

# Journal of the Senate

SECOND REGULAR SESSION

FIFTY-FIFTH DAY—WEDNESDAY, APRIL 17, 2002

The Senate met pursuant to adjournment.

Senator Klarich in the Chair.

Reverend Carl Gauck offered the following prayer:

“There are no gains without pains.” (Adlai Stevenson, Sr.)

Heavenly Father, we are becoming increasingly aware that any gains we make here each day will cause pains for those who must live with our decisions. Help us come to those decisions with the struggles of intellect and conscience persuading us to do what is the right thing for the greater good of our people. Help us in this process good Lord. 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 and KMIZ-TV 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	DePasco	Dougherty

Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel—34		

Absent with leave—Senators—None

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Foster offered Senate Resolution No. 1502, regarding Charlotta Ubelhor, Campbell, which was adopted.

Senator Bland offered Senate Resolution No. 1503, regarding Norma Miller, Independence, which was adopted.

Senator Bland offered Senate Resolution No. 1504, regarding Mary Cox, Kansas City, which was adopted.

Senator Bland offered Senate Resolution No. 1505, regarding the One Hundredth Birthday of Carrie Bettie Slack-Evans, Pine Bluff, Arkansas, which was adopted.

Senator Schneider offered Senate Resolution No. 1506, regarding Jim and Betty Lenneman,

Florissant, which was adopted.

Senator Yeckel offered Senate Resolution No. 1507, regarding Edgar Eugene "Eddie" Cathers, III, St. Louis, which was adopted.

Senator Steelman offered Senate Resolution No. 1508, regarding Jessica K. Kolker, Rolla, which was adopted.

Senator Sims offered Senate Resolution No. 1509, regarding Melanie Pace, St. Peters, which was adopted.

Senator Stoll offered Senate Resolution No. 1510, regarding Benjamin Loudon "Ben" Watkins, Pevely, which was adopted.

Senator Stoll offered Senate Resolution No. 1511, regarding Marina Kovalenko, Arnold, which was adopted.

**THIRD READING OF SENATE BILLS**

**SB 1005**, introduced by Senator Loudon, entitled:

An Act to repeal sections 288.040 and 288.050, RSMo, relating to employment security, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

On motion of Senator Loudon, **SB 1005** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Cauthorn	Childers	Foster
Gibbons	Gross	Kenney	Kinder
Klarich	Klindt	Loudon	Rohrbach
Russell	Sims	Singleton	Staples
Stelman	Westfall	Yeckel—19	

NAYS—Senators

Bland	Caskey	Coleman	Dougherty
Goode	House	Jacob	Johnson
Kennedy	Mathewson	Schneider	Stoll
Wiggins—13			

Absent—Senator Quick—1

Absent with leave—Senator DePasco—1

The President declared the bill passed.

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

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

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

**SCS for SBs 958 and 657**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 958 and 657**

An Act to amend chapter 1, RSMo, by adding thereto four new sections relating to the prohibition of interference with the free exercise of religion and the rights of the second amendment of the United States Constitution and article I, section 23 of the Missouri Constitution.

Was taken up by Senator Kinder.

On motion of Senator Kinder, **SCS for SBs 958 and 657** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Stelman	Stoll
Westfall	Wiggins	Yeckel—31	

NAYS—Senators—None

Absent—Senators

Goode	Quick—2
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Absent with leave—Senator DePasco—1

The President declared the bill passed.

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.

### SENATE BILLS FOR PERFECTION

Senator Gibbons moved that **SB 688, SB 663, SB 691, SB 716, SB 759, SB 824** and **SB 955**, with **SCS, SS** for **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SA 1** was again taken up.

At the request of Senator Schneider, the above amendment was withdrawn.

**SS** for **SCS** for **SBs 688, 663, 691, 716, 759, 824** and **955** was again taken up.

At the request of Senator Gibbons, **SS** for **SCS** for **SBs 688, 663, 691, 716, 759, 824** and **955** was withdrawn.

Senator Gibbons offered **SS No. 2** for **SCS** for **SBs 688, 663, 691, 716, 759, 824** and **955**, entitled:

SENATE SUBSTITUTE NO. 2 FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 688, 663, 691, 716, 759,  
824 & 955

An Act to repeal sections 137.073, 137.115, 138.060 and 138.100, RSMo, relating to the assessment and levy of property taxes, and to enact in lieu thereof four new sections relating to the same subject, with an effective date.

Senator Gibbons moved that **SS No. 2** for **SCS** for **SBs 688, 663, 691, 716, 759, 824** and **955** be adopted.

President Maxwell assumed the Chair.

At the request of Senator Gibbons, **SB 688, SB 663, SB 691, SB 716, SB 759, SB 824** and **SB 955**, with **SCS** and **SS No. 2** for **SCS** (pending), were placed on the Informal Calendar.

### INTRODUCTION OF GUESTS

Senator Kenney introduced to the Senate, Katie Harman, Miss America 2002.

Miss America Katie Harman assumed the dais and addressed the members of the Senate.

### SENATE BILLS FOR PERFECTION

Senator Gibbons moved that **SB 688, SB 663, SB 691, SB 716, SB 759, SB 824** and **SB 955**, with **SCS** and **SS No. 2** for **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SS No. 2** for **SCS** for **SBs 688, 663, 691, 716, 759, 824** and **955** was again taken up.

Senator House offered **SA 1**:

#### SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 688, 663, 691, 716, 759, 824 and 955, Page 14, Section 137.073, Line 25, by inserting immediately after said line the following:

**“137.102. 1. As used in this section, the following terms mean:**

(1) **“Homestead beneficiary”, a person who has reached the age of sixty-five years as of January first of the determining odd-numbered year, or who is a veteran of any branch of the armed forces of the United States or this state who became one hundred percent disabled as a result of such service, or who is disabled as defined in section 135.010, RSMo; and**

(2) **“Homestead property”, the owner's principal residence and the adjacent real property not to exceed five acres of land as is reasonably necessary for use of the residence as a dwelling home;**

(3) **“Owner”, a person who holds possession and unconditional fee simple title in the subject residential property, whether individually, or as one or more tenants by the entireties, joint**

tenants or tenants in common, and who declared ownership of the property on each of the three immediately preceding annual property declaration statements, and who actually paid the three immediately preceding annual property tax assessments.

2. Beginning in any tax year which begins on or after January 1, 2003, the assessed value of homestead property in class 1, excluding any value added by new construction or improvements, owned by any owner who is a homestead beneficiary and who has continuously used that property as a principal residence for at least three years shall not increase during the period of time that owner resides on that property after becoming a homestead beneficiary. Status as a homestead beneficiary and years of residence for purposes of this section shall be determined as of January first of each odd-numbered year; the owner shall provide such information by affidavit by such date to the county assessor.

3. The tax rate or rates imposed upon homestead property whose owner meets the conditions specified in subsection 2 of this section shall not be increased with respect to such property until the owner moves, sells the property or fails to notify the assessor of continued eligibility pursuant to subsection 2 of this section.

4. All revenue losses of any political subdivision resulting from the limitation on assessed valuations contained in this section shall be reimbursed to those political subdivisions by the state of Missouri through appropriations. Data substantiating revenue losses resulting from the limitation on assessed valuations as contained in this section shall be provided to the state auditor in such form as shall be prescribed by the state auditor by rule promulgated pursuant to chapter 536, RSMo. The required data shall be submitted for each political subdivision levying a property tax and

shall be submitted by either the county or the individual taxing authority as requested by the state auditor. Calculation or verification of the revenue loss shall be determined by the state auditor subsequent to the annual property tax rate review completed pursuant to section 137.073. All data and documents substantiating the revenue loss for each political subdivision shall be copied to each county clerk respectively and shall be retained and made available for public inspection by the county for a minimum of three years. Whenever a taxpayer in a taxing jurisdiction has cause to believe that the taxing jurisdiction has not complied with the provisions of this section, the taxpayer shall have legal standing to bring a civil action to determine and require compliance with this section.”; and

Further amend said bill, page 24, Section B, line 2, by inserting immediately after said line the following:

“Section C. Section 137.102 shall become effective January 1, 2003, and shall apply to all taxable years beginning after December 31, 2002.”; and

Further amend the title and enacting clause accordingly.

Senator House moved that the above amendment be adopted.

Senator Schneider offered **SSA 1** for **SA 1**:

**SENATE SUBSTITUTE AMENDMENT NO. 1  
FOR SENATE AMENDMENT NO. 1**

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 688, 663, 691, 716, 759, 824 and 955, Page 3, Section 137.073, Line 12, by inserting after “2.” the following: “(1)”; and

Further amend said bill and section, Page 5, Line 5, by inserting at the end of said line the following: “**However, this inflationary growth factor shall be optional within each county.**”

(2) The voters of any county or any city not within a county may choose not to allow its property levy rates to be revised by the political subdivision of the county to allow for the inflationary growth factor pursuant to the provisions of subdivision (1) of this subsection. The voters of any county or a city not within a county may opt out of such inflationary adjustments in any of the following manners:

(a) The governing body of the county or the city not within a county may, by majority vote, submit to the voters at any municipal, primary or general election a referendum to prohibit the revision of its property levy rates to allow for the inflationary growth factor; or

(b) A referendum to prohibit the revision of the property levy rates of the county or the city not within a county, to allow for the inflationary growth factor may be submitted to the voters at any municipal, primary or general election based upon a petition containing the signatures of at least ten percent of the qualified voters voting in the last gubernatorial election who reside in the county or the city not within a county.

(3) In the event a referendum is to be submitted to the voters pursuant to subdivision (2) of this subsection, the ballot of submission shall contain, but need not be limited to, the following language:

Shall the taxing authorities of ..... (county or city not within a county) be prohibited from adjusting without voter approval the rate or rates of levy to increase the amount of property tax revenue to allow for inflationary growth that may occur between periods of assessment?

- 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 it shall be in effect and a referendum to repeal the enacted ordinance

shall not be submitted to voters for at least two years. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body shall not be prohibited from revising its levy rates to allow for the inflationary growth factor pursuant to subdivision (1) of this subsection and the issue may not be resubmitted to voters for at least two years. In accordance with the time limitations set forth in this subdivision, a referendum to repeal an ordinance enacted pursuant to this subdivision may be submitted to the voters upon majority vote of the governing body of the county or the city not within a county, or upon a petition containing the signatures of at least ten percent of the qualified voters voting in the last gubernatorial election who reside in the county or the city not within a county.”.

Senator Schneider moved that the above substitute amendment be adopted.

Senator Klarich raised the point of order that SSA 1 for SA 1 is out of order as it is not a true substitute amendment.

The point of order was referred to the President Pro Tem, who ruled it well taken.

SA 1 was again taken up.

Senator Cauthorn offered SA 1 to SA 1, which was read:

SENATE AMENDMENT NO. 1 TO SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 688, 663, 691, 716, 759, 824 and 955, Page 1, Section 137.102, Line 12, by deleting the word “five” and inserting in lieu thereof the word “one” and by deleting the “s” from the word “acres”.

Senator Cauthorn moved that the above amendment be adopted.

Senator Childers assumed the Chair.

At the request of Senator Cauthorn, SA 1 to SA 1 was withdrawn.

SA 1 was again taken up.

Senator House moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Caskey, Gross, Johnson and Wiggins.

SA 1 failed of adoption by the following vote:

YEAS—Senators

Caskey	Cauthorn	Foster	Gross
House	Singleton	Steelman	Yeckel—8

NAYS—Senators

Bentley	Bland	Childers	Coleman
Dougherty	Gibbons	Goode	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Sims
Staples	Stoll	Westfall	Wiggins—24

Absent—Senator Jacob—1

Absent with leave—Senator DePasco—1

Senator Schneider offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 688, 663, 691, 716, 759, 824 and 955, Page 3, Section 137.073, Line 12, by inserting after “2.” the following: “(1)”; and

Further amend said bill and section, Page 5, Line 5, by inserting at the end of said line the following: “However, this inflationary growth factor shall be optional within each county.

(2) The voters of any county or any city not within a county may choose not to allow its property levy rates to be revised by the political subdivision of the county to allow for the inflationary growth factor pursuant to the provisions of subdivision (1) of this subsection.

The voters of any county or a city not within a county may opt out of such inflationary adjustments in any of the following manners:

(a) The governing body of the county or the city not within a county may, by majority vote, submit to the voters at any municipal, primary or general election a referendum to prohibit the revision of its property levy rates to allow for the inflationary growth factor; or

(b) A referendum to prohibit the revision of the property levy rates of the county or the city not within a county, to allow for the inflationary growth factor may be submitted to the voters at any municipal, primary or general election based upon a petition containing the signatures of at least ten percent of the qualified voters voting in the last gubernatorial election who reside in the county or the city not within a county.

(3) In the event a referendum is to be submitted to the voters pursuant to subdivision (2) of this subsection, the ballot of submission shall contain, but need not be limited to, the following language:

Shall the taxing authorities of ..... (county or city not within a county) be prohibited from adjusting without voter approval the rate or rates of levy to increase the amount of property tax revenue to allow for inflationary growth that may occur between periods of assessment?

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 it shall be in effect and a referendum to repeal the enacted ordinance shall not be submitted to voters for at least two years. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body shall not be prohibited from revising its levy rates to allow for the inflationary growth factor pursuant to

subdivision (1) of this subsection and the issue may not be resubmitted to voters for at least two years. In accordance with the time limitations set forth in this subdivision, a referendum to repeal an ordinance enacted pursuant to this subdivision may be submitted to the voters upon majority vote of the governing body of the county or the city not within a county, or upon a petition containing the signatures of at least ten percent of the qualified voters voting in the last gubernatorial election who reside in the county or the city not within a county.”.

Senator Schneider moved that the above amendment be adopted.

Senator Klarich offered SSA 1 for SA 2:

SENATE SUBSTITUTE AMENDMENT NO. 1  
FOR SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 688, 663, 691, 716, 759, 824 and 955, Page 3, Section 137.073, Line 12, by inserting after “2.” the following: “(1)”; and further amend said bill and section, page 5, line 5, by inserting at the end of said line the following:

“(2) Any county or any city not within a county may choose to adjust for the inflationary growth factor pursuant to the provisions of subdivision (1) of this subsection only if it opts into such inflationary adjustments in one of the following manners:

(a) The governing body of the county or the city not within a county may, by majority vote, submit to the voters at any municipal, primary or general election a referendum to permit the revision of its property levy rates to allow for the inflationary growth factor; or

(b) A referendum to prohibit the revision of the property levy rates of the county or the city not within a county, to allow for the inflationary growth factor may be submitted to the voters at any municipal, primary or general election based upon a petition containing the

signatures of at least ten percent of the qualified voters voting in the last gubernatorial election who reside in the county or the city not within a county.

(3) In the event a referendum is to be submitted to the voters pursuant to subdivision (2) of this subsection, the ballot of submission shall contain, but need not be limited to, the following language:

Shall the taxing authorities of ..... (county or city not within a county) be permitted to adjust without voter approval the rate or rates of levy to increase the amount of property tax revenue to allow for inflationary growth that may occur between periods of assessment?

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 it shall be in effect and a referendum to repeal the enacted ordinance shall not be submitted to voters for at least two years. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body shall not be permitted to revise its levy rates to allow for the inflationary growth factor pursuant to subdivision (1) of this subsection and the issue may not be resubmitted to voters for at least two years. In accordance with the time limitations set forth in this subdivision, a referendum to repeal an ordinance enacted pursuant to this subdivision may be submitted to the voters upon majority vote of the governing body of the county or the city not within a county, or upon a petition containing the signatures of at least ten percent of the qualified voters voting in the last gubernatorial election who reside in the county or the city not within a county.”.

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

Senator Gibbons moved that **SS No. 2 for SCS for SBs 688, 663, 691, 716, 759, 824 and 955**, as amended, be adopted, which motion prevailed.

On motion of Senator Gibbons, **SS No. 2 for SCS for SBs 688, 663, 691, 716, 759, 824 and 955**, as amended, was declared perfected and ordered printed.

### MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up adopted and third read **HCR 18**.

#### HOUSE CONCURRENT RESOLUTION NO. 18

WHEREAS, recent legislative hearings have brought to light serious problems in the ability of young adults to understand and evaluate consumer credit issues, such as credit cards and payday loans; and

WHEREAS, mistakes with financial well-being made in early adulthood can imperil a young adult's credit rating and affect his or her ability to be a productive member of society; and

WHEREAS, the ability to evaluate the soundness and advisability of using particular consumer credit programs is a crucial life skill; and

WHEREAS, the Missouri assessment program communications, mathematics, and social studies assessments for middle school and high school students offer a unique opportunity to gauge the extent of young people's understanding of these issues; and

WHEREAS, the first goal of the Show-Me Standards includes elements such as evaluating information and ideas, and applying acquired information to different contexts as students, workers, citizens, and consumers; and

WHEREAS, in some disciplines, such as consumer and family sciences and business education, extensive work has already been done to chart skills such as comparing various aspects of consumer credit against not only the Show-Me Standards but also national standards and tests; and

WHEREAS, dictating the content of courses by state statute may not always be good public policy, but making known legislative priorities so that existing programs may accommodate

those priorities is an obligation of the General Assembly:

NOW, THEREFORE, BE IT RESOLVED by the members of the House of Representatives of the Ninety-first General Assembly, Second Regular Session, the Senate concurring therein, that the Department of Elementary and Secondary Education should:

1) Impanel a group or groups of teachers to determine if consumer credit issues can be addressed in the framework of the Show-Me Standards and, if so, determine what type of questions, including the possibility of performance events, would be appropriate for inclusion in the statewide assessments, as well as addressing the optimum grade level for inclusion, whether middle or high school, or both;

2) If the teacher panels respond favorably to the inclusion of consumer credit questions, determine if and how the assessment instruments can be kept comparable with previous years' instruments as they are rewritten in the ordinary course of test development to incorporate consumer credit elements;

3) Determine what steps would be necessary to track and report statewide average performance on those elements concerning consumer credit issues and advise if it is possible or advisable;

4) Encourage organizations that represent individual curriculum areas, such as communications, mathematics, and social studies, to incorporate analysis of consumer credit issues where appropriate; and

5) Identify and publicize methods besides statewide assessments that could help students and teachers incorporate consumer credit issues in teaching and learning, including professional development opportunities; and

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

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up adopted and third read **HCR 16**.

#### HOUSE CONCURRENT RESOLUTION NO. 16

An act by concurrent resolution and pursuant to Title 40, Section 187, United States Code, to request the Joint Committee on the Library of Congress to approve the replacement of a statue in the Statuary Hall of the



Capitol of the United States.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

WHEREAS, 40 U.S.C. Section 187a permits a state to ask the Joint Committee on the Library of Congress for replacement of a statue it provided for display in the National Statuary Hall in the Capitol of the United States after the passage of the required display time period specified in 40 U.S.C. Section 187a; and

WHEREAS, that request must be made by a resolution adopted by the legislature of the state and approved by the Governor; and

WHEREAS, in 1895, the Missouri General Assembly authorized placement of statues of Thomas Hart Benton and Francis Preston Blair in Statuary Hall, which statues were placed there in 1899; and

WHEREAS, Francis Preston Blair was an outstanding Missourian, a member of Congress, a major general in the United States Army during the Civil War, and a candidate for Vice President of the United States; and

WHEREAS, Harry S Truman was the most important statesman Missouri ever gave the nation, an outstanding county official, United States Senator, Vice President and President of the United States who brought the Second World War to completion, led the free world at the beginning of the Cold War, and stood for fairness and opportunity for all Americans:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-first General Assembly, Second Regular Session, the Senate concurring therein, hereby request approval from the Joint Committee on the Library of Congress to replace the statue of Francis Preston Blair with a statue of Harry S Truman as one of the two statues Missouri is entitled to display in the Statuary Hall of the United States Capitol; and

BE IT FURTHER RESOLVED that the Missouri General Assembly requests the Statue of Francis Preston Blair be returned to the State of Missouri as permitted under 40 U.S.C. Section 187a(d); and

BE IT FURTHER RESOLVED that this resolution be sent to the Governor for his approval or rejection; and

BE IT FURTHER RESOLVED that upon approval by the Governor, the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the Joint Committee on the Library of Congress in care of the chair of the committee and to each member of the Missouri Congressional delegation.

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 adopted and third read **HCR 24**.

HOUSE CONCURRENT RESOLUTION NO. 24

Relating to approval of a project for an agricultural research and demonstration project and related buildings and facilities for the Springfield campus of Southwest Missouri State University funded in part by revenue bonds secured by a pledge of future appropriations of the General Assembly.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

WHEREAS, Section 21.527, RSMo, requires approval of the General Assembly that certain projects to be funded by revenue bonds shall be secured by a pledge of future appropriations to be made by the General Assembly; and

WHEREAS, the General Assembly is desirous of approving a project for an agricultural research and demonstration center project and related building and facilities for the Springfield campus of Southwest Missouri State University to be funded in part by revenue bonds secured by a pledge of future appropriations to be made by the General Assembly; and

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-first General Assembly, Second Regular Session, the Senate concurring therein, hereby approve the following:

(1) An agricultural research and demonstration center project and related building and facilities for the Springfield campus of Southwest Missouri State University;

(2) A total estimated project cost, including furnishings and equipment, of \$6,950,000;

(3) A maximum project cost of \$2,604,360, the State's Share, to be funded by revenue bonds secured by a pledge of future appropriations to be made by the General Assembly;

(4) The issuance of revenue bonds in an amount sufficient to pay the State's Share of the project cost, plus debt service reserve, capitalized interests and costs of issuance, to be payable over a term not to exceed twenty years; and

(5) The remainder of the project cost to be funded by contributions and other funds to be provided by Southwest Missouri State University; and

BE IT FURTHER RESOLVED that the members of the General Assembly state the intent of the General Assembly, during each fiscal year of the state during the term of such revenue bonds, to appropriate funds sufficient to pay the debt service on such revenue bonds; and

BE IT FURTHER RESOLVED that the members of the General Assembly authorize and direct the Office of Administration and such other state departments, offices, and agencies as the Office of Administration may deem necessary or appropriate to:

(1) Assist the staff and advisors of Southwest Missouri State University in implementing the project and in issuing such revenue bonds for the State's Share of the project cost; and

(2) Execute and deliver documents and certificates related to the revenue bonds consistent with the terms of this resolution; and

BE IT FURTHER RESOLVED that this resolution be sent to the Governor for his approval or rejection pursuant to the Missouri Constitution.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

On motion of Senator Kenney, the Senate recessed until 2:00 p.m.

### RECESS

The time of recess having expired, the Senate was called to order by Senator Klarich.

### RESOLUTIONS

Senator House offered Senate Resolution No. 1512, regarding Patrick J. Dupre, St. Charles, which was adopted.

Senator Caskey offered Senate Resolution No. 1513, regarding Jonathan Seth McKnight, Harrisonville, which was adopted.

Senator Caskey offered Senate Resolution No. 1514, regarding Barbara Lee Grider, Deepwater, which was adopted.

Senator Loudon offered Senate Resolution No. 1515, regarding Donald H. Alpert, Maryland Heights, which was adopted.

Senator Stoll offered Senate Resolution No. 1516, regarding the Twenty-fifth Anniversary of

Pony Bird, Incorporated, Mapaville, which was adopted.

Senator Kenney offered Senate Resolution No. 1517, regarding Robert Drouin Newman "Dru" Hartley, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 1518, regarding Nicholas Ryan "Nick" Wasson, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 1519, regarding Kyle Steven Wopata, Lee's Summit, which was adopted.

Senator Childers offered Senate Resolution No. 1520, regarding Joann Chalfant, BSN, RN, Reeds Spring, which was adopted.

Senator Kenney offered Senate Resolution No. 1521, regarding Anthony Joshua "A.J." Gall, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 1522, regarding Justin Richard Cowart, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 1523, regarding Timothy Michael "Tim" Burnell, Lee's Summit, which was adopted.

### SENATE BILLS FOR PERFECTION

**SB 954**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Klindt, **SB 1014** was placed on the Informal Calendar.

**SB 1152**, with **SCS**, was placed on the Informal Calendar.

**SB 766**, **SB 1120** and **SB 1121**, with **SCS**, were placed on the Informal Calendar.

At the request of Senator Kenney, **SB 926**, with **SCS**, was placed on the Informal Calendar.

**SB 1140** was placed on the Informal Calendar.

At the request of Senator Caskey, **SB 1112** and **SB 854**, with **SCS**, were placed on the Informal Calendar.

**SB 1111**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Gibbons, **SB 689**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Cauthorn, **SB 938** was placed on the Informal Calendar.

At the request of Senator Gibbons, **SB 1087**, with **SCS**, was placed on the Informal Calendar.

**SB 1279**, **SB 1162** and **SB 1164**, with **SCS**, were placed on the Informal Calendar.

At the request of Senator Mathewson, **SB 1248**, with **SCAs 1** and **2**, was placed on the Informal Calendar.

At the request of Senator Klindt, **SB 971**, with **SCS**, was placed on the Informal Calendar.

**SB 1063** and **SB 827**, with **SCS**, were placed on the Informal Calendar.

**SB 1010** was placed on the Informal Calendar.

**SRB 1236** was placed on the Informal Calendar.

At the request of Senator Kenney, **SB 1026**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Klindt, **SB 1157**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Cauthorn, **SB 1095** and **SB 1195**, with **SCS**, were placed on the Informal Calendar.

At the request of Senator Singleton, **SB 1232** was placed on the Informal Calendar.

**SB 1206** was placed on the Informal Calendar.

**SB 878**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Westfall, **SB 1060**, with **SCS**, was placed on the Informal Calendar.

**SB 1205** was placed on the Informal Calendar.

At the request of Senator Gibbons, **SB 1040**, with **SCS**, was placed on the Informal Calendar.

**SB 1133**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Childers, **SB 1099**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Wiggins, **SB 739**, with **SCS**, was placed on the Informal Calendar.

**SB 1105** was placed on the Informal Calendar.

**SB 735**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Singleton, **SB 713** was placed on the Informal Calendar.

**SB 1191** was placed on the Informal Calendar.

Senator Westfall moved that **SB 915**, **SB 710** and **SB 907**, with **SCS** and **SA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SA 2** was again taken up.

Senator Klindt offered **SSA 2** for **SA 2**:

SENATE SUBSTITUTE AMENDMENT NO. 2  
FOR SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bills Nos. 915, 710 and 907, Page 5, Section 144.700, Line 12, by striking the word “and” as it appears at the end of said line; and further amend line 16, by inserting after “RSMo” the following: “; and

(4) Effective July 1, 2005, fifteen percent of the revenue derived from the sales tax imposed by this act shall be deposited to the state road fund as established in section 226.220, RSMo. For the following fiscal year thirty percent of said revenue shall be deposited to the state road fund as established in section 226.220, RSMo. On the following fiscal year forty-five percent of said revenue shall be deposited to the state road fund as established in section 226.220, RSMo. On the following fiscal year sixty percent of said revenue shall be deposited to the state road fund as established in section 226.220, RSMo. On the following fiscal year seventy-six percent of the

**revenue derived from the sales tax imposed by this act shall be deposited to the state road fund. For every subsequent fiscal year, the state road fund shall receive seventy-six percent of the revenue derived from the sales tax imposed by this act;”.**

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

Senator Westfall offered **SA 3:**

**SENATE AMENDMENT NO. 3**

Amend Senate Committee Substitute for Senate Bills Nos. 915, 710 and 907, Page 5, Section 144.700, Line 12, by striking “and” as it appears at the end of said line; and further amend line 16, by inserting immediately after “RSMo” the following: “; and

**(4) Four percent of the revenue derived from the additional sales tax imposed by this act shall be deposited, in an equal amount, the Missouri qualified fuel ethanol producer incentive fund and to the Missouri qualified biodiesel producer incentive fund, as established in chapter 142, RSMo’.**

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

Senator Gross offered **SA 4:**

**SENATE AMENDMENT NO. 4**

Amend Senate Committee Substitute for Senate Bills Nos. 915, 710 and 907, Page 2, Section 144.020, Lines 7-8, by striking “three-eighths” and inserting in lieu thereof the following: **“one-fourth”**; and

Further amend said bill and section, pages 2 and 3, lines 9, 13, 16, 19, 28, 31, 36 and 42, by striking “three-eighths” as it appears on all of said lines and inserting in lieu thereof the following: **“one-fourth”**; and

Further amend said bill, page 4, Section 144.440, line 4, by striking “three-eighths” and inserting in lieu thereof the following: **“one-**

**fourth”**; and

Further amend said bill, page 5, Section 144.700, lines 9-10, by striking “three-eighths” and inserting in lieu thereof the following: **“one-fourth”**.

Senator Gross moved that the above amendment be adopted, which motion failed.

Senator Cauthorn offered **SA 5:**

**SENATE AMENDMENT NO. 5**

Amend Senate Committee Substitute for Senate Bills Nos. 915, 710 and 907, Page 8, Section 226.1000, Line 15, by inserting after all of said line the following:

**“226.1002. Beginning July 1, 2003, there shall be a moratorium on the closing of all state maintenance sheds operated by the department of transportation for a period of three years. One year following the effective date of this act, the department of transportation shall report on the total number of state maintenance sheds within the state, the costs of operating the maintenance sheds and what the department’s plans are for the future operations of the maintenance sheds. This report shall be delivered to the individual members of the general assembly. Copies of the report shall also be delivered to the governor, state auditor and the state librarian.”**; and

Further amend the title and enacting clause accordingly.

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

Senator Childers offered **SA 6:**

**SENATE AMENDMENT NO. 6**

Amend Senate Committee Substitute for Senate Bills Nos. 915, 710 and 907, Page 6, Section 144.700, Line 34, by inserting immediately after said line the following:

**“144.805. 1. In addition to the exemptions granted pursuant to the provisions of section**

144.030, there shall also be specifically exempted from the provisions of sections 144.010 to 144.525, sections 144.600 to 144.748, and section 238.235, RSMo, and the provisions of any local sales tax law, as defined in section 32.085, RSMo, and from the computation of the tax levied, assessed or payable pursuant to sections 144.010 to 144.525, sections 144.600 to 144.748, and section 238.235, RSMo, and the provisions of any local sales tax law, as defined in section 32.085, RSMo, all sales of aviation jet fuel in a given calendar year to common carriers engaged in the interstate air transportation of passengers and cargo, and the storage, use and consumption of such aviation jet fuel by such common carriers, if such common carrier has first paid to the state of Missouri, in accordance with the provisions of this chapter, state sales and use taxes pursuant to the foregoing provisions and applicable to the purchase, storage, use or consumption of such aviation jet fuel in a maximum and aggregate amount of one million five hundred thousand dollars of state sales and use taxes in such calendar year.

2. To qualify for the exemption prescribed in subsection 1 of this section, the common carrier shall furnish to the seller a certificate in writing to the effect that an exemption pursuant to this section is applicable to the aviation jet fuel so purchased, stored, used and consumed. The director of revenue shall permit any such common carrier to enter into a direct-pay agreement with the department of revenue, pursuant to which such common carrier may pay directly to the department of revenue any applicable sales and use taxes on such aviation jet fuel up to the maximum aggregate amount of one million five hundred thousand dollars in each calendar year. The director of revenue shall adopt appropriate rules and regulations to implement the provisions of this section, and to permit appropriate claims for refunds of any excess sales and use taxes collected in calendar year 1993 or any subsequent year with respect to any such common carrier and aviation jet fuel.

3. The provisions of this section shall apply to all purchases and deliveries of aviation jet fuel from and after May 10, 1993.

4. [Effective September 1, 1998,] All sales and use tax revenues upon aviation jet fuel received pursuant to this chapter, less the amounts specifically designated pursuant to the constitution or pursuant to section 144.701, for other purposes, shall be deposited to the credit of the aviation trust fund established pursuant to section 305.230, RSMo[; provided however, the amount of such state sales and use tax revenues deposited to the credit of such aviation trust fund shall not exceed five million dollars in each calendar year].

5. The provisions of this section and section 144.807 shall expire on December 31, [2003] **2008**.

155.080. 1. There is hereby imposed a use tax on each gallon of aviation fuel used in propelling aircraft with reciprocating engines. The tax is imposed at the rate of nine cents per gallon. Such tax is to be collected and remitted to this state or paid to this state in the same manner and method and at the same time as is prescribed by chapter 142, RSMo, for the collection of the motor fuel tax imposed on each gallon of motor fuel used in propelling motor vehicles upon the public highways of Missouri.

2. All applicable provisions contained in chapter 142, RSMo, governing administration, collection and enforcement of the state motor fuel tax shall apply to this section, including but not limited to reporting, penalties and interest.

3. Each commercial agricultural aircraft operator may apply for a refund of the tax it has paid for aviation fuel used in a commercial agricultural aircraft. All such applications for refunds shall be made in accordance with the procedures specified in chapter 142, RSMo, for refunds of motor fuel taxes paid. If any person who is eligible to receive a refund of aviation fuel tax fails to apply for a refund as provided in chapter 142, RSMo, [he makes a gift of his refund to the

aviation trust fund] **the refund amount shall be deposited to the credit of the aviation trust fund pursuant to section 305.230, RSMo.**"; and

Further amend the title and enacting clause accordingly.

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

Senator Foster offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Committee Substitute for Senate Bills Nos. 915, 710 and 907, Page 7, Section 226.1000, Line 1, by inserting after "226.1000." the following: "**1.**"; and

Further amend said bill and section, Page 8, Lines 14-15, by striking said lines and inserting in lieu thereof the following: "**motorcycles, shall be deposited in the "Fifteen Year Plan Fund" which is hereby created in the state treasury. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the fund shall not revert to the general revenue fund. All interest received on the fund shall be credited to the fund. Moneys in the fund are to be used by the department of transportation for the purpose of constructing, rehabilitating, maintaining or otherwise repairing uncompleted highway projects contained within the 1992 plan and for interstate highway projects pursuant to the allocation formula in subsection 2 of this section. Expenditures from the fund shall be subject to appropriation by the general assembly.**

**2. Moneys in the fund shall be annually appropriated in the following manner:**

**(1) One-third for highway projects contained in metropolitan statistical areas of the state which have populations in excess of one million inhabitants, as designated by the Bureau of the Census;**

**(2) One-third for highway projects in areas of the state other than the areas described in**

**subdivision (1) of this subsection; and**

**(3) One-third for interstate highway projects located within any areas described in subdivision 2 of this subsection."**

Senator Foster moved that the above amendment be adopted.

Senator Childers offered **SA 1 to SA 7**, which was read:

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 7

Amend Senate Amendment No. 7 to Senate Committee Substitute for Senate Bills Nos. 915, 710 and 907, Page 1, Line 18, by inserting after the word "manner" on said line "**after paying the obligation incurred by the bonds issued pursuant to section 226.133 RSMo.**"

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

Senator Loudon assumed the Chair.

Senator Staples offered **SA 2 to SA 7**, which was read:

SENATE AMENDMENT NO. 2 TO  
SENATE AMENDMENT NO. 7

Amend Senate Amendment No. 7 to Senate Committee Substitute for Senate Bills Nos. 915, 710 and 907, Page 1, Section 226.1000, Line 5, by striking the word "**fifteen**" and inserting in lieu thereof the word "**five**".

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

**SA 7**, as amended, was again taken up.

Senator Foster moved that the above amendment, as amended, be adopted, which motion failed.

Senator Gibbons offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Committee Substitute for Senate Bills Nos. 915, 710 and 907, Page 6,

Section 144.700, Line 34, by inserting after all of said line the following:

“226.004. Beginning January 1, 2004, and every two years thereafter, the highways and transportation commission shall present to the general assembly, by the tenth legislative day, a plan detailing how the department intends to use the additional revenues generated by this act, to further construction of highway projects contained in its most recent statewide transportation improvement plan. The plan shall specify, by project, how the additional revenues will be utilized. In addition to the plan, the commission shall submit a report containing the most recent information required by section 21.795, the department's most recent statewide transportation improvement plan, and an analysis regarding how the additional revenues produced by this act have accelerated projects contained within the department of transportation's statewide transportation improvement plan. The report shall also contain the current status as to completion, by project, of the most recent statewide transportation improvement program. The commission shall specifically identify at least one priority project in each transportation district which has been completed or substantially completed ahead of scheduled due to the additional revenues provided by this act. In addition, the commission shall analyze how the additional revenues have accelerated the reconstruction of the interstate system, particularly Interstate 70. Once the plan has been submitted, the general assembly shall determine by concurrent resolution whether the collection of the additional revenues generated from this act shall be continued.

2. The plan submitted by the highways and transportation commission shall become effective no later than forty-five calendar days after its submission to a regular session, unless it is disapproved within said 45 calendar days

by a concurrent resolution introduced within fourteen calendar days of the submission of the plan. The presiding officer of each house in which a concurrent resolution disapproving the plan has been introduced, shall submit it to a vote of the membership not sooner than seven calendar days or later than fourteen calendar days after introduction of the concurrent resolution pertaining to the commission's plan. The presiding officer of the house passing a concurrent resolution disapproving the commission's plan shall immediately forward the bill to the other house and the presiding officer of that house shall submit it to a vote of the membership not sooner than seven calendar days or later than fourteen calendar days of its receipt from the other legislative body. The plan submitted by the highways and transportation commission shall not be subject to amendment by either chamber and may only be rejected in its entirety.

3. If the plan submitted by the commission is rejected by the general assembly, the collection of the additional revenues generated by this act shall be suspended until the general assembly approves an alternative plan submitted by the commission pursuant to the procedure described in this section.”; and

Further amend the title and enacting clause accordingly.

Senator Gibbons moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Caskey, Klindt, Singleton and Wiggins.

SA 8 failed of adoption by the following vote:

YEAS—Senators

Cauthorn	Childers	Foster	Gibbons
Klindt	Loudon	Rohrbach	Singleton
Steelman—9			

NAYS—Senators

Bentley	Bland	Caskey	Coleman
Dougherty	Goode	Gross	House

Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Mathewson	Quick
Russell	Sims	Staples	Westfall
Wiggins—21			

Absent—Senators  
 Schneider      Stoll              Yeckel—3

Absent with leave—Senator DePasco—1

Senator Westfall moved that **SCS** for **SBs 915, 710 and 907**, as amended, be adopted, which motion prevailed.

On motion of Senator Westfall, **SCS** for **SBs 915, 710 and 907**, as amended, was declared perfected and ordered printed.

**CONFERENCE COMMITTEE REPORTS**

Senator Russell, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 1115**, submitted the following conference committee report:

**CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1115**

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill 1115 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 1115.
2. That the House recede from its position on House Committee Substitute for House Bill No. 1115.
3. That the attached Conference Committee Substitute for House Bill 1115, be truly agreed to and finally passed.

**FOR THE SENATE: FOR THE HOUSE:**

/s/ John T. Russell	/s/ Timothy P. Green
/s/ Larry Rohrbach	/s/ Charles Q. Troupe
/s/ Morris Westfall	/s/ Marsha Campbell
/s/ Wayne Goode	/s/ Ken Legan
/s/ Harry Wiggins	/s/ Carl Bearden

Senator Russell moved that the above conference committee report be adopted.

Senator Singleton offered a substitute motion that the Senate refuse to adopt the conference committee report on **SCS** for **HCS** for **HB 1115** and request the House to grant further conference, and that the Senate conferees be instructed to delete Section 15.220, which motion failed.

Senator Russell moved that the conference committee report on **SCS** for **HCS** for **HB 1115** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Steelman	Stoll
Westfall	Wiggins—26		

NAYS—Senators

Gibbons	Klarich	Klindt	Loudon
Singleton	Yeckel—6		

Absent—Senator Staples—1

Absent with leave—Senator DePasco—1

On motion of Senator Russell, **CCS** for **SCS** for **HCS** for **HB 1115**, entitled:

**CONFERENCE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1115**

An Act to appropriate money for supplemental



purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2002.

Was read the 3rd time and passed by the following vote:

**YEAS—Senators**

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Mathewson	Quick	Rohrbach
Russell	Schneider	Sims	Steelman
Stoll	Westfall	Wiggins	Yeckel—28

**NAYS—Senators**

Gibbons	Klindt	Loudon	Singleton—4
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Absent—Senator Staples—1

Absent with leave—Senator DePasco—1

The President declared the bill passed.

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

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

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

**HOUSE BILLS ON SECOND READING**

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

**HCS for HB 1425**—Public Health and Welfare.

**HS for HCS for HB 1877**—Rules, Joint Rules, Resolutions and Ethics.

**HCS for HBs 1344 and 1944**—Judiciary.

**HS for HCS for HB 1440**—Insurance and Housing.

**HS for HB 1496**—Commerce and Environment.

**HCS for HB 1689**—Financial and Governmental Organization, Veterans' Affairs and Elections.

**HB 1926**—Public Health and Welfare.

**HB 1679**—Financial and Governmental Organization, Veterans' Affairs and Elections.

**RE-REFERRALS**

President Pro Tem Kinder re-referred **HB 1489** to the Committee on Civil and Criminal Jurisprudence.

**REFERRALS**

President Pro Tem Kinder referred **SCR 65** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

**SECOND READING OF CONCURRENT RESOLUTIONS**

The following concurrent resolution was read the 2nd time and referred to the Committee indicated:

**SCR 66**—Rules, Joint Rules, Resolutions and Ethics.

**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 SBs 923, 828, 876, 694 and 736**, 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.

**MESSAGES FROM THE HOUSE**

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up adopted and third read **HCR 13**.

HOUSE CONCURRENT RESOLUTION NO. 13

WHEREAS, HR 3113, the TANF Reauthorization Act of 2001, was introduced in the United States House of Representatives on October 12, 2001, which would reform the Temporary Assistance for Needy Families program to make it clear that the program's principal focus is the long-term reduction of poverty rather than a short-term immediate reduction in the welfare rolls; and

WHEREAS, HR 3113 would also make it clear that postsecondary education is a work activity under the TANF program by providing access to postsecondary education for TANF recipients as a permissible work activity; and

WHEREAS, in the United States, education has always been a route to economic self-sufficiency and social mobility; and

WHEREAS, in the twenty-first century, at least one year of postsecondary education will become increasingly more essential for all workers; and

WHEREAS, TANF does not currently extend our nation's commitment to educational opportunity to persons living in poverty with their children, but who are ready, willing, and able to benefit from postsecondary education; and

WHEREAS, data from several studies has demonstrated that the additional earning capacity that a postsecondary education provides can make the difference between economic self-sufficiency and continued poverty for many TANF recipients; and

WHEREAS, among families headed by African American, Latino, and Caucasian women, the poverty rate declines from fifty-one, forty-one, and twenty-two percent to twenty-one, eighteen and one-half, and thirteen percent, respectively, with at least one year of postsecondary education; and

WHEREAS, further data has found that postsecondary education not only increases incomes, it also improves self-esteem, increases children's education ambitions, including aspiring to enter postsecondary education themselves, and has a dramatic impact on quality of life; and

WHEREAS, now more than ever TANF recipients need postsecondary education to obtain the knowledge and skills required to compete for jobs and enable them to lift themselves and their children out of poverty in the long-term; and

WHEREAS, without some postsecondary education, most women who leave welfare for employment will earn wages that

place them far below the federal poverty level, even after five years of employment; and

WHEREAS, allowing TANF recipients to attend postsecondary education, even for a short time, will improve their earning potential significantly, with the average person who attends a community college, even without graduating, earning approximately ten percent more than those persons who do not attend postsecondary education at all; and

WHEREAS, women who receive TANF assistance clearly appreciate the importance and role of postsecondary education in moving them out of poverty to long-term economic self-sufficiency; and

WHEREAS, as of November 1999, at least nineteen states had considered or enacted strategies to support recipient's efforts to achieve long-term economic self-sufficiency through the pursuit of postsecondary education:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-first General Assembly, Second Regular Session, the Senate concurring therein, support HR 3113, the TANF Reauthorization Act of 2001; and

BE IT FURTHER RESOLVED that the General Assembly urges Missouri's Congressional delegation to support the passage of HR 3113, the TANF Reauthorization Act of 2001; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and each member of Missouri's Congressional delegation.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up adopted and third read **HCR 34**.

HOUSE CONCURRENT RESOLUTION NO. 34

Relating to approval for the Curators of the University of Missouri to enter into a long-term ground lease of certain real property owned by the University and located in the City of Columbia for the purpose of construction of a hotel/convention center complex on said real property.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE

STATE OF MISSOURI, AS FOLLOWS:

WHEREAS, the Curators of the University of Missouri, a public corporation of the State of Missouri, own certain real property located in the City of Columbia, Boone County, Missouri, more particularly described as follows:

A tract of land being part of the southeast quarter of Section 13, Township 48 North, Range 13 West; part of the southwest quarter of Section 18, Township 48 North, Range 12 West and part of the northwest quarter of Section 19, Township 48 North, Range 12 West in Columbia, Boone County, Missouri.

Starting at the southeast corner of Section 13, Township 48 North, Range 13 West; thence N 1E 15'E, along the range line, 104.73 feet to the north right-of-way of Stadium Boulevard (State Route 740), the point of beginning.

From the point of beginning and following said right-of-way N 88E 18'W 47.10 feet; thence N 88E 54'W 209.92 feet; thence North 44E 10'W 85.00 feet; thence 89E 06'W 15.50 feet to the east line of Monk Drive; thence N 1E 15'E, along said line 737.00 feet to the south line of Hospital Drive; thence S 89E 05'E, along said line 140 feet; thence northeasterly, continuing along said line 860 feet; thence easterly, continuing along the south line of Hospital Drive 440 feet to the west line of College Avenue (State Route 763); thence south, along said line 300 feet; thence southwesterly, continuing along the west line of College Avenue being a curve to the right 1130 feet to the north line of Stadium Boulevard; thence northwesterly, along said line being a curve to the left 750 feet to the beginning.

WHEREAS, the Curators of the University of Missouri intend to issue a "Request for Proposals" (RFP) for the construction of a hotel/convention center complex on said property and intend to use the proceeds derived from the lease of a portion of the above described property to the successful respondent toward the construction of a Performing Arts Center to be located on a portion of the described real property for the University of Missouri-Columbia; and

WHEREAS, the Curators of the University of Missouri intend to include all of the following principles in the "Request for Proposals" (RFP) for this University of Missouri-Columbia project:

(1) The University will not own or operate the hotel/convention center complex;

(2) The University intends to lease the real property for a term not to exceed 50 years;

(3) The University intends to encourage as many interested parties as possible to respond to the RFP; and

(4) The University will expect the successful respondent to pay all applicable taxes, including but not limited to personal property and real property taxes as assessed by governmental entities:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-first General Assembly, Second Regular Session, the Senate concurring therein, hereby approve the Curators of the University of Missouri entering into a long-term ground lease with the successful respondent, as determined by the Curators of the University of Missouri, of the real property described above for the purpose of the construction of a hotel/convention center complex on said real property; and

BE IT FURTHER RESOLVED that this resolution be sent to the Governor for his approval or rejection pursuant to the Missouri Constitution.

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 adopted and third read **HCR 28**.

HOUSE CONCURRENT RESOLUTION NO. 28

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 is a primary factor in determining the rate of return levels regulated electric, natural gas, water, sewer, and heating utility companies may achieve; 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, nontraditional 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; and

WHEREAS, the utility regulatory process must also continue to assure that all consumers continue to receive safe, reliable service at reasonable rates, especially as energy market behavior and other factors beyond Missouri's control exert more influence on the state's citizens:

NOW, THEREFORE, BE IT RESOLVED by the members of the House of Representatives of the Ninety-first General Assembly, Second Regular Session, the Senate concurring therein, that a "Joint Interim Legislative Committee on Utility Regulation and Infrastructure Investment" be created to be composed of five members of the Senate, to be appointed by the President Pro Tem of the Senate, and five members of the house of Representatives, to be appointed by the Speaker of the House of Representatives, and that the committee be authorized throughout the Ninety-first General Assembly; and

BE IT FURTHER RESOLVED that the 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, maintain or improve service safety and reliability, continue to provide reasonably priced utility

services, 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 the 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-second General Assembly; and

BE IT FURTHER RESOLVED that the 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 the 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.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1869**, entitled:

An Act to amend chapter 71, RSMo, by adding thereto one new section relating to peace officer residency requirements.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

## RESOLUTIONS

Senator Bentley offered Senate Resolution No. 1524, regarding Skeeter Lewis, Springfield, which was adopted.

## **INTRODUCTIONS OF GUESTS**

Senator Kennedy introduced to the Senate, Chuck Vasterling, St. Louis.

Senator Sims introduced to the Senate, Leigh Tait and Leah Eby, Clayton; and Dr. Teresa Deshields, St. Louis County; and Leigh and Leah were made honorary pages.

On behalf of Senator Klarich, the President introduced to the Senate, Denise Bertrand and her sons, Brian and Ian Steiner, Wildwood; and Brian and Ian were made honorary pages.

Senator Childers introduced to the Senate, Steve Hartly and Gala Raten, Branson.

Senator Steelman introduced to the Senate, Nathan Rues and Andrew Baughman, Rolla.

Senator Bentley introduced to the Senate, Dr. Gary Wright, Dr. Joyce Dana and 16 doctoral students from St. Louis University, St. Louis.

Senator Sims introduced to the Senate, Dr. Tim Eberlein, Ladue; Dr. John DiPersio, Clayton; and Ms. Shirley A. Johnson, Chesterfield.

Senator Sims introduced to the Senate, Mary Rassieur, Jean Quenon, Alice Callaway, Alma Davis, Carol Walker, Zandra Childress, Valerie P. Terry, Mydie Sant, Estie Pruitt, Judy Peil, Bunny Armstrong and Frances Davis, St. Louis County.

Senator Gross introduced to the Senate, his mother, Margaret Gross, St. Peters; and Carol Bmison, St. Charles.

Senator Goode introduced to the Senate, Marilyn Sullivan and students from Jefferson School, St. Louis County; and Chantel Hill, Latoni Miller, Carvel Claggett and Taylor Rhone were made honorary pages.

Senator Johnson introduced to the Senate, 39 eighth grade students from St. Therease School,

Parkville; and Brandi Cutolo-Crain, Virginia Collins, Ryan Napoli and Lori Ciliberti were made honorary pages.

Senator Klarich introduced to the Senate, his wife, Cheryl, and their children, Rachael, Elsa, Jonathan, Samuel and Joshua, Ballwin; and Pat, Jim and Rebecca O'Donnell, Worcester, Massachusetts; and Rachael, Elsa, Jonathan, Samuel and Joshua were made honorary pages.

On behalf of Senator Gross and himself, Senator House introduced to the Senate, Penny Bennett and Penny Heuke, St. Charles.

Senator Foster introduced to the Senate, Taylor and Patricia Lueddecke, Peidmont; and Taylor and Patricia were made honorary pages.

Senator Cauthorn introduced to the Senate, Jack Creason and Pat Thomas, Mexico.

Senator Gibbons introduced to the Senate, 45 fourth grade students from St. Peters Elementary School, Kirkwood; and Sean McWay, Tim Dreyer, Kelsey Freeborg and Brenna Foley were made honorary pages.

Senator Coleman introduced to the Senate, fourth grade students from Columbia CEC Elementary School and Bryan Hill Elementary School, St. Louis.

On behalf of Senator Stoll, Senator Staples introduced to the Senate, Theresa Ponzar, Marilyn Kraemer, Tammy Cardona and 100 fourth grade students from Antonia Elementary School, Imperial.

Senator Wiggins introduced to the Senate, former State Representative Bill Tudor, Bill and Juanita Wilson and Jim and Lona Rawls, South Kansas City.

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

## SENATE CALENDAR

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 FIFTY-SIXTH DAY—THURSDAY, APRIL 18, 2002
 

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## FORMAL CALENDAR

## HOUSE BILLS ON SECOND READING

HB 1869-Barry

## THIRD READING OF SENATE BILLS

SS for SCS for SBs 837,  
866, 972 & 990-Cauthorn  
(In Budget Control)

SCS for SBs 894, 975  
& 927-Kinder  
(In Budget Control)

SS for SCS for SBs 670 & 684-Sims  
(In Budget Control)

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

## INFORMAL CALENDAR

## SENATE BILLS FOR PERFECTION

SBs 641 & 705-Russell, et al,  
with SCS (pending)

SB 647-Goode, with SCS  
(pending)

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)

SB 668-Bentley, with SS &  
SA 1 (pending)

SB 689-Gibbons, et al,  
with SCS

SB 713-Singleton

SB 735-Steelman and  
Kinder, with SCS

SB 739-Wiggins, with SCS  
SBs 766, 1120 & 1121-  
Steelman, with SCS  
SB 878-Sims, with SCS  
SB 881-Steelman and  
Yeckel, with SCS & SS  
for SCS (pending)  
SB 910-Gibbons  
SB 912-Mathewson, with  
SCS, SS for SCS & SA 4  
(pending)  
SB 926-Kenney, et al, with SCS  
SB 938-Cauthorn, et al  
SB 954-Loudon, with SCS  
SB 971-Klindt, et al, with SCS  
SB 1010-Sims  
SB 1014-Klindt and Kinder  
SB 1026-Kenney, et al, with SCS  
SB 1040-Gibbons, et al, with SCS  
SB 1046-Gross and House,  
with SCS (pending)  
SB 1052-Sims, with SCS,  
SS for SCS, SA 1 &  
SA 1 to SA 1 (pending)  
SB 1060-Westfall, with SCS  
SBs 1063 & 827-Rohrbach  
and Kenney, with SCS

SB 1087-Gibbons, et al, with SCS  
SBs 1095 & 1195-Cauthorn,  
with SCS  
SB 1099-Childers, with SCS  
SB 1103-Westfall, et al,  
with SA 2 (pending)  
SB 1105-Loudon  
SB 1111-Quick, with SCS  
SBs 1112 & 854-Caskey and  
Russell, with SCS  
SB 1133-Gross, with SCS  
SB 1140-Rohrbach  
SB 1152-Klarich, with SCS  
SB 1157-Klindt, with SCS  
SB 1191-Jacob  
SB 1205-Yeckel  
SB 1206-Bentley and Stoll  
SB 1232-Singleton  
SRB 1236-Rohrbach  
SB 1248-Mathewson and  
Kenney, with SCAs 1 & 2  
SBs 1279, 1162 & 1164-  
Kinder and Wiggins,  
with SCS  
SJR 23-Singleton, with SS,  
SA 1 & SSA 1 for SA 1  
(pending)

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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 1406-Barnett, with SCS  
     (Klindt)  
 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 1086-Harlan, with SCS  
     (House)  
 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 1837-Berkowitz, 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 2032-Hosmer, with SCS  
HB 2062-Hosmer, et al  
HB 1789-Ross, et al, with SCS  
HB 1643-Holand and Barry

RESOLUTIONS

SR 1026-Jacob, with SA 1  
(pending)

To be Referred

HCR 18-Copenhaver  
HCR 16-Farnen, et al  
HCR 24-Kreider

HCR 13-Bowman, et al  
HCR 34-Riback Wilson  
HCR 28-Willoughby

Reported from Committee

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

SCR 43-Loudon, with SCS  
HCS for HCR 11

MISCELLANEOUS

REMONSTRANCE 1-Caskey

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