

Journal of the Senate

FIRST REGULAR SESSION

TENTH DAY—MONDAY, JANUARY 27, 2003

The Senate met pursuant to adjournment.

Senator Bartle in the Chair.

Reverend Carl Gauck offered the following prayer:

“God opposes the proud, but gives grace to the humble.”
(1Peter 5:5)

Gracious God, order our footsteps by Your Word and our hearts by Your directing so we may be about the things that we have been elected to do, our conscience clear, and our decisions and lives righteous. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

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

The Journal for Thursday, January 23, 2003, was read and approved.

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

Present—Senators

Bartle	Bland	Bray	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
Steelman	Stoll	Vogel	Wheeler

Yeckel—33

Absent with leave—Senator DePasco—1

RESOLUTIONS

Senator Foster offered Senate Resolution No.

80, regarding Jonathan P. Morse, Poplar Bluff, which was adopted.

Senator Russell offered Senate Resolution No. 81, regarding Dan E. Jarvis, Arcadia Valley, which was adopted.

Senator Vogel offered Senate Resolution No. 82, regarding the One Hundredth Birthday of William Harry Kallenbach, which was adopted.

Senator Dougherty offered Senate Resolution No. 83, regarding the Thirtieth Wedding Anniversary of Mr. and Mrs. Allan Cohen, St. Ann, which was adopted.

Senator Vogel offered Senate Resolution No. 84, regarding Gary Hoskins, Jefferson City, which was adopted.

Senator Vogel offered Senate Resolution No. 85, regarding the Ninetieth Birthday of Dr. Thomas W. Nelson, Jefferson City, which was adopted.

Senator Stoll offered Senate Resolution No. 86, regarding the Thirtieth Wedding Anniversary of Mr. and Mrs. Gary Cronin, Festus, which was adopted.

Senator Bland offered Senate Resolution No. 87, regarding Willie McCann, Kansas City, which was adopted.

Senator Gibbons moved that **SR 78** be taken up for adoption, which motion prevailed.

On motion of Senator Gibbons, **SR 78** was adopted.

CONCURRENT RESOLUTIONS

Senator Jacob offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 4

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 Senate of the Ninety-second General Assembly, First Regular Session, the House of Representatives 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.

Read 1st time.

INTRODUCTION OF BILLS

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

SB 349—By Dougherty, Bray, Coleman, Kennedy, DePasco, Mathewson, Wheeler, Cauthorn, Bland, Quick, Shields, Griesheimer, Days, Dolan and Stoll.

An Act to repeal section 376.429, RSMo, and to enact in lieu thereof one new section relating to health care.

SB 350—By Dougherty, Bray, Dolan, Coleman, Griesheimer, Kennedy, DePasco, Mathewson, Wheeler, Cauthorn, Bland, Quick, Shields, Days and Stoll.

An Act to repeal section 376.1250, RSMo, and to enact in lieu thereof one new section relating to health care.

SB 351—By Dougherty.

An Act to repeal section 194.220, RSMo, and

to enact in lieu thereof one new section relating to health care.

SB 352—By Griesheimer.

An Act to amend chapter 565, RSMo, by adding thereto one new section relating to assault committed in a hospital or trauma center, with penalty provisions.

SB 353—By Stoll.

An Act to amend chapter 620, RSMo, by adding thereto nine new sections relating to science and mathematics education.

SB 354—By Stoll.

An Act to repeal section 163.021, RSMo, and to enact in lieu thereof one new section relating to the analysis of state school aid equity and adequacy.

SB 355—By Stoll.

An Act to repeal section 301.020, RSMo, and to enact in lieu thereof one new section relating to the organ donor program, with penalty provisions.

SB 356—By Stoll.

An Act to repeal section 302.171, RSMo, and to enact in lieu thereof one new section relating to organ donations.

SB 357—By Shields.

An Act to repeal section 536.110, RSMo, and to enact in lieu thereof one new section relating to venue in administrative actions involving real property.

SB 358—By Shields.

An Act to repeal section 115.073, RSMo, and to enact in lieu thereof one new section relating to general expenses of elections paid by certain political subdivisions.

SB 359—By Childers.

An Act to repeal sections 105.483, 137.073, 160.530, 160.545, 162.081, 163.014, 163.015, 163.021, 163.022, 163.023, 163.025, 163.028, 163.031, 163.032, 163.034, 163.035, 163.161,

163.172, 168.021, 168.500, 168.505, 168.510, 168.515, 168.520, and 171.031, RSMo, and to enact in lieu thereof eleven new sections relating to education, with a referendum clause.

SB 360—By Steelman, Klindt, Cauthorn, Russell and Griesheimer.

An Act to repeal section 444.772, RSMo, and to enact in lieu thereof one new section relating to surface mining permit fees.

SB 361—By Steelman.

An Act to repeal section 260.273, RSMo, relating to waste tires, and to enact in lieu thereof one new section relating to the same subject.

SB 362—By Steelman and Gross.

An Act to amend chapter 196, RSMo, by adding thereto six new sections relating to the tobacco settlement agreement, with penalty provisions and an emergency clause.

SB 363—By Jacob.

An Act to repeal section 313.835, RSMo, and to enact in lieu thereof one new section relating to the distribution of money from the gaming commission fund.

SB 364—By Yeckel.

An Act to repeal sections 408.140 and 408.233, RSMo, and to enact in lieu thereof two new sections relating to charges for processing refused instruments.

SB 365—By Yeckel.

An Act to repeal sections 408.140 and 408.233, RSMo, and to enact in lieu thereof two new sections relating to charges for late payments in certain contracts.

SB 366—By Scott, Steelman, Nodler and Gross.

An Act to amend chapter 393, RSMo, by adding thereto one new section relating to the approval of certain gas and electrical facilities by the public service commission.

SB 367—By Scott.

An Act to repeal sections 313.057 and 313.810, RSMo, and to enact in lieu thereof two new sections relating to licensing requirements, with penalty provisions.

SB 368—By Gibbons.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to license plates.

SB 369—By Gibbons.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to friends of kids with cancer special license plates.

REFERRALS

President Pro Tem Kinder referred **SCR 3** 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:

HCS for **HCR 6**—Rules, Joint Rules, Resolutions and Ethics.

SECOND READING OF SENATE BILLS

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

SB 280—Judiciary and Civil and Criminal Jurisprudence.

SB 291—Ways and Means.

SB 292—Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 293—Ways and Means.

SB 294—Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 295—Economic Development, Tourism and Local Government.

SB 296—Education.

SB 297—Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 298—Commerce and the Environment.

SB 300—Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 301—Economic Development, Tourism and Local Government.

SB 302—Judiciary and Civil and Criminal Jurisprudence.

SB 303—Aging, Families, Mental and Public Health.

SB 304—Ways and Means.

SB 305—Ways and Means.

SB 306—Aging, Families, Mental and Public Health.

SB 307—Aging, Families, Mental and Public Health.

SB 308—Aging, Families, Mental and Public Health.

SB 309—Ways and Means.

SB 310—Judiciary and Civil and Criminal Jurisprudence.

SB 311—Aging, Families, Mental and Public Health.

SB 312—Judiciary and Civil and Criminal Jurisprudence.

SB 313—Small Business, Insurance and Industrial Relations.

SB 314—Transportation.

SB 315—Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 316—Small Business, Insurance and Industrial Relations.

SB 317—Small Business, Insurance and Industrial Relations.

SB 318—Education.

SB 319—Judiciary and Civil and Criminal Jurisprudence.

SB 320—Ways and Means.

SB 321—Financial and Governmental Organization, Veterans’ Affairs and Elections.

SB 322—Financial and Governmental Organization, Veterans’ Affairs and Elections.

SB 323—Judiciary and Civil and Criminal Jurisprudence.

SB 324—Small Business, Insurance and Industrial Relations.

SB 325—Education.

SB 326—Ways and Means.

SB 327—Financial and Governmental Organization, Veterans’ Affairs and Elections.

SB 329—Commerce and the Environment.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 23, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Lewis C. Chartock, Ph. D., 532 Midvale Avenue, St. Louis, St. Louis County, Missouri 63130, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2006, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 23, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Karen L. Daniel, Democrat, 11900 Pennsylvania Street, Kansas City, Jackson County, Missouri 64145, as a member of the Northwest Missouri State University Board of Regents, for a term ending January 1, 2006, and until her successor is duly appointed and qualified; vice, RSMo 174.332.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 23, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

James Michael DiPardo, Democrat, 13964 County Road 3630, St. James, Phelps County, Missouri 65559, as a member of the Land Reclamation Commission, for a term ending September 28, 2005, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 23, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Christopher J. Maglio, 2001 West Missouri Street, Kirksville, Adair County, Missouri 63501, as a member of the State Committee of Psychologists, for a term ending August 29, 2007, and until his

successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 23, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY
OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

David J. Malmo, Republican, 21809 Stone Lea Circle, Sedalia, Pettis County, Missouri 65301, as a member of the State Fair Commission, for a term ending December 29, 2004, and until his successor is duly appointed and qualified; vice, Larry Foster, resigned.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 23, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY
OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Wayne Mueller, 509 Riverchase Circle, Fenton, St. Louis County, Missouri 63026, as a member of the Board of Boiler and Pressure Vessel Rules, for a term ending September 28, 2006, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 23, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Nancy Samp, 2411 Beasley Court, Apartment B, Jefferson City, Cole County, Missouri 65101, as a public member of the State Board of Cosmetology, for a term ending August 16, 2006, and until her successor is duly appointed and qualified; vice, John Teale, term expired.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 23, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY
OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Donald M. Schneider, Republican, 1942 Still Creek Pass, Wildwood, St. Louis County, Missouri 63011, as a member of the Northwest Missouri State University Board of Regents, for a term ending January 1, 2009, and until his successor is duly appointed and qualified; vice, RSMo 174.332.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 23, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY
OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Angela Wasson-Hunt, 412 Northwest 43rd Terrace, Kansas City, Clay County, Missouri 64116, as a member of the Kansas City Board of Police Commissioners, for a term ending March 7, 2006, and until her successor is duly appointed and qualified; vice, Dennis Eckold, term expired.

Respectfully submitted,
BOB HOLDEN
Governor

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

The following message was received from the Governor, which was read:

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 27, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY
OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on January 8, 2003 for your advice and consent:

Robert W. Fry, 4155 Allison Drive, Fulton, Callaway County, Missouri 65251, as a member of the Missouri Family Trust Board of Trustees, for a term ending October 25, 2003, and until his

successor is duly appointed and qualified; vice, Dallas Dickens, term expired.

Respectfully submitted,
BOB HOLDEN
Governor

President Pro Tem Kinder moved that the above appointment be returned to the Governor pursuant to his request, which motion prevailed.

INTRODUCTIONS OF GUESTS

Senator Gross introduced to the Senate, Mrs. Jean Ehlmann, and students from St. Charles High School, St. Charles.

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

SENATE CALENDAR

ELEVENTH DAY—TUESDAY, JANUARY 28, 2003

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

- SB 35-Loudon
- SB 128-Bland
- SB 135-Goode
- SB 161-Bland
- SB 164-Bland
- SB 172-Goode
- SB 207-Mathewson
- SB 222-Steelman, et al
- SB 225-Klindt, et al
- SB 241-Yeckel
- SB 249-Shields and Bland
- SB 253-Steelman, et al
- SB 272-Bland, et al
- SB 276-Jacob

- SB 279-Scott
- SB 285-Dougherty, et al
- SB 288-Dolan
- SB 328-Coleman
- SB 330-Caskey
- SB 331-Childers
- SB 332-Childers and Foster
- SB 333-Childers
- SB 334-Goode
- SB 335-Goode
- SB 336-Bray
- SB 337-Cauthorn, et al
- SB 338-Cauthorn
- SB 339-Jacob

SB 340-Wheeler	SB 357-Shields
SB 341-Wheeler	SB 358-Shields
SB 342-Dolan and Quick	SB 359-Childers
SB 343-Dolan	SB 360-Steelman, et al
SB 344-Scott	SB 361-Steelman
SB 345-Jacob and Vogel	SB 362-Steelman and Gross
SB 346-Yeckel	SB 363-Jacob
SB 347-Loudon, et al	SB 364-Yeckel
SB 348-Coleman	SB 365-Yeckel
SB 349-Dougherty, et al	SB 366-Scott, et al
SB 350-Dougherty, et al	SB 367-Scott
SB 351-Dougherty	SB 368-Gibbons
SB 352-Griesheimer	SB 369-Gibbons
SB 353-Stoll	SJR 9-Yeckel
SB 354-Stoll	SJR 10-Yeckel
SB 355-Stoll	SJR 13-Stoll
SB 356-Stoll	SJR 15-Gross, et al

RESOLUTIONS

Journal
To be Referred

SCR 4-Jacob

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