

Journal of the Senate

SECOND REGULAR SESSION

TENTH DAY—MONDAY, JANUARY 26, 2004

The Senate met pursuant to adjournment.

Senator Nodler in the Chair.

Reverend Carl Gauck offered the following prayer:

“I give thanks to thee, O Lord my God, with my whole heart and I will glorify thy name forever.” (Psalm 86:12)

Gracious God, we thank You for those who worked so hard to assure our roads are clear and our travel safe. We thank You for those who do so much to make sure emergency vehicles can get to those who need them. And we thank You for bringing us safely here to continue our work. 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 22, 2004, was read and approved.

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

Present—Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson

Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel—34		

Absent with leave—Senators—None

RESOLUTIONS

Senator Cauthorn offered Senate Resolution No. 1177, regarding Margie Vogel, Bowling Green, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1178, regarding Julie Perez, Louisiana, which was adopted.

Senator Yeckel offered Senate Resolution No. 1179, regarding Daniel Martin “Dan” Huelsing, St. Louis, which was adopted.

Senator Days offered Senate Resolution No. 1180, regarding Girls Holla Back!, St. Louis, which was adopted.

Senator Bartle offered Senate Resolution No. 1181, regarding Tasoula Scire, Blue Springs, which was adopted.

Senator Bartle offered Senate Resolution No. 1182, regarding Tracey Mulholland, Blue Springs, which was adopted.

Senator Bartle offered Senate Resolution No. 1183, regarding Melissa Glasco, Lee’s Summit,

which was adopted.

Senator Bartle offered Senate Resolution No. 1184, regarding Evan Manuel, Blue Springs, which was adopted.

Senator Bartle offered Senate Resolution No. 1185, regarding Mary Ann Shields, Buckner, which was adopted.

Senator Bartle offered Senate Resolution No. 1186, regarding Paula Sue Jensen, Independence, which was adopted.

Senator Wheeler offered Senate Resolution No. 1187, regarding the Eightieth Birthday of Francis L. Harter, Kansas City, which was adopted.

Senator Bland offered Senate Resolution No. 1188, regarding the Ninety-fourth Birthday of Arzelia J. Gates, Kansas City, which was adopted.

Senator Bray offered Senate Resolution No. 1189, regarding Joe Edwards, St. Louis, which was adopted.

Senator Vogel offered Senate Resolution No. 1190, regarding Joan Domke, Callaway County, which was adopted.

Senator Bartle offered Senate Resolution No. 1191, regarding Warren Utsler, Lee's Summit, which was adopted.

Senator Bartle offered Senate Resolution No. 1192, regarding Janet Faye Slauter, Lee's Summit, which was adopted.

Senator Vogel offered the following resolution:

SENATE RESOLUTION NO. 1193

WHEREAS, the General Assembly deems it worthy to support and encourage any of those programs which exist to provide Missouri's senior citizens with an opportunity to utilize their experience and knowledge in a positive and meaningful way; and

WHEREAS, the General Assembly also deems it worthy to support those programs which are designed to provide participants with opportunities to develop better citizenship and leadership qualities; and

WHEREAS, the Silver Haired Legislature is a program which helps to ensure that senior citizens have a voice in state government

while giving its participants a unique insight into the legislative process; and

WHEREAS, the General Assembly has a long tradition of granting the use of its Chambers to such programs:

NOW, THEREFORE, BE IT RESOLVED that the Missouri Senate hereby grant the participants of the Silver Haired Legislature permission to use the Senate chamber for the purpose of their regular session the entire day of October 22, 2004.

Senator Vogel requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 1193** up for adoption, which request was granted.

On motion of Senator Vogel, **SR 1193** was adopted.

CONCURRENT RESOLUTIONS

Senator Vogel offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 31

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.

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.; and

WHEREAS, the University of Missouri has determined that the most appropriate use of the land would be the construction of a hotel/convention center complex; and

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

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

- (1) The University intends to lease the real property for a term not to exceed 50 years;
- (2) The University will lease the real property for an amount equal to or in excess of fair market value;
- (3) The University will encourage as many interested parties as possible to respond to the RFP; and
- (4) The University will not own or operate the hotel/convention center complex;
- (5) The University will not participate in the profits of the hotel/convention center complex in any way except for the receipt of rents for the real property; and
- (6) 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 Missouri Senate, Ninety-Second General Assembly, Second 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.

Senators Gibbons and Stoll offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 32

WHEREAS, the teaching of universal themes such as honesty and integrity benefit the community as a whole by accomplishing change in ways that strengthen, support, and reflect the local community's values; and

WHEREAS, having good character demonstrates understanding, caring, and acting upon core ethical values such as honesty, respect and responsibility and is an essential attribute of a successful individual; and

WHEREAS, schools that reach out to families and include them in character-building efforts greatly enhance their chances for success with students; and

WHEREAS, traits such as kindness and caring, respect and responsibility, fairness and honesty are critical to the overall health and safety of a school; and

WHEREAS, a school must be a caring community which motivates and challenges students to have good moral character and requires moral leadership from both staff and students; and

WHEREAS, polls have shown that 90% of those surveyed support the teaching of values, like responsibility, respect, courage, and caring in schools; and

WHEREAS, in 1988, CHARACTER^{plus}, a statewide collaborative effort that reaches more than 600 schools, 25,000 teachers, and 300,000 students, and based on a grass-roots community project in the St. Louis region, was established in Missouri by parents, educators, and business leaders and is now our nation's largest community-wide response to the challenges of character education; and

WHEREAS, in accordance with the Missouri School Improvement Program (MSIP) Standard 6.5, a comprehensive intentional character education process helps schools create a positive climate for learning and promotes teacher and administrative responsibility; and

WHEREAS, in accordance with the MSIP Standard 6.6, a comprehensive intentional character education process provides the strategy to promote and maintain orderliness in schools and creates a safe environment; and

WHEREAS, in accordance with MSIP Standard 6.6, the CHARACTER^{plus} process provides an assessment tool that gathers data, provides comprehensive and comparative data reports, and furnishes consultation for analyzing and setting up a yearly plan to modify and improve programs and strategies; and

WHEREAS, in accordance with MSIP Standard 6.7, the CHARACTER^{plus} process provides professional development for school character education teams and for the entire school staff as an integral part of the character education process; and

WHEREAS, the principles taught by the CHARACTER^{plus} process are consistent with "Goal 4" of the Show-Me Standards, as approved by the Missouri State Board of Education on January 18, 1996, which states, "Students in Missouri public schools will acquire the knowledge and skills to make decisions and act as responsible members of society"; and

WHEREAS, at least fourteen states have passed legislation requiring character education be taught in schools, while an additional fourteen states encourage the teaching of character education; and

WHEREAS, character education initiatives in Missouri have received support from the U.S. Department of Education in the form of federal grants to our schools to support local character education efforts as has the State of Missouri:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Second General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby challenge each school district in our state to develop a character education process that involves school, home, and community, and if they already have such a process in place, reevaluate such process in order to make certain the resources that best benefit the students of this state are being utilized.

INTRODUCTION OF BILLS

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

SB 1145—By Kennedy.

An Act to amend chapter 304, RSMo, by adding thereto one new section relating to automated traffic control enforcement systems.

SB 1146—By Dougherty and Griesheimer.

An Act to amend chapter 304, RSMo, by adding thereto one new section relating to traffic signal preemption systems, with penalty provisions.

SB 1147—By Dougherty and Bartle.

An Act to repeal section 575.195, RSMo, and to enact in lieu thereof one new section relating to escape from commitment, with penalty provisions.

SB 1148—By Dougherty, Bray, Goode and Gibbons.

An Act to amend chapter 192, RSMo, by adding thereto three new sections relating to the

children's environmental health and protection advisory council.

SB 1149—By Dougherty.

An Act to repeal sections 210.150, 210.152, 210.153, and 210.183, RSMo, and to enact in lieu thereof four new sections relating to the child abuse and neglect registry, with penalty provisions.

SB 1150—By Goode.

An Act to repeal sections 143.091, 143.121, 143.225, 143.261, 143.431, 143.451, 143.461, 143.471, 144.010, 144.030, and 144.190, RSMo, and to enact in lieu thereof nine new sections relating to taxation, with an effective date.

SB 1151—By Steelman, Nodler, Coleman, Bray, Dougherty, Champion, Stoll and Days.

An Act to repeal sections 376.779, 376.810, 376.811, 376.814, 376.825, 376.826, 376.827, 376.830, 376.833, 376.836, and 376.840, RSMo, and to enact in lieu thereof one new section relating to insurance coverage for mental health.

SB 1152—By Steelman.

An Act to amend chapter 204, RSMo, by adding thereto thirty-three new sections relating to reorganized common sewer districts, with penalty provisions.

SB 1153—By Cauthorn.

An Act to amend chapter 252, RSMo, by adding thereto one new section relating to hand fishing.

SB 1154—By Cauthorn.

An Act to repeal section 332.093, RSMo, and to enact in lieu thereof one new section relating to the practice of a dental assistant.

SB 1155—By Cauthorn.

An Act to repeal section 99.1000, RSMo, and to enact in lieu thereof one new section relating to the Missouri rural economic stimulus authority.

SB 1156—By Caskey.

An Act to repeal section 337.500, RSMo, and to enact in lieu thereof one new section relating to licensed professional counselors.

SB 1157—By Scott.

An Act to repeal sections 198.006 and 198.073, RSMo, and to enact in lieu thereof three new sections relating to assisted living facilities.

SB 1158—By Bray, Days and Coleman.

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to emergency contraception.

SB 1159—By Foster and Dougherty.

An Act to repeal section 210.102, RSMo, and to enact in lieu thereof one new section relating to the coordinating board for early childhood.

SB 1160—By Shields, Cauthorn, Gross, Yeckel, Vogel, Nodler, Griesheimer, Kennedy, Klindt, Mathewson, Wheeler, Bartle, Clemens, Stoll, Coleman, Gibbons, Kinder, Loudon, Dougherty and Caskey.

An Act to amend chapter 196, RSMo, by adding thereto six new sections relating to the prescription drug repository program.

SB 1161—By Jacob.

An Act to repeal sections 67.793 and 67.799, RSMo, and to enact in lieu thereof two new sections relating to regional recreation districts.

SB 1162—By Jacob.

An Act to repeal section 64.825, RSMo, and to enact in lieu thereof one new section relating to regulation of subdivisions in unincorporated areas.

SB 1163—By Jacob.

An Act to repeal section 67.402, RSMo, and to enact in lieu thereof one new section relating to nuisance abatement.

SB 1164—By Jacob, Days, Stoll, Wheeler and Kennedy.

An Act to repeal sections 143.121 and

143.431, RSMo, and to enact in lieu thereof two new sections relating to nonresident income tax.

SECOND READING OF CONCURRENT RESOLUTIONS

The following Concurrent Resolution was read the 2nd time and referred to the Committee indicated:

HCR 5—Rules, Joint Rules, Resolutions and Ethics.

COMMITTEE APPOINTMENTS

President Pro Tem Kinder appointed the following escort committee to act with a like committee from the House pursuant to **HCR 3**: Senators Bray, Callahan, Cauthorn, Days, Dolan, Griesheimer, Kennedy, Russell, Scott and Stoll.

SECOND READING OF SENATE BILLS

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

SB 753—Small Business, Insurance and Industrial Relations.

SB 857—Pensions and General Laws.

SB 927—Ways and Means.

SB 929—Small Business, Insurance and Industrial Relations.

SB 953—Commerce and the Environment.

SB 959—Education.

SB 961—Commerce and the Environment.

SB 983—Small Business, Insurance and Industrial Relations.

SB 992—Agriculture, Conservation, Parks and Natural Resources.

SB 1001—Aging, Families, Mental and Public Health.

SB 1010—Financial and Governmental Organ-

ization, Veterans' Affairs and Elections.

SB 1012—Economic Development, Tourism and Local Government.

SB 1013—Aging, Families, Mental and Public Health.

SB 1019—Judiciary and Civil and Criminal Jurisprudence.

SB 1021—Education.

SB 1022—Pensions and General Laws.

SB 1024—Economic Development, Tourism and Local Government.

SB 1026—Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 1027—Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 1030—Aging, Families, Mental and Public Health.

SB 1031—Transportation.

SB 1033—Judiciary and Civil and Criminal Jurisprudence.

SB 1034—Economic Development, Tourism and Local Government.

SB 1035—Small Business, Insurance and Industrial Relations.

SB 1036—Small Business, Insurance and Industrial Relations.

SB 1041—Economic Development, Tourism and Local Government.

SB 1042—Commerce and the Environment.

SB 1044—Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 1045—Pensions and General Laws.

SB 1047—Aging, Families, Mental and Public Health.

SB 1048—Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 1049—Aging, Families, Mental and Public Health.

SB 1050—Small Business, Insurance and Industrial Relations.

SB 1055—Pensions and General Laws.

SB 1057—Education.

SB 1059—Ways and Means.

SB 1060—Education.

SB 1061—Pensions and General Laws.

SB 1062—Economic Development, Tourism and Local Government.

SB 1063—Transportation.

SB 1064—Judiciary and Civil and Criminal Jurisprudence.

SB 1066—Judiciary and Civil and Criminal Jurisprudence.

SB 1070—Pensions and General Laws.

SB 1071—Aging, Families, Mental and Public Health.

SB 1072—Education.

SB 1073—Education.

SB 1074—Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 1075—Economic Development, Tourism and Local Government.

SB 1076—Judiciary and Civil and Criminal Jurisprudence.

SB 1077—Small Business, Insurance and Industrial Relations.

SB 1078—Small Business, Insurance and Industrial Relations.

SB 1079—Ways and Means.

SB 1081—Pensions and General Laws.

SB 1082—Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 1083—Aging, Families, Mental and Public Health.

SB 1085—Financial and Governmental Organization, Veterans’ Affairs and Elections.

SB 1086—Small Business, Insurance and Industrial Relations.

SB 1087—Education.

SB 1088—Transportation.

SB 1091—Education.

SB 1092—Ways and Means.

SB 1093—Financial and Governmental Organization, Veterans’ Affairs and Elections.

SB 1096—Small Business, Insurance and Industrial Relations.

SB 1097—Economic Development, Tourism and Local Government.

SB 1098—Economic Development, Tourism and Local Government.

SB 1099—Ways and Means.

SB 1144—Transportation.

SJR 42—Education.

SJR 44—Transportation.

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 22, 2004

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:

Barry J. Drucker, Republican, 19250 River Ridge Lane, Wildwood, St. Louis County, Missouri 63005, as a member of the State Milk Board, for a term ending September 28, 2005, and until his successor is duly appointed and qualified; vice, Christina Quick,

resigned.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 22, 2004

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:

Erwin P. Gadd, Republican, 2700 Gardenview, Jefferson City, Cole County, Missouri 65109, as a public member of the State Milk Board, for a term ending April 11, 2006, and until his successor is duly appointed and qualified; vice, Jean Grabeel, resigned.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 22, 2004

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:

Judith M. Landvatter, 18532 Melrose Ridge, Wildwood, St. Louis County, Missouri 63038, as a member of the State Advisory Council on Emergency Medical Services, for a term ending January 5, 2008, and until her successor is duly appointed and qualified; vice, Diane Fendya, term expired.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 22, 2004

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:

C. Jeanne Loyd, 3733 Liverpool Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 2006, and until her successor is duly appointed and qualified; vice, Ronald Vessell, resigned.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 22, 2004

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:

Stephen W. Terry, Jr., 802 North Main, Maryville, Nodaway County, Missouri 64468, as student representative of the Northwest Missouri State University Board of Regents, for a term ending May

1, 2005, and until his successor is duly appointed and qualified; vice, Paul G. Klute, term expired.

Respectfully submitted,
BOB HOLDEN
Governor

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

INTRODUCTIONS OF GUESTS

Senator Jacob introduced to the Senate his son, Daniel, Columbia; and Damon Ferlazzo, Springfield; Ashley Warren, Richland; T. Lockhart, Creve Couer; Steven Sieber, St. Louis; and Chris Sander, Hazelwood.

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

SENATE CALENDAR

ELEVENTH DAY—TUESDAY, JANUARY 27, 2004

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 716-Childers

SB 787-Childers

SB 844-Yeckel

SB 877-Goode and Days

SB 943-Goode and Gross

SB 1095-Goode, et al

SB 1100-Gibbons and Gross

SB 1101-Steelman, et al

SB 1102-Steelman and Jacob

SB 1103-Steelman

SB 1104-Steelman

SB 1105-Shields

SB 1106-Shields

SB 1107-Shields

SRB 1108-Bartle

SB 1109-Coleman

SB 1110-Coleman

SB 1111-Klindt

SB 1112-Clemens

SB 1113-Loudon

SB 1114-Loudon

SB 1115-Loudon

SB 1116-Stoll	SB 1141-Loudon
SB 1117-Stoll	SB 1142-Dolan
SB 1118-Cauthorn	SB 1143-Dolan
SB 1119-Cauthorn	SB 1145-Kennedy
SB 1120-Cauthorn	SB 1146-Dougherty and Griesheimer
SB 1121-Cauthorn	SB 1147-Dougherty and Bartle
SB 1122-Shields	SB 1148-Dougherty, et al
SB 1123-Gibbons, et al	SB 1149-Dougherty
SB 1124-Goode and Steelman	SB 1150-Goode
SB 1125-Goode	SB 1151-Steelman, et al
SB 1126-Russell	SB 1152-Steelman
SB 1127-Cauthorn	SB 1153-Cauthorn
SB 1128-Cauthorn	SB 1154-Cauthorn
SB 1129-Bray	SB 1155-Cauthorn
SB 1130-Scott	SB 1156-Caskey
SB 1131-Steelman	SB 1157-Scott
SB 1132-Steelman, et al	SB 1158-Bray, et al
SB 1133-Foster, et al	SB 1159-Foster and Dougherty
SB 1134-Foster, et al	SB 1160-Shields, et al
SB 1135-Foster, et al	SB 1161-Jacob
SB 1136-Vogel	SB 1162-Jacob
SB 1137-Vogel	SB 1163-Jacob
SB 1138-Bartle	SB 1164-Jacob, et al
SB 1139-Mathewson	SJR 43-Klindt
SB 1140-Mathewson	

HOUSE BILLS ON SECOND READING

HB 916-Brown, et al

SENATE BILLS FOR PERFECTION

SB 739-Klindt
SB 732-Gross

SBs 714 & 761-Kinder, et al, with SCS
SB 1000-Bartle

RESOLUTIONS

To be Referred

SCR 31-Vogel

SCR 32-Gibbons and Stoll

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