

Journal of the Senate

SECOND REGULAR SESSION

NINETEENTH DAY—TUESDAY, FEBRUARY 10, 2004

The Senate met pursuant to adjournment.

Yeckel—33

Senator Nodler in the Chair.

Absent with leave—Senator Wheeler—1

Reverend Carl Gauck offered the following prayer:

“In you our ancestors trusted; they trusted, and you delivered them.” (Psalm 22:4)

Almighty God, let us remember the trust our founding fathers placed in You and let us have the wisdom and trust with which they led this country as we seek to guide the future pathways for this state. 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.

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

Present—Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Stelman	Stoll	Vogel

RESOLUTIONS

Senator Shields offered Senate Resolution No. 1285, regarding Doug Templeton, St. Joseph, which was adopted.

Senator Vogel offered the following resolution:

SENATE RESOLUTION NO. 1286

WHEREAS, the Missouri Senate recognizes the importance of empowering citizens to actively participate in the democratic process; and

WHEREAS, the Senate has a long tradition of rendering assistance to those organizations which sponsor projects in the interest of good citizenship; and

WHEREAS, the Missouri Catholic Conference has as its purposes to promote the material and spiritual well being of all the people of the state of Missouri and to participate in the democratic process of government:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-second General Assembly, do hereby grant permission to the Missouri Catholic Conference to use the Senate Chamber and the Senate Hearing Rooms from 7:00 a.m. to 7:00 p.m. on October 2, 2004, for the purpose of a citizenship assembly and workshop.

Senator Vogel requested unanimous consent

of the Senate that the rules be suspended for the purpose of taking **SR 1286** up for adoption, which request was granted.

On motion of Senator Vogel, **SR 1286** was adopted.

INTRODUCTION OF BILLS

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

SB 1237—By Bartle.

An Act to amend chapter 409, RSMo, by adding thereto six new sections relating to obstruction of securities investigations, with penalty provisions.

SB 1238—By Days and Bray.

An Act to repeal sections 213.010, 213.030, 213.040, 213.045, 213.050, 213.055, 213.065, 213.070, and 213.101, RSMo, and to enact in lieu thereof nine new sections relating to human rights.

SB 1239—By Callahan.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to enterprise zones.

SJR 46—By Bartle.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 2, 5, 7, and 9 of article III of the Constitution of Missouri, and adopting four new sections in lieu thereof relating to the number of members of the general assembly.

SENATE BILLS FOR PERFECTION

Senator Childers moved that **SB 715**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for SB 715, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 715

An Act to repeal sections 48.020, 48.030,

49.272, 50.550, 50.740, 115.124, 135.207, 137.720, 137.721, 304.010, 488.5026, and 559.021, RSMo, and to enact in lieu thereof twenty new sections relating to counties, with penalty provisions and an emergency clause for certain sections.

Was taken up.

Senator Childers moved that **SCS** for **SB 715** be adopted.

Senator Childers offered **SS** for **SCS** for **SB 715**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 715

An Act to repeal sections 48.020, 48.030, 49.272, 50.550, 50.740, 67.793, 67.799, 115.124, 135.207, 137.720, 137.721, 304.010, 488.5026, and 559.021, RSMo, and to enact in lieu thereof twenty-three new sections relating to counties, with penalty provisions, an emergency clause for certain sections, and an expiration date for a certain section.

Senator Childers moved that **SS** for **SCS** for **SB 715** be adopted.

Senator Champion offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 715, Page 33, Section 190.306, Line 11, of said page, by inserting after all of said line the following:

“221.070. **1.** Every person who shall be committed to the common jail within any county in this state, by lawful authority, for any offense or misdemeanor, if he shall be convicted thereof, shall bear the expense of carrying him or her to said jail, and also his or her support while in jail, before he or she shall be discharged; and the property of such person shall be subjected to the payment of such expenses, and shall be bound therefor, from the time of his commitment, and may be levied on and

sold, from time to time, under the order of the court having criminal jurisdiction in the county, to satisfy such expenses.

2. Every person who shall be committed to the common jail within any county of the first classification with more than two hundred forty thousand three hundred but less than two hundred forty thousand four hundred inhabitants, by lawful authority, for any offense or misdemeanor, if he or she shall be convicted thereof, may be required to pay a fee upon being arrested and processed at the county jail. The amount of the processing fee shall be calculated annually by dividing the total amount of the salaries for employees of the county jail employed in the processing division by the total number of inmates processed during one year.”; and

Further amend the title and enacting clause accordingly.

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

Senator Champion offered **SA 2:**

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 715, Page 41, Section 559.021, Line 7, of said page, by inserting after all of said line the following:

“589.400. 1. Sections 589.400 to 589.425 shall apply to:

(1) Any person who, since July 1, 1979, has been or is hereafter convicted of, been found guilty of, or pled guilty to committing, or attempting to commit, a felony offense of chapter 566, RSMo, or any offense of chapter 566, RSMo, where the victim is a minor; or

(2) Any person who, since July 1, 1979, has been or is hereafter convicted of, been found guilty of, or pled guilty to committing, or attempting to commit one or more of the following offenses:

kidnapping, pursuant to section 565.110, RSMo; felonious restraint; promoting prostitution in the first degree; promoting prostitution in the second degree; promoting prostitution in the third degree; incest; abuse of a child, pursuant to section 568.060, RSMo; use of a child in a sexual performance; or promoting sexual performance by a child; and committed or attempted to commit the offense against a victim who is a minor, defined for the purposes of sections 589.400 to 589.425 as a person under eighteen years of age; or

(3) Any person who, since July 1, 1979, has been committed to the department of mental health as a criminal sexual psychopath; or

(4) Any person who, since July 1, 1979, has been found not guilty as a result of mental disease or defect of any offense listed in subdivision (1) or (2) of this subsection; or

(5) Any person who is a resident of this state who has, since July 1, 1979, or is hereafter convicted of, been found guilty of, or pled guilty to or nolo contendere in any other state or under federal jurisdiction to committing, or attempting to commit, an offense which, if committed in this state, would be a violation of chapter 566, RSMo, or a felony violation of any offense listed in subdivision (2) of this subsection or has been or is required to register in another state or has been or is required to register under federal or military law; or

(6) Any person who has been or is required to register in another state or has been or is required to register under federal or military law and who works or attends school or training on a full-time or on a part-time basis in Missouri. “Part-time” in this subdivision means for more than fourteen days in any twelve-month period.

2. Any person to whom sections 589.400 to 589.425 apply shall, within ten days of conviction, release from incarceration, or placement upon probation, register with the chief law enforcement

official of the county in which such person resides unless such person has already registered in that county for the same offense. Any person to whom sections 589.400 to 589.425 apply if not currently registered in their county of residence shall register with the chief law enforcement official of such county within ten days of August 28, 2003. The chief law enforcement official shall forward a copy of the registration form required by section 589.407 to a city, town, village, or campus law enforcement agency located within the county of the chief law enforcement official, if so requested. Such request may ask the chief law enforcement official to forward copies of all registration forms filed with such official. The chief law enforcement official may forward a copy of such registration form to any city, town, village, or campus law enforcement agency, if so requested.

3. The registration requirements of sections 589.400 through 589.425 are lifetime registration requirements unless all offenses requiring registration are reversed, vacated or set aside or unless the registrant is pardoned of the offenses requiring registration.

4. For processing an initial sex offender registration the chief law enforcement officer of any county of the first classification with more than two hundred forty thousand three hundred but less than two hundred forty thousand four hundred inhabitants may charge the offender registering a nonrefundable fee of ten dollars.

5. For processing any change in registration required pursuant to section 589.414 the chief law enforcement official of any county of the first classification with more than two hundred forty thousand three hundred but less than two hundred forty thousand four hundred inhabitants may charge the person changing their registration a nonrefundable fee of five dollars for each change made after the initial registration.”; and

Further amend the title and enacting clause

accordingly.

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

Senator Caskey offered **SA 3:**

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 715, Page 8, Section 50.740, Line 9, of said page, by inserting after all of said line the following:

“64.215. 1. Except as otherwise provided in subsection 2 of this section, the county planning board shall consist of one of the commissioners of the county commission selected by the county commission, the county highway engineer, both of whom shall serve during their tenure of office, and six residents of the unincorporated territory of the county who shall be appointed by the county commission. The term of the six appointed members shall be four years or until their successor takes office, except that the original term of three of the six appointed members shall be two years. Members may be removed for cause by the county commission upon written charges after public hearings. Any vacancy may be filled by the county commission for the unexpired term of any member whose term becomes vacant, or until the member's successor takes office. All members of the board shall serve without compensation; except, that an attendance fee as reimbursement for expenses may be paid to the appointed members of the board in an amount, set by the county commission, not to exceed twenty-five dollars per meeting. The planning board shall elect its chairman from among the appointed members.

2. In any county of the first classification with a population of at least two hundred thousand inhabitants which does not adjoin any other county of the first classification, the county planning board may, at the option of the county commission, consist of one of the commissioners of the county commission selected by the county commission,

and shall include the county highway engineer and six residents of the unincorporated territory of the county, who shall be appointed by the county commission. The county highway engineer and the county commissioner, if a member of the board, shall serve during such person's tenure of office. The term of the six appointed members shall be three years or until their successor takes office.

3. Notwithstanding the provisions of this section to the contrary, in any county of the first classification with more than eighty-two thousand but less than eighty-two thousand one hundred inhabitants the designated commissioner of the county commission and the county highway engineer shall serve on the county planning board in a non-voting, advisory role.”; and

Further amend the title and enacting clause accordingly.

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

Senator Caskey offered **SA 4:**

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 715, Page 33, Section 190.306, Line 11, of said page, by inserting after all of said line the following:

“204.455. 1. Any user charges, connection fees, or other charges levied by the sewer district shall be due at such time or times as specified by the board of trustees, and shall, if not paid by the due date, become delinquent and shall bear interest from the date of delinquency until paid. If such charges become delinquent they shall be a lien upon the land charged, upon the board of trustees filing with the recorder of deeds in the county where the land is situated a notice of delinquency. The board of trustees shall file with the recorder of deeds a similar notice when the delinquent amounts, plus interest and any recording fees or

attorneys' fees, have been paid in full. The lien hereby created may be enforced by suit or foreclosure. **All sewer districts created after the effective date of this section shall be exempt from all recording fees.**

2. For purposes of this section, the term “board of trustees” shall include, but is not limited to, the board of trustees established in subsection 2 of section 204.300.

247.110. 1. Subject to such regulation and control as may now exist in or may hereafter be conferred upon the public service commission of the state of Missouri, the fixing of rates or charges for water or water service furnished by a district incorporated under sections 247.010 to 247.220 is hereby vested in its board of directors. The rates or charges to be so fixed shall, at all times, be reasonable, but in determining the reasonableness of rates or charges, the board shall take into consideration the sum or sums required to retire outstanding special obligation bonded indebtedness of the district and the interest accruing thereon, the need for extensions of mains, repairs, depreciation, enlargement of plant, adequate service, obsolescence, overhead charges, operating expenses, and the need of an operating fund out of which the district may protect itself in emergencies and out of which the incidental expenses of the district may readily be met.

2. Any charge for water or water services levied by the board of directors of a water district shall be due at such time or times as specified by the board and may be considered delinquent if not paid by the due date. The board may assess penalties on delinquent payments owed to the district. These penalties shall not exceed a reasonable amount.

3. Upon ten days prior notice to the person to whom water service was delivered, the board of directors of a water district may cause to be filed with the recorder of deeds in the county where the land is located a legal description of the property

on which water charges are thirty days or more delinquent, the names and addresses of the title owners and the amount due, provided the person who owns the property is the same person who owes for the water service delivered, which shall constitute a lien upon the land so charged. The board shall file with the recorder of deeds a notice of satisfaction when the delinquent amounts, any interest on the delinquent amounts and any recording fees or attorney fees have been paid in full. **All water districts created after the effective date of this section shall be exempt from all recording fees.**

4. The lien authorized in this section may be enforced by an action filed in the circuit court having jurisdiction in the county where water services are delivered. The pleadings, practice, process, and other proceedings in cases arising under this section shall be the same as in ordinary civil actions and proceedings in circuit courts.

250.234. Any user charges, connection fees, or other charges levied by any city, town or village shall be due at such time or times as specified by the governing board of the city, town or village and shall, if not paid by the due date, become delinquent and shall bear interest from the date of delinquency until paid. If such charges become delinquent they shall be a lien upon any land within the corporate limits of the city, town or village so charged, upon the governing board filing with the recorder of deeds in the county where the land is situated a notice of delinquency. The governing board shall file with the recorder of deeds a similar notice when the delinquent amounts, plus interest and any recording fees or attorneys' fees, have been paid in full. The lien hereby created may be enforced by suit or foreclosure. **All cities, towns, or villages providing services pursuant to this chapter, who initially establish such service after the effective date of this section, shall be exempt from all recording fees.**”; and

Further amend the title and enacting clause accordingly.

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

Senator Caskey offered **SA 5:**

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 715, Page 33, Section 190.306, Line 11, of said page, by inserting after all of said line the following:

“260.830. 1. Any county of the third classification or [any county of the second classification with more than forty-eight thousand two hundred but less than forty-eight thousand three hundred inhabitants or] any county of the fourth classification with more than forty-eight thousand two hundred but less than forty-eight thousand three hundred inhabitants may, by a majority vote of its governing body, impose a landfill fee pursuant to this section and section 260.831, for the benefit of the county. No order or ordinance enacted pursuant to the authority granted by this section shall be effective unless the governing body of the county submits to the qualified voters of the county, at a public election, a proposal to authorize the governing body of the county to impose a fee under the provisions of this section. The ballot of submission shall be in substantially the following form:

Shall the county of (insert name of county) impose a landfill fee of (insert amount of fee per ton or volumetric equivalent of solid waste)?

YES NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the order or ordinance and any amendments thereto shall become effective on the first day of the calendar quarter immediately after such election results are certified. If a majority of

the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the county shall have no power to impose the fee authorized by this section unless and until the governing body of the county shall again have submitted another proposal to authorize the governing body of the county to impose such fee, and the proposal is approved by a majority of the qualified voters voting thereon. **With the exception of any county of the fourth classification with more than forty-eight thousand two hundred but less than forty-eight thousand three hundred inhabitants,** if an economic development authority does not exist in a county at the time that a landfill fee is adopted by such county under this section, then the governing body of such county shall establish an economic development authority in the county.

2. The landfill fee authorized by such an election may not exceed one dollar and fifty cents per ton or its volumetric equivalent of solid waste accepted, which charge may be in addition to any such fee currently imposed pursuant to the provisions of section 260.330.

260.831. 1. Each operator of a solid waste sanitary or demolition landfill in any county wherein a landfill fee has been approved by the voters pursuant to section 260.830 shall collect a charge equal to the charge authorized by the voters in such election, not to exceed one dollar and fifty cents per ton or its volumetric equivalent of solid waste accepted. Such fee shall be collected in addition to any fee authorized or imposed pursuant to the provisions of section 260.330, and shall be paid to such operator by all political subdivisions, municipalities, corporations, entities or persons disposing of solid waste or demolition waste, whether pursuant to contract or otherwise, and notwithstanding that any such contract may provide for collection, transportation and disposal of such waste at a fixed fee. Any such contract providing for collections, transportation and disposal of such waste at a fixed fee which is in force on August 28, 2003, shall be renegotiated by the parties to the

contract to include the additional fee imposed by this section. Each such operator shall submit the charge, less collection costs, to the governing body of the county, which shall dedicate such funds for use by the industrial development authority within the county and such funds shall be used by the authority for economic development within the county, **except in the case of any county of the fourth classification with more than forty-eight thousand two hundred but less than forty-eight thousand three hundred inhabitants, wherein the funds shall be credited to the county general revenue fund to be expended as prescribed by the county governing body.** Collection costs shall be the same as established by the department of natural resources pursuant to section 260.330, and shall not exceed two percent of the amount collected pursuant to this section.

2. The charges established in this section shall be enumerated separately from any disposal fee charged by the landfill. After January 1, 1994, the fee authorized under section 260.830 and this section shall be stated as a separate surcharge on each individual solid waste collection customer's invoice and shall also name the economic development authority which receives the funds. Moneys transmitted to the governing body of the county shall be no less than the amount collected less collection costs and in a form, manner and frequency as the governing body may prescribe. Failure to collect such charge shall not relieve the operator from responsibility for transmitting an amount equal to the charge to the governing body.”; and

Further amend the title and enacting clause accordingly.

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

Senator Bartle assumed the Chair.

Senator Shields assumed the Chair.

Senator Bartle assumed the Chair.

Senator Gross offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 715, Page 13, Section 67.799, Line 12, by inserting immediately after said line the following:

“67.1706. The metropolitan district shall have as its [primary] **sole** duty the development, operation and maintenance of a public system of interconnecting trails and parks throughout the counties comprising the district. The metropolitan district shall supplement but shall not substitute for the powers and responsibilities of the other parks and recreation systems within the metropolitan district **or other conservation and environmental regulatory agencies** and shall have the power to contract with other parks and recreation systems as well as with other public and private entities. **Nothing in this section shall give the metropolitan district authority to regulate water quality, watershed or land use issues in the counties comprising the district.**”; and

Further amend the title and enacting clause accordingly.

Senator Gross moved that the above amendment be adopted.

At the request of Senator Childers, **SB 715**, with **SCS**, **SS** for **SCS** and **SA 6** (pending), was placed on the Informal Calendar.

SECOND READING OF SENATE BILLS

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

SB 1157—Pensions and General Laws.

SB 1182—Transportation.

SB 1183—Financial and Governmental Organization, Veterans’ Affairs and Elections.

SB 1185—Pensions and General Laws.

SB 1187—Governmental Accountability and Fiscal Oversight.

SB 1202—Pensions and General Laws.

SB 1205—Financial and Governmental Organization, Veterans’ Affairs and Elections.

SB 1208—Education.

SB 1218—Financial and Governmental Organization, Veterans’ Affairs and Elections.

SB 1222—Small Business, Insurance and Industrial Relations.

SB 1232—Governmental Accountability and Fiscal Oversight.

SB 1234—Economic Development, Tourism and Local Government.

INTRODUCTIONS OF GUESTS

Senator Yeckel introduced to the Senate, Don, Kent, Danielle, Zach, Justin and Nathan Voss; and Ervin and Marilyn Etzel, their daughter, Sandy Poole, and her daughter, Alexis, Florissant; and Alexis, Zach, Justin and Nathan were made honorary pages.

Senator Russell introduced to the Senate, Vold Chebltrylv and Zhenya Lohvinenko, Ukraine; and Cindy Fullerton, Linn Creek.

Senator Scott introduced to the Senate, seventh, eighth, ninth, and tenth grade students from Applewood Christian School, Sedalia.

Senator Gross introduced to the Senate, Justin Collier and Vicky Huesemann, St. Charles.

Senator Scott introduced to the Senate, the Physician of the Day, Dr. Jeff Tedrow and his daughter, Molly, Bolivar; and Molly was made an honorary page.

Senator Cauthorn introduced to the Senate, Dolores and Dean Brown, Mildred Mollet, Mildred Vanskikie, Valerie Christian, Velma Banks, Mary Yardly, Bertha Singleton and Lorraine Galbreath, representatives of Oats, Mexico.

Senator Bartle introduced to the Senate, representatives of Leadership Blue Springs, Blue

Springs.

Senator Goode introduced to the Senate, seventh and eighth grade students from St. John Newman School, St. Louis County.

Senator Cauthorn introduced to the Senate, representatives of the American Cancer Society from around the state.

Senator Griesheimer introduced to the Senate,

Judy Mendenhall, Margaret McMichael, Marge Gildersleve, Juanita Schulte, and Marie Hugg, Washington.

Senator Scott introduced to the Senate, his sister-in-law, Janice Gordeuk, and her husband, David, Lyndon, Kansas.

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

SENATE CALENDAR

TWENTIETH DAY—WEDNESDAY, FEBRUARY 11, 2004

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 787-Childers
SB 877-Goode and Days
SB 1156-Caskey
SB 1190-Caskey
SB 1236-Kennedy, et al

SB 1237-Bartle
SB 1238-Days and Bray
SB 1239-Callahan
SJR 43-Klindt
SJR 46-Bartle

THIRD READING OF SENATE BILLS

SS for SB 1000-Bartle,
(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 990-Loudon, with SCS
SB 730-Gross and Champion, with SCS
SBs 1144, 919 & 874-Dolan, et al, with SCS
SBs 1020, 889 & 869-Steelman,
et al, with SCS

SB 718-Yeckel, et al
SB 1080-Nodler, et al
SB 1099-Gibbons, et al, with SCS
SJR 44-Dolan, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 715-Childers and Caskey, with SCS,
SS for SCS & SA 6 (pending)

SB 732-Gross

CONSENT CALENDAR

Senate Bills

Reported 2/2

SB 980-Bartle, with SCS

Unofficial
Reported 2/9

SB 951-Griesheimer

SB 952-Wheeler, with SCS

SB 1012-Caskey

SB 1062-Griesheimer, with SCS

SB 1075-Coleman, with SCS

SB 886-Cauthorn and Klindt

SB 808-Klindt

SB 741-Klindt

SB 1100-Gibbons and Gross, with SCS

SB 1052-Jacob

SB 703-Caskey

SB 781-Caskey

SB 827-Bartle, with SCS

SB 803-Gross

SB 1093-Gibbons and Yeckel, with SCS

SB 783-Mathewson

SB 837-Caskey, with SCS

SB 859-Klindt, with SCS

SB 799-Steelman, with SCS

SB 878-Goode, et al, with SCS

SB 754-Vogel, with SCS

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