

Journal of the Senate

FIRST REGULAR SESSION

TWENTY-THIRD DAY—TUESDAY, FEBRUARY 18, 2003

The Senate met pursuant to adjournment.

Senator Gross in the Chair.

Reverend Carl Gauck offered the following prayer:

“If the foundations are destroyed, what can the righteous do?”
(Psalm 11:3)

Lord God, we recognize that when things are falling apart it is only to You we can turn. So we pray calm the storms that rage about us and calm our hearts and souls trusting fully in You so we can know the joy that comes from following Your lead and accomplishing our work here. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

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

The Journal of the previous day was read and approved.

Photographers from the Schuyler County Times were given permission to take pictures in the Senate Chamber today.

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 Klindt offered Senate Resolution No. 183, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. L.D. Daniels, Warrensburg, which was adopted.

Senator Bartle offered Senate Resolution No. 184, regarding Deb Gordon, Kansas City, which was adopted.

INTRODUCTION OF BILLS

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

Senator Kennedy requested unanimous consent of the Senate to withdraw **SB 514**, which request was granted.

SB 516—By Kennedy and Coleman.

An Act to repeal section 86.251, RSMo, and to enact in lieu thereof one new section relating to pension and relief systems for police officers.

SB 517—By Jacob.

An Act to repeal section 302.304, RSMo, and to enact in lieu thereof two new sections relating to driver license revocations, with penalty provisions.

SB 518—By Steelman.

An Act to repeal sections 287.610, 621.015,

and 622.020, RSMo, and to enact in lieu thereof three new sections relating to administrative hearings.

SB 519—By Foster.

An Act to repeal section 162.431, RSMo, and to enact in lieu thereof one new section relating to school district boundary changes.

REFERRALS

President Pro Tem Kinder referred the Gubernatorial Appointments appearing on Pages 188 to 192 of the Senate Journal for Thursday, February 6, 2003, to the Committee on Gubernatorial Appointments.

SENATE BILLS FOR PERFECTION

Senator Nodler moved that **SB 55**, with **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SCS for **SB 55** was again taken up.

Senator Jacob offered **SS** for **SCS** for **SB 55**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 55

An Act to add two new sections, Section 1 and Section 2, relating to state institutions of higher education.

Senator Jacob moved that **SS** for **SCS** for **SB 55**, be adopted.

At the request of Senator Jacob, **SS** for **SCS** for **SB 55** was withdrawn.

SCS for **SB 55** was again taken up.

Senator Jacob offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 55, Section 174.241, Page 2, Lines 13-15, by deleting all of said lines and inserting in lieu thereof the following:

“located. At least three persons appointed to the board of regents of Missouri Southern State University-Joplin shall be residents of the district in which the university is located. At least two of the persons appointed to the board of regents of Missouri Southern State University-Joplin shall be residents of congressional districts wholly outside the district in which the university is located, with not more than one such member being appointed from the same congressional district.”

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

Senator Jacob offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 55, Page 1, Section A, Line 3, by inserting after all of said line the following:

“173.005. 1. There is hereby created a “Department of Higher Education”, and the division of higher education of the department of education is abolished and all its powers, duties, functions, personnel and property are transferred as provided by the Reorganization Act of 1974, Appendix B, RSMo.

2. The commission on higher education is abolished and all its powers, duties, personnel and property are transferred by type I transfer to the “Coordinating Board for Higher Education”, which is hereby created, and the coordinating board shall be the head of the department. The coordinating board shall consist of nine members appointed by the governor with the advice and consent of the senate, and not more than five of its members shall be of the same political party. None of the members shall be engaged professionally as an educator or educational administrator with a public or private institution of higher education at the time appointed or during his term. The other qualifications, terms and compensation of the coordinating board shall be the same as provided

by law for the curators of the University of Missouri. The coordinating board may, in order to carry out the duties prescribed for it in subsections 1, 2, 3, 7, and 8 of this section, employ such professional, clerical and research personnel as may be necessary to assist it in performing those duties, but this staff shall not, in any fiscal year, exceed twenty-five full-time equivalent employees regardless of the source of funding. In addition to all other powers, duties and functions transferred to it, the coordinating board for higher education shall have the following duties and responsibilities:

(1) The coordinating board for higher education shall have approval of proposed new degree programs to be offered by the state institutions of higher education;

(2) The coordinating board for higher education may promote and encourage the development of cooperative agreements between Missouri public four-year institutions of higher education which do not offer graduate degrees and Missouri public four-year institutions of higher education which do offer graduate degrees for the purpose of offering graduate degree programs on campuses of those public four-year institutions of higher education which do not otherwise offer graduate degrees. Such agreements shall identify the obligations and duties of the parties, including assignment of administrative responsibility. Any diploma awarded for graduate degrees under such a cooperative agreement shall include the names of both institutions inscribed thereon. Any cooperative agreement in place as of August 28, 2003, shall require no further approval from the coordinating board for higher education. Any costs incurred with respect to the provisions of this subdivision may be paid from state funds allocated to the institution assigned the administrative authority for the program. The provisions of this subdivision shall not be construed to invalidate the provisions of subdivision (1) of this subsection;

[(2)] (3) In consultation with the heads of the institutions of higher education affected and against a background of carefully collected data on enrollment, physical facilities, manpower needs, institutional missions, the coordinating board for higher education shall establish guidelines for appropriation requests by those institutions of higher education; however, other provisions of the Reorganization Act of 1974 notwithstanding, all funds shall be appropriated by the general assembly to the governing board of each public four-year institution of higher education which shall prepare expenditure budgets for the institution;

[(3)] (4) No new state-supported senior colleges or residence centers shall be established except as provided by law and with approval of the coordinating board for higher education;

[(4)] (5) The coordinating board for higher education shall establish admission guidelines consistent with institutional missions;

[(5)] (6) The coordinating board shall establish policies and procedures for institutional decisions relating to the residence status of students;

[(6)] (7) The coordinating board shall establish guidelines to promote and facilitate the transfer of students between institutions of higher education within the state;

[(7)] (8) The coordinating board shall collect the necessary information and develop comparable data for all institutions of higher education in the state. The coordinating board shall use this information to delineate the areas of competence of each of these institutions and for any other purposes deemed appropriate by the coordinating board;

[(8)] (9) Compliance with requests from the coordinating board for institutional information and the other powers, duties and responsibilities, herein assigned to the coordinating board, shall be a prerequisite to the receipt of any funds for which the coordinating board is responsible for

administering; and

[(9)] (10) If any institution of higher education in this state, public or private, willfully fails or refuses to follow any lawful guideline, policy or procedure established or prescribed by the coordinating board, or knowingly deviates from any such guideline, or knowingly acts without coordinating board approval where such approval is required, or willfully fails to comply with any other lawful order of the coordinating board, the coordinating board may, after a public hearing, withhold or direct to be withheld from that institution any funds the disbursement of which is subject to the control of the coordinating board, or may remove the approval of the institution as an "approved institution" within the meaning of section 173.205, but nothing in this section shall prevent any institution of higher education in this state from presenting additional budget requests or from explaining or further clarifying its budget requests to the governor or the general assembly.

3. The coordinating board shall meet at least four times annually with an advisory committee who shall be notified in advance of such meetings. The coordinating board shall have exclusive voting privileges. The advisory committee shall consist of thirty-two members, who shall be the president or other chief administrative officer of the University of Missouri; the chancellor of each campus of the University of Missouri; the president of each state-supported four-year college or university, including Harris-Stowe State College, Missouri Southern State College, Missouri Western State College, and Lincoln University; the president of Linn State Technical College; the president or chancellor of each public community college district; and representatives of each of five accredited private institutions selected biennially, under the supervision of the coordinating board, by the presidents of all of the state's privately supported institutions; but always to include at least one representative from one privately supported junior college, one privately supported four-year college, and one privately supported

university. The conferences shall enable the committee to advise the coordinating board of the views of the institutions on matters within the purview of the coordinating board.

4. The University of Missouri, Lincoln University, and all other state-governed colleges and universities, chapters 172, 174 and 175, RSMo, and others, are transferred by type III transfers to the department of higher education subject to the provisions of subsection 2 of this section.

5. The state historical society, chapter 183, RSMo, is transferred by type III transfer to the University of Missouri.

6. The state anatomical board, chapter 194, RSMo, is transferred by type II transfer to the department of higher education.

7. All the powers, duties and functions vested in the division of public schools and state board of education relating to community college state aid and the supervision, formation of districts and all matters otherwise related to the state's relations with community college districts and matters pertaining to community colleges in public school districts, chapters 163 and 178, RSMo, and others, are transferred to the coordinating board for higher education by type I transfer. Provided, however, that all responsibility for administering the federal-state programs of vocational-technical education, except for the 1202a post-secondary educational amendments of 1972 program, shall remain with the department of elementary and secondary education. The department of elementary and secondary education and the coordinating board for higher education shall cooperate in developing the various plans for vocational-technical education; however, the ultimate responsibility will remain with the state board of education.

8. The administration of sections 163.171 and 163.181, RSMo, relating to teacher-training schools in cities, is transferred by type I transfer to

the coordinating board for higher education.

9. All the powers, duties, functions, personnel and property of the state library and state library commission, chapter 181, RSMo, and others, are transferred by type I transfer to the coordinating board for higher education, and the state library commission is abolished. The coordinating board shall appoint a state librarian who shall administer the affairs of the state library under the supervision of the board.

10. All the powers, duties, functions, and properties of the state poultry experiment station, chapter 262, RSMo, are transferred by type I transfer to the University of Missouri, and the state poultry association and state poultry board are abolished. In the event the University of Missouri shall cease to use the real estate of the poultry experiment station for the purposes of research or shall declare the same surplus, all real estate shall revert to the governor of the state of Missouri and shall not be disposed of without legislative approval.”; and

Further amend said bill, Page 2, Section 174.020, Line 24, by inserting after all of said line the following:

“174.231. The Missouri Southern State [College] **University-Joplin** located in Joplin, Jasper County, is hereby designated a moderately selective institution which shall provide associate and baccalaureate degree programs, **and graduate degree programs pursuant to subdivision (2) of subsection 2 of section 173.005, RSMo**, which meet the needs of the citizens, businesses, and industries of its service area as defined in section 174.010, as well as counties contiguous to Jasper County. The institution shall develop such academic support programs and public service activities it deems necessary and appropriate to establish international or global education as a distinctive theme of its mission. Consistent with the provisions of section 174.324, Missouri Southern State [College] **University-Joplin** is authorized to offer master's level degree programs in accountancy, subject to the approval of the

coordinating board for higher education as provided in subdivision (1) of subsection 2 of section 173.005, RSMo.”; and

Further amend said bill, Page 2, Section 174.241, Line 21, by inserting after all of said line the following:

“174.251. The Missouri Western State College located in St. Joseph, Buchanan County, is hereby designated an open enrollment institution which shall provide associate and baccalaureate degree programs, **and graduate degree programs pursuant to subdivision (2) of subsection 2 of section 173.005, RSMo**, which meet the needs of the citizens, businesses, and industries of its service area as defined in section 174.010, as well as counties contiguous to Buchanan County. The institution shall develop such academic support programs as it deems necessary and appropriate to an open enrollment institution to improve the potential for success of its students. Consistent with the provisions of section 174.324, Missouri Western State College is authorized to offer master's level degree programs in accountancy, subject to the approval of the coordinating board for higher education as provided in subdivision (1) of subsection 2 of section 173.005, RSMo.

174.310. 1. There shall be a period of orderly transition which shall begin with the appointment of the board of regents, during which the St. Louis board of education shall convey by gift, the buildings, facilities, equipment, and adjoining eight acres, more or less, of realty located at 3026 Laclede Avenue, St. Louis, Missouri, which currently serves as the campus of Harris-Stowe State College, to the board of regents, and during which time the St. Louis board of education, at its own expense, shall continue to provide necessary supporting services to Harris-Stowe State College. The transition period shall terminate no later than July 1, 1979, at which time the regents shall be responsible for every aspect of the college's operation.

2. Notwithstanding any other provisions of

this chapter to the contrary, the board of regents of Harris-Stowe State College is authorized to offer undergraduate degree programs with an emphasis on selected applied professional disciplines, **and graduate degree programs pursuant to subdivision (2) of subsection 2 of section 173.005, RSMo**, that will meet the needs of the St. Louis metropolitan area. Such **undergraduate degree** programs shall be subject to approval by the coordinating board for higher education as provided for in subdivision (1) of subsection 2 of section 173.005, RSMo.

3. The state shall, effective July 1, 1978, provide the necessary funds to fully staff and operate Harris-Stowe State College and to make appropriate capital improvements.”; and

Further amend the title and enacting clause accordingly.

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

Senator Jacob offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 55, Page 2, Section 174.241, Line 21, by inserting after all of said lines the following:

“Section 1. When graduate degrees are offered at any public institution of higher education, and all faculty teaching the courses required for said degrees are employees of the degree granting institution, those degrees shall be inscribed with the name of the institution granting the degree.”; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted.

At the request of Senator Nodler, **SB 55**, with **SCS** and **SA 3** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor:

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
February 18, 2003

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

The following addendum should be made to the appointment of Patricia A. Nichols for the Well Installation Board, submitted to you on February 14, 2003. Line 2 should be amended to read:

County, Missouri 63119, as a member of the Well Installation Board

Respectfully submitted,
BOB HOLDEN
Governor

REPORTS OF STANDING COMMITTEES

Senator Gibbons, 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 **SCS** for **SB 246**, 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.

INTRODUCTION OF BILLS

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

SB 520—By Klindt.

An Act to repeal section 160.545, RSMo, and to enact in lieu thereof one new section relating to A+ schools reimbursement.

SB 521—By Gross.

An Act to amend chapter 34, RSMo, by adding thereto one new section relating to bonds of officers and contractors for public works.

SB 522—By Gross.

An Act to repeal section 67.700, RSMo, and to enact in lieu thereof one new section relating to sales tax for capital improvements imposed in certain counties.

SB 523—By Kennedy and Griesheimer.

An Act to repeal sections 337.500, 337.505, 337.507, 337.510, 337.515, 337.520, 337.525, 337.530, 337.535, 337.540, 337.700, 337.703, 337.706, 337.709, 337.712, 337.715, 337.718, 337.727, 337.730, 337.733, 337.736, and 337.739, RSMo, and to enact in lieu thereof twenty-two new sections relating to the licensure of mental health professionals, with penalty provisions and a contingent effective date.

SB 524—By Jacob.

An Act to repeal section 67.1850, RSMo, and to enact in lieu thereof one new section relating to the creation of a geographical information system in certain communities.

On motion of Senator Gibbons, the Senate recessed until 4:30 p.m.

RECESS

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

REPORTS OF STANDING COMMITTEES

Senator Scott, Chairman of the Committee on Pensions and General Laws, submitted the following report:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **HB 401**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

COMMUNICATIONS

President Pro Tem Kinder submitted the following:

February 17, 2003

Mrs. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

RE: Appointment to the Children's Trust Fund Board

Dear Terry:

Pursuant to Section 210.170, RSMo 2002, I am appointing Senator Carl Vogel to the Children's Trust Fund Board.

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

President Pro-Tem

Also,

February 18, 2003

Mrs. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

RE: Appointment to the Joint Committee on Administrative Rules

Dear Terry:

Pursuant to Section 536.037, RSMo 2002, I am appointing Senator Charles Wheeler to the Joint Committee on Administrative Rules.

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Peter D. Kinder

PETER D. KINDER

President Pro-Tem

INTRODUCTIONS OF GUESTS

Senator Wheeler introduced to the Senate, former State Senator Harry Wiggins; and parents, sponsors, and Boy Scout Pack 118 from St. Peter's School, Kansas City; and Patrick Simon, Nathan Ellerman, Peter Feverborn, Eric Sutherlin, Connor Schaible, Quinn Madden, Trevor Marshall, Sam Sharp, Ben Knight, Johnny Reardon, Drew Gregory, Ian Bilardo, and Brody Johnson were made honorary pages.

Senator Griesheimer introduced to the Senate,

Wallis Warren, Lyon.

Senator Kennedy introduced to the Senate, Donna Claes, St. Louis.

Senator Kennedy introduced to the Senate, Marty Warner, Poplar Bluff.

Senator Cauthorn introduced to the Senate, Melody Whitacre, Glennwood.

Senator Cauthorn introduced to the Senate, Kathryn O. Henry, Sue Miller, and Gerry Rutherford, Pike County.

Senator Shields introduced to the Senate, Allene Wright, Sharon Kosek, Joyce Clibon, and Kerry Funck, St. Joseph.

Senator Cauthorn introduced to the Senate, representatives of the Truman Experience Undergraduate Research Capitol Poster Day, Kirksville.

Senator Vogel introduced to the Senate, fourth grade students from St. Peter's School, Jefferson City.

Senator Yeckel introduced to the Senate, Jane Hedgecarth, parents, and members of Girl Scout Troops 2023 and 2813, St. Louis.

On behalf of Senator Cauthorn and himself, Senator Scott introduced to the Senate, Rebecca McClanahan, Kirksville.

Senator Caskey introduced to the Senate, Patte Klaus Schreihofner and Beth Knott, Belton.

Senator Steelman introduced to the Senate, representatives of Missouri Nurses Association Lobby Day.

Senator Kennedy introduced to the Senate, Hattie McDowell, Bonne Terre.

Senator Scott introduced to the Senate, Tiffany Scott Bond and Mary Schuman, Moberly; and Kelly Erickson, St. Louis.

Senator Kinder introduced to the Senate, Jeff Brune, Cape Girardeau.

Senator Klindt introduced to the Senate, Mrs. Elaine Gerstenberger, and her son, Ethan, Cameron.

Senator Jacob introduced to the Senate, the Physician of the Day, Dr. Andrew Evans, M.D., Columbia.

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

SENATE CALENDAR

TWENTY-FOURTH DAY—WEDNESDAY, FEBRUARY 19, 2003

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 374-Shields, et al
 SB 398-Griesheimer, et al
 SB 413-Steelman, et al
 SB 440-Steelman

SB 441-Dougherty
 SB 444-Shields and Steelman
 SB 463-Gross
 SB 473-Stoll

SB 493-Kennedy
SB 497-Yeckel, et al
SB 501-Gross
SB 502-Vogel
SB 503-Jacob
SB 504-Clemens and Champion
SB 505-Clemens
SB 506-Clemens
SB 507-Bray
SB 508-Bray
SB 509-Bray
SB 510-Kinder
SB 511-Kinder, et al
SB 512-Russell

SB 513-Kennedy and Coleman
SB 515-Bland
SB 516-Kennedy and Coleman
SB 517-Jacob
SB 518-Steelman
SB 519-Foster
SB 520-Klindt
SB 521-Gross
SB 522-Gross
SB 523-Kennedy and Griesheimer
SB 524-Jacob
SJR 19-Clemens
SJR 20-Bray

Unofficial
HOUSE BILLS ON SECOND READING

HCS for HB 185
HB 198-Stevenson, et al

HCS for HBs 122 & 80
HB 74-St. Onge

Journal
THIRD READING OF SENATE BILLS

SCS for SBs 299 & 40-
Champion, et al

SCS for SB 246-Steelman, et al

Copy
HOUSE BILLS ON THIRD READING

HB 401-Pratt, with SCS (Klindt)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 11-Kinder and Scott, with SCS
SB 13-Kinder

SB 18-Yeckel and Cauthorn,
with SCS (pending)

SB 33-Loudon and Scott,
with SS (pending)
SB 36-Klindt and Cauthorn,
with SCS
SB 51-Shields
SB 55-Nodler, with SCS &
SA 3 (pending)
SB 112-Loudon, with SCS

SB 217-Champion and
Clemens
SB 265-Shields and Scott,
with SCS
SB 436-Klindt, with SCS,
SS for SCS, SA 2 & point
of order (pending)

CONSENT CALENDAR

Senate Bills

Reported 2/10

SB 62-Caskey
SB 130-Gross and Dolan,
with SCS
SB 173-Quick
SB 228-Griesheimer
SB 232-Cauthorn
SB 235-Quick
SB 275-Russell

SB 282-Shields
SBs 194 & 189-Scott, with
SCS
SB 215-Foster, with SCS
SB 255-Kinder, with SCA 1
SB 266-Shields and Kennedy
SB 63-Caskey

Reported 2/17

SB 122-Caskey, with SCS
SB 292-Yeckel
SB 108-Gross
SB 29-Gross, with SCS
SB 50-Coleman
SB 1-Russell, with SCS
SB 4-Caskey and Russell,
with SCS
SB 117-Shields, with SCS
SB 216-Foster
SB 289-Dolan, et al

SB 314-Dolan
SB 7-Mathewson, with SCS
SB 239-Mathewson and
Scott, with SCS
SB 301-Bray
SB 357-Shields
SB 370-Foster
SB 379-Champion, with SCS
SB 383-Dolan
SB 303-Gibbons, with SCS
SB 56-Nodler, with SCS

RESOLUTIONS

Reported from Committee

SR 30-Shields, with SCS,
SS for SCS & SA 1 (pending)

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