 1085-Mays (50)  
HB 1548-Barry, with SCS  
HB 1812-Riback Wilson  
(Sims)  
HB 1781-Green (73) and  
Ladd Baker  
HB 1783-Lowe, et al, with  
SCS  
HB 1636-Hoppe, with SCS  
HB 1840-Seigfreid  
HB 1032-Portwood  
HB 1313-Burton, with SCS  
HB 1937-Barry, with SCA 1  
HB 1776-Harlan, with SCS  
HB 2001-Hegeman, et al  
HB 1921-Green (73), with SCS  
HB 2117-Boucher (Caskey)  
HB 1519-Boucher (Yeckel)  
HB 1375-Luetkenhaus (Yeckel)  
HB 1342-Farnen  
HB 1668-Holt, et al  
HB 1822-Walton  
HB 1492-Seigfreid, with SCS  
HB 1495-Seigfreid, with SCS  
HB 1265-Gratz and Vogel,  
with SCS (Childers)  
HB 2080-Britt, et al, with SCS

HB 1674-O'Toole and Dempsey  
 HB 1890-Hilgemann, et al,  
 with SCS  
 HB 1518-Luetkenhaus  
 HB 1568-Luetkenhaus, with  
 SCS  
 HB 1381-Luetkenhaus, with  
 SCS (Rohrbach)  
 HB 1701-Luetkenhaus and  
 Ward, with SCS  
 HB 1468-Ward, with SCS  
 (Loudon)  
 HB 1473-Green (15), et al,  
 with SCS  
 HB 1918-Koller, with SCS

HBs 1093, 1094, 1159, 1204,  
 1242, 1272, 1391, 1397,  
 1411, 1624, 1632, 1714,  
 1755, 1778, 1779, 1852,  
 1862, 2025 & 2123-Relford  
 and Seigfreid, with SCS  
 HBs 1141, 1400, 1645, 1745  
 & 2026-Naeger, with SCS  
 HBs 1205, 1214, 1314, 1320,  
 1504, 1788, 1867 & 1969-  
 Seigfreid and Relford, with SCS  
 HB 1075-Nordwald  
 HB 2062-Hosmer, et al  
 HB 1789-Ross, et al, with SCS  
 HB 1643-Holand and Barry

Unofficial

#### RESOLUTIONS

SR 1026-Jacob, with SA 1  
 (pending)

Journal

Reported from Committee

SCR 51-Mathewson and  
 Yeckel, with SCA 1  
 HCR 5-Reynolds (Schneider)  
 SCR 43-Loudon, with SCS

HCS for HCR 11  
 SCR 60-Kennedy, with SCS  
 SCR 64-Caskey  
 SCR 57-Steelman, with SCS

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#### MISCELLANEOUS

REMONSTRANCE 1-Caskey

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