

# Journal of the Senate

SECOND REGULAR SESSION

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**TWELFTH DAY—WEDNESDAY, JANUARY 28, 2004**

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The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

“The human mind plans the way, but the Lord directs the steps.” (Proverbs 16:9)

Gracious Lord, help us, we pray, in our discernment and grant us wisdom to make insightful decisions that will get us to where you direct us. And Lord we pray for our doorkeeper Fred Fischer, and particularly his wife who had a stroke last night. Touch them with Your healing power and bring them health and wholeness. 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 Associated Press and KOMU-TV 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	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

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Caskey offered Senate Resolution No. 1195, regarding Jim Groh, Peculiar, which was adopted.

Senator Bartle offered Senate Resolution No. 1196, regarding Barry Teghtmeyer, Blue Springs, which was adopted.

Senator Bartle offered Senate Resolution No. 1197, regarding Janet Richards, Blue Springs, which was adopted.

Senator Bartle offered Senate Resolution No. 1198, regarding Tonya Landes, Lee’s Summit, which was adopted.

Senator Bartle offered Senate Resolution No. 1199, regarding Carol Dunn, Lee’s Summit, which was adopted.

Senator Loudon offered Senate Resolution No. 1200, regarding Phyllis Rae Pasley, Maryland

Heights, which was adopted.

Senator Loudon offered Senate Resolution No. 1201, regarding Deborah Shannon, which was adopted.

Senator Yeckel offered Senate Resolution No. 1202, regarding Tara Shaw Sparks, St. Louis, which was adopted.

### 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 Speaker has appointed the following escort committee to act with a like committee from the Senate pursuant to **HCR 3**. Representatives: Pearce, Smith (14), Munzlinger, Dethrow, Angst, Ruestman, Kuessner, Henke, Hubbard and LeVota.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following escort committee for the Lieutenant Governor and Senators attending the State of Transportation address. Representatives: Byrd, Dempsey, Quinn, Shoemaker, Smith (118), Self, Darrough, Sager, Thompson and Swinger.

### MESSAGES FROM THE GOVERNOR

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

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City, Missouri  
January 26, 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:

Earl Wilson, Jr., Democrat, 1115 North 11th Street, St. Louis City, Missouri 63117, as a member of the Coordinating Board for Higher Education, for a term ending June 27, 2006, and until his

successor is duly appointed and qualified; vice, John Bass, term expired.

Respectfully submitted,  
BOB HOLDEN  
Governor

President Pro Tem Kinder referred the above appointment and the appointments appearing on Pages 166 and 167 of the Senate Journal for Tuesday, January 27, 2004, to the Committee on Gubernatorial Appointments.

### INTRODUCTION OF BILLS

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

**SB 1173**—By Days, Bland and Dougherty.

An Act to repeal section 375.918, RSMo, and to enact in lieu thereof one new section relating to the use of credit scores by insurance companies.

**SB 1174**—By Caskey.

An Act to amend chapter 215, RSMo, by adding thereto one new section relating to the abolishment of the Missouri housing development commission.

Senator Gibbons moved that the Senate recess to repair to the House of Representatives to receive a message from Mr. Henry Hungerbeeler, Director of the Missouri Department of Transportation, which motion prevailed.

### JOINT SESSION

The Joint Session was called to order by President Maxwell.

On roll call the following Senators were present:

Present—Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Childers	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Russell	Scott	Shields

Stelman	Stoll	Vogel	Wheeler	Lawson	Mayer	Page	Shoemaker
Yeckel—29				Wagner	Willoughby	Wright	Madam Speaker—16

## Absent—Senators

Champion	Gross	Jacob	Quick—4
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## Vacancies—1

Absent with leave—Senator Clemens—1

On roll call the following Representatives were present:

## Present—Representatives

Abel	Angst	Baker	Barnitz
Bean	Bearden	Behnen	Bishop
Bivins	Black	Bland	Bough
Boykins	Bringer	Brown	Bruns
Burnett	Byrd	Campbell	Cooper 120
Cooper 155	Corcoran	Crawford	Crowell
Cunningham 145	Cunningham 86	Curls	Darrough
Daus	Davis 122	Davis 19	Deeken
Dempsey	Dethrow	Dixon	Dougherty
Dusenberg	Emery	Engler	Ervin
Fares	Fraser	George	Goodman
Green	Guest	Hampton	Harris 110
Harris 23	Haywood	Henke	Hilgemann
Hobbs	Holand	Hoskins	Hubbard
Hunter	Icet	Jackson	Jetton
Johnson 47	Johnson 61	Johnson 90	Jolly
Kelly 144	Kelly 36	Kingery	Kratky
Kuessner	Lager	Lembke	LeVota
Liese	Lipke	Lowe	Luetkemeyer
Marsh	May	McKenna	Meiners
Miller	Moore	Morris	Muckler
Munzlinger	Myers	Nieves	Parker
Pearce	Phillips	Portwood	Pratt
Purgason	Quinn	Ransdall	Rector
Reinhart	Richard	Roark	Ruestman
Rupp	Sager	Salva	Sander
Schaaf	Schlottach	Schneider	Schoemehl
Seigfreid	Selby	Self	Shoemyer
Skaggs	Smith 118	Smith 14	Spreng
St. Onge	Stefanick	Stevenson	Sutherland
Swinger	Taylor	Thompson	Threlkeld
Townley	Viebrock	Villa	Vogt
Walker	Wallace	Walsh	Walton
Ward	Wasson	Whorton	Wildberger
Wilson 119	Wilson 130	Wilson 25	Wilson 42
Witte	Wood	Yaeger	Yates
Young	Zweifel—146		

## Absent and Absent with Leave—Representatives

Avery	Brooks	Carnahan	Donnelly
El-Amin	Graham	Jones	King

The Joint Committee appointed to wait upon the Director of Transportation, Henry Hungerbeeler, escorted him to the dais where he delivered the State of Transportation Address to the Joint Assembly:

**Henry Hungerbeeler****State of Transportation Address****January 28, 2004**

Governor Holden, Governor Maxwell, Speaker Hanaway, President Pro Tem Kinder, Distinguished State Officials, Chief Justice White, Honored Members of the Missouri Supreme Court, Members of the 92nd General Assembly, Members of the Missouri Highways and Transportation Commission, MoDOT Employees and Citizens of Missouri:

It is my great honor to stand before you today on this historic occasion. Searching as far back as House and Senate journals have been printed, which is about 70 years, we have been able to identify no other director of a state agency given the humbling opportunity to address a joint session of the Missouri General Assembly.

I thank you for allowing me to come before this esteemed body and address the important issue of our transportation system.

While most people think of MoDOT as dealing primarily with roads and bridges, we are a full-service department of transportation, and must address our responsibilities to all of our citizens. Therefore, we deal with public transportation, aviation, port development, and both freight and passenger railway service.

And in each of those areas and others for which we are responsible, we see the need for more resources to provide the mobility our citizens need.

As we work together to address our transportation challenges, we should keep three broad principles in mind: --- Soundness, Safety and Support.

**Soundness**

The soundness of your transportation system has been called into question, as has the soundness of your department of transportation.

Distinguished ladies and gentleman, the state of Missouri's transportation system is sound, but not as sound as it needs to be.

Many of our highways are in poor condition...too narrow, or too hilly, or too curving, or have no shoulders, and for safety and

economic development we need to make more highways four lanes.

At the same time, bridges that are one step away from being closed, what we call condition three bridges, are becoming unusable faster than we can get money to replace them.

Many citizens sit in long lines during rush hour traffic, wasting both time and money.

Court mandated low flows on our rivers are impacting the movement of water-borne commerce, causing more trucks on highways and a higher transportation cost for farmers.

MoDOT administers state and federal funds for 37 public transportation agencies and 200 specialized programs for the elderly and disabled, but we have a significant need to offer more public transportation options in our large cities and rural areas alike.

Unfortunately, those transportation areas funded from state general revenue have been cut 37% since 2002. The result is more than 1.8 million fewer transit trips and the elimination of our port improvement program. The truth is Missouri has not provided the funding necessary to adequately address most of these other modal needs or the larger dollar requirements to repair and rehabilitate highways and bridges while simultaneously constructing much-needed highway projects for economic development and congestion relief.

Our funding situation is dramatically demonstrated by the fact that 25 years ago, 17 percent of Missouri's state budget went to transportation. Now only 7.5 percent of state spending goes toward vital improvements to our highways, bridges, transit services, and other modes of transportation.

Interestingly, if our transportation budget had grown at the same rate as the rest of state government, our system today would be in outstanding condition, and long ago we would have completed projects that people are still waiting for us to schedule.

Though I believe inadequate funding is our biggest problem, I do not come before you today with a specific funding proposal. I am here to present the facts about transportation in Missouri so that state elected officials, working in conjunction with MoDOT and the citizens of this great state, can decide how best to address our inadequate transportation system.

This body has already done much to address the problem, passing legislation dealing with accountability, MoDOT leadership, commission governance, and other issues. MoDOT and the Commission have also made changes.

The Missouri Highways and Transportation Commission has provided a better balance in our spending by shifting more adequate funding to taking better care of the existing system. A year ago the commission changed the funding allocation method to a more objective process that allocates funds to various areas of the state and various categories of spending based on such objective factors

as pavement condition, vehicle miles traveled, population, employment, etc.

Changing our method of allocating funds was a wise decision. Nevertheless, we are keenly aware that the state of our transportation system is still not as sound as it needs to be.

The state of your Department of Transportation, however, is sound...not perfect by any means... but good.

An independent Blue Ribbon Panel appointed by the Missouri Highways and Transportation Commission recently recommended that a clear message must be sent indicating, "A new day has dawned at MoDOT." I believe that the new day is well on its way.

Although the department had problems with financial estimates in the past, MoDOT has now established a solid record of sound fiscal practices.

We have reduced staff by approximately 300 people over the last three years. Less than three percent of our budget goes toward administrative costs while we spend 73 percent on construction including building new highways and taking better care of existing roadways. Please note that if our budget were more adequate, that percentage for administrative costs would be even lower, and the percentage spent on construction would be even higher.

We have saved \$53 million over the last three years by streamlining our operations and we expect to save another \$21 million this year. We also saved millions last year by coming within a fraction of a percent on our highway construction cost estimates. Those savings were directed back into building and maintaining highways.

Part of our efficiency comes from our constitutional form of governance... the bipartisan watchdog group of citizens who oversee us. As you know, the Missouri Highways and Transportation Commission is made up of unpaid citizen volunteers who are among the leading members of their communities. Commissioners are appointed by the governor with approval of the Senate and they conduct business in full view of taxpayers.

This system of transportation oversight and decision-making by members of the public has served the people of Missouri well for more than 80 years by limiting political influence and parochialism in transportation decision-making, and it has become more open to public involvement in recent years than ever before in our history. We should keep the Missouri Highways and Transportation Commission in its current form.

Members of the Commission are here today and will be available in the rotunda following this speech to answer your questions. I applaud their unselfish service to this state and their commitment to providing all Missourians with better transportation options.

MoDOT is scrupulously held accountable through numerous

audits each year. The State Auditor reviews our operations on an ongoing basis, as do our internal auditors. Additionally, an independent firm audits us annually. In 2003, they gave MoDOT their highest rating for the fourth straight year and said our financial practices are "as good as it gets."

At the same time, MoDOT employs an inspector general to root out fraud, waste, and abuse and objectively investigate grievances independent of management. An external inspector general position was created by the state legislature last year, and we look forward to working closely with that person. Additionally, we are accountable to the Senate and House Transportation Committees and the Joint Committee on Transportation Oversight. Plus, the Senate Appropriations Committee and House Budget Committee review MoDOT each year.

Most importantly, we are, and want to be, accountable to the people of Missouri. Whether at the ballot box, on the phone, at their computers or attending one of the hundreds of public meetings we hold each year, the citizens of this state have direct input into what we do. We have pledged to listen to them and we are fulfilling that pledge.

We have embarked on a new project planning process that will permit even more public involvement in transportation decisions than ever before. No longer will MoDOT alone make project decisions and inform citizens after the fact. We are committed to having local representatives at the table from the beginning to the end.

MoDOT's construction and maintenance practices are also sound.

In 2003, we completed 268 construction projects, all of which, taken together, were within two percent of cost estimates. This record is part of a four-year trend during which your department of transportation completed projects at a cost that came within one-third of one percent of the estimated cost on a program that totaled more than \$2 billion. In other words, for the last four fiscal years, we have told you in advance what we were going to do...and we have done it.

Others have confirmed the soundness of our construction practices. The Federal Highway Administration has labeled MoDOT as one of the best transportation agencies among all 50 states at delivering promised highway and bridge improvements at the promised price to taxpayers.

Citizens tell us good visibility on highways is very important to them. They especially want to see highway stripes. We listened, and took action. In 2003, we quietly promised to paint centerline stripes on all roads, and paint edge lines on more roads. We delivered on that promise by putting down 82,000 miles of stripes

last year. That's an increase of 13,000 miles.

Our improvements, however, are not limited to highways. In the last 18 months, MoDOT improved aviation safety by installing nine Automated Weather Observation Systems to provide accurate and real time weather information to pilots. Four more are currently under construction.

Our state aviation improvement program is funded through dedicated aviation fuel tax revenue, which is down over 25% since 9-11. Despite the funding decrease, MoDOT was able to install additional navigational aids or make runway pavement improvements at nine Missouri airports.

That is a sound record of significant accomplishment, and much of it is in direct response to concerns citizens have expressed to us.

In addition, MoDOT is sound in its commitment to inclusiveness.

MoDOT has been cited as a leader in state government regarding the award of contracts to Minority- and Women-owned Businesses. Between 1996 and 2002, the department awarded nearly half a billion dollars in contracts to disadvantaged business enterprises. In 2002, MoDOT contracts with these businesses amounted to approximately 73 million dollars, almost twice as much as in 1996. We are committed to doing even better.

At the same time, we are aggressively leading efforts to increase the number of minorities, females and underemployed and low-income individuals entering the construction industry on which this department is so heavily dependent. We are extremely proud of our active involvement in the St. Louis Construction Prep Center that is preparing members of these groups to succeed in the construction field through training for the work place and for life. Graduates of the center are actively sought out by the construction industry due to the excellent training it provides.

I am honored to have a graduate of the center, Mr. Tyrone Gibbs, here today. With Mr. Gibbs' permission, let me tell you a little bit about him. Mr. Gibbs grew up in three different foster homes and three different boys' homes. He spent 12 years on the streets, which resulted in his being incarcerated on three different occasions. Just one week after his last stint in the state penitentiary, Mr. Gibbs got the news that would change his life. He was accepted to the Construction Prep Center.

Second only to his wife, Barbara, Mr. Gibbs credits the Construction Prep Center with keeping him from continuing down the wrong path in life. Mr. Gibbs' "No Day Off, No Lay Off" attitude allowed him to work 40 hours per week at the center and another 50 hours supporting his family. It also allowed him to advance quickly.

He is now a crew chief -- one of only three African-American

foremen out of hundreds of carpenters where he works. He hopes to have his own construction company some day. Mr. Gibbs is what the Construction Prep Center is all about. Tyrone and Barbara Gibbs... please stand up and get the recognition you both deserve.

The state of your MoDOT is sound and that is due primarily to one thing – our outstanding workforce. I was proud to serve my country in the United States Air Force for more than 30 years. I can say unequivocally, however, that I have never had the honor to serve with a harder-working, more dedicated group of people than I have at MoDOT.

Throughout our great state, your friends, family and neighbors who work for MoDOT get up early everyday proudly striving for a better, safer transportation system for all Missourians. They toil with limited resources, yet they deliver on the promises we have made to taxpayers.

I am proud to work with "everyday heroes" at MoDOT, some of whom put their lives on the line everyday.

Bill Pappademos (Papa-DEE-mus) works for MoDOT's Motorist Assist service in St. Louis, a service that cost effectively helps to reduce congestion. On December 8 of last year, Bill looked in his rearview mirror and noticed a vehicle rolling over several times behind him. He carefully stopped and backed up and discovered that the driver, an off-duty police officer, had been thrown from his car and was lying in one of the traffic lanes. Bill placed himself between the seriously injured officer and on coming traffic to protect him until emergency responders could arrive.

When a record number of tornadoes ripped through southwest Missouri in 2003, our employees reacted without hesitation. Maintenance crews from Bolivar in our District 8 region gathered quickly and headed to Stockton, which is in District 7, the night of May 4 following one of the most devastating tornadoes our state has ever experienced. They pulled trees and debris out of the road to allow emergency crews to access victims and to allow motorists to use our highways safely.

We also responded to the human needs of our neighbors during this challenging time. Garland DeWitt, a MoDOT maintenance specialist in Ozark, was working north of Cleaver when he discovered a series of personal items. He recovered family photos, cups from a silver tea set and clothing items for a family who lost a loved one and their home in the storm. This was a priceless discovery for that family.

Heroes also work in the offices of MoDOT. Rebecca Jackson, a MoDOT General Services Manager here in Jefferson City, led efforts to develop a new purchasing method for the department. Her innovative and diligent efforts have saved time and countless taxpayer dollars. This great achievement recently earned her the Distinguished Service Award from the Missouri Association of Public Purchasing.

Bill, Garland, and Rebecca are here today. I would like to ask them to stand.

I am so proud to be associated with folks like Bill, Garland and Rebecca. They are typical of everyday heroes who work throughout the Missouri Department of Transportation. Whether they are helping a customer on the phone, clearing snow from our highways, finding ways to save money or risking their life for an injured motorist, MoDOT employees consistently answer the call of duty. Their commitment is sound.

There is one final "everyday hero" I personally could not live without and want you to meet...the "first lady" in my life...my lovely wife, Anne. Her commitment is sound.

Tragically, 68 MoDOT employees have given their lives since 1945 fulfilling their call to duty. Our most recent loss was just a few months ago. On September 30, 2003, Karla Baublitz, a maintenance worker, was repairing mowing equipment several feet from a roadway in Joplin when a driver fell asleep, ran off the road and struck her.

Karla was hard working and well liked by her colleagues. She was dedicated to her MoDOT family, but she couldn't wait to get home to her own family, which included three children.

MoDOT employees have difficult, sometimes dangerous, jobs and face many challenges. Yet they persevere together in cooperation with the customers they serve, local citizens and our elected officials. I have started to see the positive effects of their determination.

In every county of this state, the good work of MoDOT professionals is turning the tide of public opinion.

Last year, MoDOT officials again embarked on a listening tour of Missouri. We visited cities and towns throughout this beautiful state and heard a familiar refrain, "we love our local MoDOT". The praise for our district employees and the district engineers who lead them was profuse. And they frequently helped make the point that all of us in MoDOT are on the same team. Those district engineers are here today. You know them and they are at your service. They, too, will be available in the rotunda to answer questions about transportation in their areas.

As we traveled the state late last year, people said that the MoDOT they know is open to their inquiries and responsive to their concerns. While members of the public don't always get the answers they want, they do get answers in a timely and courteous way.

They also get results. MoDOT employees are dedicated to finding ways to say "yes" more often and to ending the perception that we automatically say "no." While we sometimes have a professional responsibility to say "no", we are working very hard on saying "yes".

Ladies and gentlemen, we are your neighborhood MoDOT. We care about the safety of the people who use our state highways. We care about the elderly and disabled who rely on the transit services we administer. **And we care about providing reliable options in all modes of transportation.**

We realize, however, that we are not perfect and we must constantly strive to improve the way we do business and build credibility with the public. With this thought always at the forefront of our minds, we are taking steps to further improve our effectiveness as an organization.

We are seeking to measure our progress toward goals such as reducing injury and fatal crash rates; increasing the number of highways in good or better condition; reducing the percentage of deficient bridges; alleviating congestion in St. Louis and Kansas City; and avoiding depreciation in the value of our highway system.

We are also measuring the percentage of highway and bridge construction commitments we are meeting within budget, on time and as promised in our 5-year plan. We have high standards in these areas and even higher expectations for meeting our commitments.

All of the goals I have outlined are imperative to rebuilding confidence in MoDOT. We must be diligent in tracking our progress toward them and ultimately achieving them. That will be a sound investment in our future.

### Safety

Earlier I mentioned three broad areas for discussion today – soundness, safety and support. Though I've spoken of "soundness" first, safety is the foundation principle we seek in every department activity. It is MoDOT's number one objective. We are constantly exploring ways to make our highways and other transportation services safer for everyone. We have instituted better work zone guidelines to limit the number of crashes in highway construction areas. We emphasize internal safety practices to keep our employees and customers safe. And now we, with safety partners such as the Highway Patrol and many others, are developing Missouri's first Comprehensive Highway Safety Plan.

Too many people are dying on Missouri's roads. Over the past three years we have lost 3,463 Missourians to traffic accidents. That averages out to 1,154 per year. If we lost that many people in airplane crashes, it would be totally unacceptable. We need that same level of concern regarding the unacceptable number of motorists who don't make it to their destinations safely.

Working with our transportation partners, we will seek to channel the heartache of past traffic accidents into a safety plan that prevents pain and tears in the future. Our goal is to reduce the number of fatalities on our roads significantly by the end of 2008.

Failing to meet this objective is not an option. **We can do it together. It's a goal we can and must reach!**

In order to reduce roadway deaths appreciably each year, we will need the help of our friends in highway safety. Cooperation is vital to achieving our goal of saving more motorists' lives.

By this summer, Missouri will have a Comprehensive Highway Safety Plan that focuses on the four "Es" – Engineering, Enforcement, Education, and Emergency services. The plan will outline ways to engineer safer roads, to better enforce vital traffic laws, to educate the public about how they can operate vehicles more safely, and to improve the emergency services that respond to traffic crashes.

The lives of those who use our highways are too precious to not act. Safety must be a priority and your support is essential to achieving our safety goals.

### Support

Your MoDOT is poised to make great strides toward improving the soundness and safety of the transportation system of this state, but we need the **support** of the governor, statewide officials, the General Assembly and every citizen of Missouri to move toward better highways, bridges and public transportation options.

We need your support to end the diversion of fuel tax funds to purposes other than building and maintaining state highways and bridges, and enforcing the laws relating to them. The people of Missouri pay fuel taxes as well as other taxes, licensing charges and fees with the expectation that their hard-earned money is going toward highway improvements and traffic enforcement, and that's what the public wants the money to go for.

We understand the fiscal constraints the state is in, but reducing diversions is a course we must all pursue.

It will take an act of this state legislature and perhaps a statewide vote of the people of Missouri to end some of these diversions, but I repeat... **it is a course we must pursue.** The vital functions of other state agencies should be funded through sources outside of transportation dollars. Missourians expect highway revenues to go toward improving our highway system and that is where they should be used.

Another initiative we could take to address our extensive highway needs is utilizing toll roads to a limited extent. This too would require action by the General Assembly and statewide voter approval.

Many people fear that giving MoDOT the authority to use tolls will mean a tollbooth on every street corner. I can assure you that will not happen. In actuality, it would be feasible to place tolls on only a few major projects in Missouri. Legislation already filed lists only six specific projects. Those projects are certainly subject

to debate. They have not yet been approved by anyone. But in every case, they are projects that are not currently funded and may never exist without some additional form of substantial revenue.

Tolling should be a tool in Missouri's transportation toolbox. It will not solve our funding problems, but it will be another step toward meeting our highway needs.

Tolling could help us provide sounder, safer highways, but highway safety is also the responsibility of each of us who set foot in a motor vehicle. Therefore, it is imperative that we enact legislation to encourage safer conduct when driving or when a passenger in a vehicle on our state's roads. The unsafe conduct of a few imposes enormous suffering and costs on the rest of us.

Two safety-related issues, banning open containers of alcohol in vehicles and passing and enforcing a primary seat belt law, will save lives and money and won't cost us a cent. Not only does it make sense to ban open containers from vehicles, but also it would end the mandatory diversion of three percent of our federal highway construction funds to other purposes.

We must also pass a primary seat belt law. That means enacting a measure allowing law enforcement officers to pull people over and ticket them solely for not wearing a safety belt. The United States Department of Transportation estimates that if seat belt usage were to increase from 75 percent to 90 percent, 4,000 lives would be saved nationally each year. No state has ever approached that usage level, however, without a primary seat belt law. One loss of life is too high a price to pay. We must act and give new meaning to the phrase "click it or ticket."

There is a clear humanitarian incentive to save lives through a primary safety belt law. At the same time, an additional financial incentive may come from the federal government. Every version of the federal transportation reauthorization bill currently being considered in Congress recognizes the enormous costs to society of traffic crashes, and therefore contains financial incentives for enacting primary safety belt laws. Missouri could miss out on millions of additional dollars for our highways, if we do not act.

MoDOT has been working closely with Missouri's congressional delegation for more than a year to ensure that our state's share of federal transportation funds increases during the reauthorization process underway. We are encouraged by the funding levels in federal legislation being discussed that could hold the promise of about \$233 million more per year for transportation in Missouri over the next six years.

All funds received from the federal government for highway purposes, however, must be matched at a 20 percent rate with state funds. It is imperative that we make sure we have enough state funding to avoid losing a dollar of federal funds. Additional state revenue will have to be identified.

We are aware of the severe funds shortage in state government,

but it is time to make constructive plans for the critical transportation needs of this state. We cannot leave our transportation system in worse shape than we found it and pass our problems on to our children and grandchildren. We must act now to provide for safer, smoother highways, better bridges and expanded public transportation options.

We in MoDOT will soon be coming to the citizens of Missouri with pleas to help us update the vision for transportation that all of us should share. As we update our long-range transportation plan, we must be guided by the needs that citizens feel and the opportunities our state's geographic location present to us.

As most of you know, my days with MoDOT are coming to a close. When I began this job, I was a newcomer to Missouri. Over the past five years, this great state has become my home and many of you have become my friends. I have come to believe certain things very passionately.

I believe that the employees of MoDOT are well-meaning, committed public servants and they want nothing more than to provide Missourians with the world-class transportation system they deserve.

I believe that our state and federal elected officials are dedicated to improving the lives of all Missourians and will not rest until steps are taken to dramatically improve transportation in this state.

And I believe in the people of this great state. I have quoted several numbers regarding the needs of our transportation system and various funding facts. Transportation, however, is not about numbers. It is about people.

It is about the mothers and fathers who drive to work each morning and the sons and daughters who count on them to return home safely every evening. It is about grandparents who rely on OATS buses to get to the grocery store and to the health care services they need. It is about children on school buses, walking on sidewalks or riding their bikes. It is about safety, jobs, commerce, security, recreation and all the other factors that contribute to a high quality of life.

These reasons are why I believe so strongly that we must improve our transportation system for all Missourians. And the people of this state are why I believe we can do it. Missourians personify the show-me spirit of our state and, when it comes to transportation, they have said, "If you don't show us, we will show you."

The citizens of Kirksville overwhelmingly voted to increase their local taxes to help pay for a four-lane highway that will be completed in 2005. Hollister, a town of 2,600 people, is contributing \$6.5 million to help us build an interchange. High



school students in Canton lost friends in traffic accidents and resolved to do all they could to keep it from happening to someone else. Concerned citizens in O'Fallon, Poplar Bluff, St. Roberts, Washington, Hannibal, Lebanon, Springfield and countless other communities are stepping forward to say, "How can we help build the highway projects that we so desperately need?"

It is this can-do attitude that makes me believe in the people of Missouri. And I believe that, if we all work together, then we will truly witness a new day dawning on Missouri's transportation horizon. Let's make it happen in this capitol, at the ballot box and on every highway and byway of this great state. The **soundness** of our transportation system and the **safety** of our citizens depend on the **support** we give each other.

Thank you and may God bless your travels.

On motion of Senator Gibbons, the Joint Session was dissolved and the Senators returned to the Chamber where they were called to order by Senator Shields.

#### 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 **SB 739**, 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.

#### REFERRALS

President Pro Tem Kinder referred **SB 739** to the Committee on Governmental Accountability and Fiscal Oversight.

#### SENATE BILLS FOR PERFECTION

At the request of Senator Gross, **SB 732** was placed on the Informal Calendar.

Senator Kinder moved that **SB 714** and **SB 761**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS for SBs 714 and 761**, entitled:

#### SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 714 and 761

An Act to repeal sections 174.020 and 174.450, RSMo, and to enact in lieu thereof two new sections relating to names of state colleges.

Was taken up.

Senator Kinder moved that **SCS for SBs 714 and 761** be adopted.

Senator Kinder offered **SS for SCS for SBs 714 and 761**, entitled:

#### SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 714 and 761

An Act to repeal sections 174.020 and 174.450, RSMo, and to enact in lieu thereof three new sections relating to names of state colleges.

Senator Kinder moved that **SS for SCS for SBs 714 and 761** be adopted.

Senator Jacob offered **SS for SS for SCS for SBs 714 and 761**, entitled:

#### SENATE SUBSTITUTE FOR SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 714 and 761

An Act relating to names of state colleges.

Senator Jacob moved that **SS for SS for SCS for SBs 714 and 761** be adopted.

A quorum was established by the following vote:

#### Present—Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Loudon	Nodler	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel—27	

#### Absent—Senators

Coleman	Dolan	Klindt	Mathewson
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Quick—5

Absent with leave—Senators

Days Dougherty—2

A quorum was established by the following vote:

Present—Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel—28

Absent—Senators

Coleman Dolan Klindt Quick—4

Absent with leave—Senators

Days Dougherty—2

A quorum was established by the following vote:

Present—Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Dolan	Foster	Gibbons	Griesheimer
Gross	Jacob	Kennedy	Kinder
Loudon	Mathewson	Nodler	Shields
Steelman	Vogel	Wheeler	Yeckel—24

Absent—Senators

Clemens Coleman Goode Klindt Quick Russell Scott Stoll—8

Absent with leave—Senators

Days Dougherty—2

A quorum was established by the following vote:

Present—Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Clemens
Dolan	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Loudon	Nodler	Scott
Shields	Steelman	Vogel	Wheeler
Yeckel—25			

Absent—Senators

Childers Coleman Klindt Mathewson Quick Russell Stoll—7

Absent with leave—Senators

Days Dougherty—2

Senator Bartle assumed the Chair.

A quorum was established by the following vote:

Present—Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Foster	Gibbons
Griesheimer	Gross	Jacob	Kennedy
Kinder	Loudon	Mathewson	Nodler
Russell	Shields	Steelman	Vogel
Wheeler	Yeckel—26		

Absent—Senators

Dolan Goode Klindt Quick Scott Stoll—6

Absent with leave—Senators

Days Dougherty—2

Senator Shields assumed the Chair.

A quorum was established by the following vote:

Present—Senators

Bartle	Bray	Callahan	Caskey
Champion	Childers	Clemens	Coleman
Foster	Gibbons	Griesheimer	Gross
Jacob	Kinder	Loudon	Mathewson
Nodler	Quick	Shields	Steelman
Vogel	Wheeler	Yeckel—23	

Absent—Senators

Bland Cauthorn Dolan Goode Kennedy Klindt Russell Scott Stoll—9

Absent with leave—Senators

Days Dougherty—2

A quorum was established by the following

vote:

Present—Senators

Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Foster	Gibbons	Griesheimer	Gross
Jacob	Kennedy	Kinder	Nodler
Quick	Shields	Steelman	Wheeler—20

Absent—Senators

Bland	Coleman	Dolan	Goode
Klindt	Loudon	Mathewson	Russell
Scott	Stoll	Vogel	Yeckel—12

Absent with leave—Senators

Days Dougherty—2

A quorum was established by the following vote:

Present—Senators

Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Foster	Gibbons	Griesheimer
Gross	Jacob	Kennedy	Kinder
Loudon	Nodler	Quick	Russell
Shields	Steelman	Vogel	Wheeler—24

Absent—Senators

Bland	Dolan	Goode	Klindt
Mathewson	Scott	Stoll	Yeckel—8

Absent with leave—Senators

Days Dougherty—2

Senator Jacob moved that **SS for SS for SCS for SBs 714 and 761** be adopted and requested a roll call vote be taken. He was joined in his request by Senators Callahan, Gibbons, Kinder and Nodler.

**SS for SS for SCS for SBs 714 and 761** failed of adoption by the following vote:

YEAS—Senators

Coleman	Goode	Jacob	Mathewson
Wheeler—5			

NAYS—Senators

Bartle	Callahan	Caskey	Cauthorn
Champion	Childers	Clemens	Foster
Gibbons	Griesheimer	Gross	Kennedy
Kinder	Klindt	Loudon	Nodler
Russell	Scott	Shields	Steelman
Stoll	Vogel	Yeckel—23	

Absent—Senators

Bland	Bray	Dolan	Quick—4
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Absent with leave—Senators

Days Dougherty—2

Senator Jacob offered **SS No. 2 for SS for SCS for SBs 714 and 761**, entitled:

SENATE SUBSTITUTE NO. 2 FOR  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 714 and 761

An Act to amend chapter 172, RSMo, by adding thereto one new section relating to names of state colleges.

Senator Jacob moved that **SS No. 2 for SS for SCS for SBs 714 and 761** be adopted.

A quorum was established by the following vote:

Present—Senators

Bartle	Bray	Callahan	Caskey
Champion	Childers	Clemens	Foster
Gibbons	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel—26		

Absent—Senators

Bland	Cauthorn	Coleman	Dolan
Goode	Quick—6		

Absent with leave—Senators

Days Dougherty—2

Senator Jacob requested a roll call vote be taken on the adoption of **SS No. 2 for SS for SCS**

for **SBs 714 and 761**. He was joined in his request by Senators Bray, Callahan, Kennedy and Wheeler.

**SS No. 2** for **SS** for **SCS** for **SBs 714 and 761** failed of adoption by the following vote:

YEAS—Senators  
 Bray                      Goode                      Jacob                      Wheeler—4

NAYS—Senators  
 Bartle                      Callahan                      Caskey                      Cauthorn  
 Champion                      Childers                      Clemens                      Foster  
 Gibbons                      Griesheimer                      Gross                      Kennedy  
 Kinder                      Klindt                      Loudon                      Mathewson  
 Nodler                      Russell                      Scott                      Shields  
 Steelman                      Stoll                      Vogel                      Yeckel—24

Absent—Senators  
 Bland                      Coleman                      Dolan                      Quick—4

Absent with leave—Senators  
 Days                      Dougherty—2

Senator Jacob offered **SS No. 3** for **SS** for **SCS** for **SBs 714 and 761**, entitled:

SENATE SUBSTITUTE NO. 3 FOR  
 SENATE SUBSTITUTE FOR  
 SENATE COMMITTEE SUBSTITUTE FOR  
 SENATE BILLS NOS. 714 and 761

An Act to repeal sections 172.035, 174.020, and 174.450, RSMo, and to enact in lieu thereof four new sections relating to names of state colleges.

Senator Jacob moved that **SS No. 3** for **SS** for **SCS** for **SBs 714 and 761** be adopted.

A quorum was established by the following vote:

Present—Senators  
 Bartle                      Bland                      Bray                      Callahan  
 Caskey                      Cauthorn                      Champion                      Childers  
 Clemens                      Foster                      Gibbons                      Goode  
 Griesheimer                      Gross                      Jacob                      Kennedy  
 Kinder                      Loudon                      Nodler                      Russell

Scott                      Shields                      Steelman                      Stoll  
 Vogel                      Wheeler                      Yeckel—27

Absent—Senators  
 Coleman                      Dolan                      Klindt                      Mathewson  
 Quick—5

Absent with leave—Senators  
 Days                      Dougherty—2

Senator Jacob requested a roll call vote be taken on the adoption of **SS No. 3** for **SS** for **SCS** for **SBs 714 and 761**. He was joined in his request by Senators Bland, Kennedy, Kinder and Wheeler.

**SS No. 3** for **SS** for **SCS** for **SBs 714 and 761** failed of adoption by the following vote:

YEAS—Senators  
 Bland                      Bray                      Callahan                      Goode  
 Jacob—5

NAYS—Senators  
 Bartle                      Caskey                      Cauthorn                      Champion  
 Childers                      Clemens                      Coleman                      Foster  
 Gibbons                      Griesheimer                      Gross                      Kennedy  
 Kinder                      Klindt                      Loudon                      Nodler  
 Russell                      Scott                      Shields                      Steelman  
 Stoll                      Vogel                      Wheeler                      Yeckel—24

Absent—Senators  
 Dolan                      Mathewson                      Quick—3

Absent with leave—Senators  
 Days                      Dougherty—2

**SS** for **SCS** for **SBs 714 and 761** was again taken up.

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

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 714 and 761, Page 4, Section 1, Line 14, by inserting after all of said line the following:

“Section B. This act is hereby submitted to

the qualified voters of this state for approval or rejection at an election which is hereby ordered and which shall be held and conducted on Tuesday next following the first Monday in November, 2004, pursuant to the laws and constitutional provisions of this state for the submission of referendum measures by the general assembly, and this act shall become effective when approved by a majority of the votes cast thereon at such election and not otherwise.”; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted.

At the request of Senator Jacob, SA 1 was withdrawn.

Senator Jacob offered SA 2, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 714 and 761, Page 3, Section 174.450, Line 23, by inserting after all of said line the following:

“174.800. 1. As used in this section, the following terms shall mean:

**(1) Qualifying student:** A Missouri resident who is an undergraduate student enrolled in a qualifying institution after the 2003-2004 academic year.

**(2) Qualifying institution:** An institution of higher education in Missouri that receives any state funds whatsoever including, but not be limited to, the institution located in Springfield renamed by this act.

**2. Except as provided in subsection 3 of this section, during the four continuous academic years next following a qualifying student's initial enrollment at a qualifying institution, the tuition charged to a qualifying student shall not exceed the amount that the qualifying student was charged at the time the qualifying student**

**first enrolled in the qualifying institution.**

**3. The tuition charged to a qualifying student enrolled in a degree program that requires more than four years to complete shall not exceed the amount that was charged at the time the qualifying student first enrolled in the qualifying institution for the customary time required to complete the degree program. The customary time required to complete a degree program shall be defined by the qualifying institution offering the program. If the qualifying student changes majors during the time period referred to in this or subsection 2 of this section, the tuition charged to the qualifying student shall equal the amount the qualifying student would have been assessed had the qualifying student been admitted to the changed major program when the qualifying student first enrolled in the qualifying institution.”; and**

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bland, Caskey, Stoll and Wheeler.

SA 2 failed of adoption by the following vote:

YEAS—Senators

Bland	Bray	Callahan	Caskey
Coleman	Foster	Goode	Jacob
Kennedy	Mathewson	Quick	Stoll
Wheeler—13			

NAYS—Senators

Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Gibbons	Griesheimer
Gross	Kinder	Klindt	Loudon
Nodler	Russell	Scott	Shields
Steelman	Vogel	Yeckel—19	

Absent—Senators—None

Absent with leave—Senators

Days	Dougherty—2
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Senator Caskey offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 714 and 761, Page 1, Section 174.020, Line 7 of said page, by striking “Central Missouri State”; and further amend line 8 of said page, by inserting immediately after “University” the following: **“of Central Missouri”**; and

Further amend said bill, Page 2, Section 174.450, Line 19 of said page, by striking “Central Missouri State” and further amend said line by inserting immediately after “University” the following: **“of Central Missouri”**.

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

Senator Jacob offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 714 and 761, Page 1, Section 174.020, Lines 9 and 10, by striking “Southeast Missouri State University” and inserting in lieu thereof the following: **“Eastern Missouri University”**; and

Further amend said bill, Page 2, Section 174.450, Line 19, by inserting after “board of” the following: **“Eastern Missouri University,”**.

Senator Jacob moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Kennedy, Kinder, Russell and Stoll.

**SA 4** failed of adoption by the following vote:

YEAS—Senators

Bland	Bray	Coleman	Jacob
Quick—5			

NAYS—Senators

Bartle	Callahan	Caskey	Cauthorn
Champion	Childers	Clemens	Foster
Gibbons	Goode	Griesheimer	Gross

Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel—26		

Absent—Senator Dolan—1

Absent with leave—Senators

Days Dougherty—2

Senator Bray offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 714 and 761, Page 4, Section 1, Line 14, by inserting after all of said line the following:

**“Section 2. The institution located at Springfield, Missouri, referred prior to August 28, 2004, as Southwest Missouri State University, shall institute and diligently enforce an anti-discrimination policy to provide equal opportunity for all enrolled students and applicants for admission to such university on the basis of merit without discrimination on the basis of their race, color, religion, sex, sexual orientation, national origin, age or disability, or Vietnam era veteran status. Sexual harassment shall be considered discrimination because of sex. This policy shall be instituted so that it is not interpreted in such a way as to violate the legal rights of religious organizations or military organizations associated with the armed forces of the United States of America.”**; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted.

Senator Bartle raised the point of order that **SA 5** is out of order as it goes beyond the scope and title of the bill.

The point of order was referred to the

President Pro Tem, who ruled it well taken.

Senator Champion offered SA 6, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 714 and 761, Page 4, Section 1, Line 1, by striking the word "all" and inserting in lieu thereof, the word "these".

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

Senator Jacob offered SA 7:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 714 and 761, Page 1, In the Title, Line 4 of said title, by inserting immediately after the word "colleges" the following: ", with a contingent effective date"; and

Further amend said bill, page 3, section 174.450, line 23 of said page, by inserting immediately after said line the following:

**"360.087. In addition to the powers granted the authority pursuant to the provisions of sections 360.010 to 360.140, the authority shall issue bonds in the amount of one hundred ninety million four hundred thousand dollars. The revenue derived from such bonds shall be used exclusively for the construction and renovation of life sciences and economic development infrastructure on the several campuses of the University of Missouri. The bonds required pursuant to this section shall be subject to the provisions of sections 360.010 to 360.140 as if they were issued pursuant to the authority's bonding power pursuant to section 360.047.";** and

Further amend said bill, page 4, Section 1, line 14 of said page, by inserting immediately after said line the following:

**"Section 2. 1. The Curators of the University of Missouri, a public corporation of the State of Missouri is hereby authorized and empowered to enter into a long-term ground lease for the purpose of the construction of a hotel/convention center complex in a tract of land owned by the Curators of the University of Missouri, 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.**

**2. The Curators of the University of Missouri shall issue a “Request for Proposals” (RFP) for the construction of a hotel/convention center complex on said property and 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. The RFP shall include the following:**

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

**(2) The University shall lease the real property for a term not to exceed fifty years;**

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

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

**3. The Curators of the University of Missouri shall set the terms and conditions for the lease of the above described property, as they deem reasonable, insofar as they are consistent with the provisions of this section.**

Section B. The repeal and reenactment of sections of 174.020, 174.450, and the enactment of section 1 of this act shall take effect only upon notice to the revisor of statutes from the commissioner of the office of administration that the bonds authorized pursuant to section 360.087 of this act have been issued and upon the authorization of the Curators to enter into the long-term ground lease specified in section 2 of this act.

Section C. If any provision of section A of this act or the application thereof to anyone or to any circumstances is held invalid, the remainder of those sections and the application of such provisions to others or other circumstances shall not be affected thereby.”; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted.

Senator Mathewson raised the point of order that **SA 7** is out of order as it goes beyond the scope and title of the bill, stating that the title relates to names of state colleges.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

**SA 7** was again taken up.

At the request of Senator Kinder, **SB 714** and **SB 761**, with **SCS, SS** for **SCS** and **SA 7** (pending), were placed on the Informal Calendar.

#### **INTRODUCTION OF BILLS**

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

**SB 1175**—By Yeckel.

An Act to repeal sections 494.400, 494.425, 494.430, 494.431, 494.450, 494.455, and 494.460, RSMo, and to enact in lieu thereof seven new sections relating to jury service.

**SB 1176**—By Shields.

An Act to amend chapter 51, RSMo, by adding thereto one new section relating to compensation for additional duties of county clerks.

#### **RESOLUTIONS**

Senator Cauthorn offered Senate Resolution No. 1203, regarding Debra Myers, Ewing, which was adopted.



Senator Klindt offered Senate Resolution No. 1204, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Russell Morin, Mercer, which was adopted.

Senator Klindt offered Senate Resolution No. 1205, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Bill Wilmes, Ravenwood, which was adopted.

### INTRODUCTIONS OF GUESTS

Senator Klindt introduced to the Senate, Micki and Joseph Knowles, Brookfield.

Senator Gross introduced to the Senate, Councilman John Scherr, and his mother Pat; and Councilman John Gieseke, St. Charles.

Senator Bartle introduced to the Senate, Carol Dunn, Melissa Glasco, Tonya Landes, Janet Slauter and Warren Utsler, Lee's Summit; Paula Jensen, Independence; Evan Manuel, Tracey Mulholland, Janet Richards, Tasoula Scire and Barry Teghtmeyer, Blue Springs; and Mary Ann Shields, Buckner.

Senator Caskey introduced to the Senate, John and Jane Kopp, Windsor; and their daughter Jennifer Kopp Dameron, Kansas City.

Senator Foster introduced to the Senate, Vicki and Mike Rhew, Kennett.

Senator Foster introduced to the Senate, Patt Sharp, Kennett.

On behalf of Senator Champion and himself,

Senator Kinder introduced to the Senate, Tom Strong, Ken Meyer, Ed Pinegar, and Raphael Warfield, Springfield.

On behalf of Senator Dolan and himself, Senator Gibbons introduced to the Senate, the Physician of the Day, Dr. Daniel Sohn, M.D., Kirkwood; and Michael Ladefich, O'Fallon.

Senator Caskey introduced to the Senate, Tasoula and John Scire, Janet Houx, and Greg Montgomery, Holden.

On behalf of Senator Jacob and herself, Senator Yeckel introduced to the Senate, Tara Sparks and Jean Swanson, St. Louis County.

Senator Kennedy introduced to the Senate, Christina and Timothy Been and twenty-two fourth grade students from Dewey International Studies, St. Louis.

Senator Dolan introduced to the Senate, Master Sergeant Carl Hargus of Chapter 26 Special Forces Association.

Senator Kinder introduced to the Senate, Susan Williams and Della Hubbard, Sikeston.

Senator Bland introduced to the Senate, Assemblyman Herb J. Wesson, Jr., Speaker of the California State Assembly.

On behalf of Senator Jacob and himself, Senator Loudon introduced to the Senate, Beth Gardner, Columbia.

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

### SENATE CALENDAR

THIRTEENTH DAY—THURSDAY, JANUARY 29, 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 1139-Mathewson
SB 1101-Steelman, et al	SB 1140-Mathewson
SB 1102-Steelman and Jacob	SB 1141-Loudon
SB 1103-Steelman	SB 1142-Dolan
SB 1104-Steelman	SB 1143-Dolan
SB 1105-Shields	SB 1145-Kennedy
SB 1106-Shields	SB 1146-Dougherty and Griesheimer
SB 1107-Shields	SB 1147-Dougherty and Bartle
SRB 1108-Bartle	SB 1148-Dougherty, et al
SB 1109-Coleman	SB 1149-Dougherty
SB 1110-Coleman	SB 1150-Goode
SB 1111-Klindt	SB 1151-Steelman, et al
SB 1112-Clemens	SB 1152-Steelman
SB 1113-Loudon	SB 1153-Cauthorn
SB 1114-Loudon	SB 1154-Cauthorn and Wheeler
SB 1115-Loudon	SB 1155-Cauthorn
SB 1116-Stoll	SB 1156-Caskey
SB 1117-Stoll	SB 1157-Scott
SB 1118-Cauthorn	SB 1158-Bray, et al
SB 1119-Cauthorn	SB 1159-Foster and Dougherty
SB 1120-Cauthorn	SB 1160-Shields, et al
SB 1121-Cauthorn	SB 1161-Jacob
SB 1122-Shields	SB 1162-Jacob
SB 1123-Gibbons, et al	SB 1163-Jacob
SB 1124-Goode and Steelman	SB 1164-Jacob, et al
SB 1125-Goode	SB 1165-Russell
SB 1126-Russell	SB 1166-Caskey
SB 1127-Cauthorn	SB 1167-Caskey
SB 1128-Cauthorn	SB 1168-Jacob
SB 1129-Bray	SB 1169-Jacob
SB 1130-Scott	SB 1170-Shields
SB 1131-Steelman	SB 1171-Griesheimer, et al
SB 1132-Steelman, et al	SB 1172-Gibbons, et al
SB 1133-Foster, et al	SB 1173-Days, et al
SB 1134-Foster, et al	SB 1174-Caskey
SB 1135-Foster, et al	SB 1175-Yeckel
SB 1136-Vogel	SB 1176-Shields
SB 1137-Vogel	SJR 43-Klindt
SB 1138-Bartle	SJR 45-Bartle and Gross

## HOUSE BILLS ON SECOND READING

HB 916-Brown, et al

THIRD READING OF SENATE BILLS

SB 739-Klindt  
(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 1000-Bartle

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 714 & 761-Kinder,  
et al, with SCS,  
SS for SCS & SA 7 (pending)

SB 732-Gross

Unofficial

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Journal

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