

Journal of the Senate

FIRST REGULAR SESSION

TWENTY-SECOND DAY—MONDAY, FEBRUARY 14, 2005

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“You shall take no vengeance or bear a grudge against any of your people, but you shall love your neighbor as yourself: I am the Lord.” (Leviticus 19:18)

O Lord, on this Valentine’s Day may we express love to those who You have placed in our hearts. May we be expressive of our love and care for those whom You have given us to show in small ways how much they mean to us. And may we be neighborly in a most loving way to those we meet each day, especially those who want nothing from us. 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, February 10, 2005, was read and approved.

Senator Shields announced that photographers from KOCR-TV, Springfield, the St. Joseph News-Press and KRCG-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 Bray Callahan Cauthorn

| | | | |
|----------|---------|-----------|-------------|
| Champion | Clemens | Coleman | Crowell |
| Days | Dolan | Dougherty | Engler |
| Gibbons | Graham | Green | Griesheimer |
| Gross | Kennedy | Klindt | Koster |
| Loudon | Mayer | Nodler | Purgason |
| Ridgeway | Scott | Shields | Stouffer |
| Taylor | Vogel | Wheeler | Wilson—32 |

Absent with leave—Senators—None

Vacancies—2

The Lieutenant Governor was present.

RESOLUTIONS

Senator Graham offered Senate Resolution No. 290, regarding Paternity Testing Corporation, Columbia, which was adopted.

Senator Graham offered Senate Resolution No. 291, regarding John Kadlec, Columbia, which was adopted.

Senator Graham offered Senate Resolution No. 292, regarding Renewable Alternatives, Columbia, which was adopted.

Senator Graham offered Senate Resolution No. 293, regarding H2OVER Beverage Company, Columbia, which was adopted.

Senator Stouffer offered Senate Resolution No. 294, regarding Diana Bartholomew, Armstrong, which was adopted.

Senator Stouffer offered Senate Resolution No. 295, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Richard Luebbering, Marshall, which was adopted.

Senator Stouffer offered Senate Resolution No. 296, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Barney Burks, Marshall, which was adopted.

Senator Shields offered Senate Resolution No. 297, regarding Lucille Luke, Kansas City, which was adopted.

Senator Shields offered Senate Resolution No. 298, regarding Thomas Hipp, Kansas City, which was adopted.

Senator Shields offered Senate Resolution No. 299, regarding Jennifer Corum, Gladstone, which was adopted.

Senator Stouffer offered Senate Resolution No. 300, regarding Tom Foster, Salisbury, which was adopted.

Senator Stouffer offered Senate Resolution No. 301, regarding Karen Noska, Fayette, which was adopted.

Senator Stouffer offered Senate Resolution No. 302, regarding the Reverend Marjorie L. Casson, Brunswick, which was adopted.

Senator Bartle offered Senate Resolution No. 303, regarding Steven Fields, Independence, which was adopted.

Senator Clemens offered Senate Resolution No. 304, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Bill Ghan, Nixa, which was adopted.

Senator Clemens offered Senate Resolution No. 305, regarding Michael P. Brooks, Springfield, which was adopted.

Senator Clemens offered Senate Resolution No. 306, regarding Richard Ehrsam, Billings, which was adopted.

Senator Clemens offered Senate Resolution No. 307, regarding Darrell Hand, Ava, which was

adopted.

Senator Bartle offered Senate Resolution No. 308, regarding Steve Krueger, Blue Springs, which was adopted.

Senator Engler offered Senate Resolution No. 309, regarding Gary Heifner, which was adopted.

Senator Engler offered Senate Resolution No. 310, regarding Kyle Kaalberg, which was adopted.

Senator Cauthorn offered Senate Resolution No. 311, regarding the Missouri Corn Merchandising Council, which was adopted.

Senator Graham offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 312

WHEREAS, the members of the Missouri Senate were truly saddened by the death of Columbia police officer Molly Bowden on February 10, 2005, at the age of twenty-six; and

WHEREAS, Molly Bowden was born on July 20, 1978, in Paris, Missouri, into the family of David and Beverly Thomas; rode her first horse at the age of five; and moved to a 185-acre farm in Rocheport in 1988; and

WHEREAS, at the age of eight Molly Bowden accepted the Christian faith while attending Vacation Bible School, a seminal point in her life which would prove to be of tremendous significance to her as an individual and as a member of a family which subsequently followed her lead and joined her in that spiritual journey; and

WHEREAS, Molly Bowden graduated from Hickman High School in 1996, studied criminal justice at Columbia College, and attended the Law Enforcement Training Institute before becoming a police officer with the University of Missouri-Columbia Police Department in 2001; and

WHEREAS, the former Molly Thomas met her future husband, Corey Bowden, when she was an MU police officer and he was her backup from the Columbia Police Department; and

WHEREAS, Molly Thomas and Corey Bowden were joined in holy matrimony during a ceremony which was performed in Jamaica on July 29, 2003, to fulfill the bride's longstanding desire for a beach wedding; and

WHEREAS, on January 10, 2005, officer Molly Bowden was shot while on duty and became the Columbia Police Department's first-ever officer to die from an assault in the line of duty when she

succumbed to injuries on February 20, 2005; and

WHEREAS, Molly Bowden is survived by her parents, David and Beverly Thomas; her brother, Matt Thomas; her loving husband, Corey Bowden; and her beloved stepsons, Cody and Brandon Bowden, with whom she introduced her deep faith in Jesus by regularly taking them to Sunday School:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-third General Assembly, join unanimously to memorialize the life and work of the late Molly Bowden and to convey this legislative body's most heartfelt condolences to her family members, friends, colleagues, and neighbors who now miss her considerable strength, warmth, and light in their daily lives; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution in memory of police officer Molly Bowden of Columbia, Missouri.

Senator Graham offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 313

WHEREAS, the members of the Missouri Senate were truly saddened to learn of the death of John William Thomas on Thursday, February 10, 2005, at the age of fifty; and

WHEREAS, born on November 10, 1954, into the family of Carl and Marjorie Thomas of Columbia, John Thomas married the former Shirley Louise O'Neal on June 18, 1977; and

WHEREAS, the marital union of John and Shirley O'Neal was blessed with the love and affection of two children, Jennifer Thomas and Jason Thomas of Springfield; and

WHEREAS, John Thomas became interested in the professional field of fire protection during high school and subsequently served as the Chief of the Southern Boone County Fire Protection District; and

WHEREAS, John Thomas also served the Hartsburg community through his membership and active participation in the Hartsburg Town Board, Lions Club, Hartsburg Pumpkin Festival Committee, and River Hills Housing Board; and

WHEREAS, John Thomas also distinguished himself as a supervisor of the building trade at the University of Missouri-Columbia; and

WHEREAS, the late John Thomas is survived by his parents, Carl and Marjorie Thomas; daughter, Jennifer Thomas; son, Jason Thomas; sister, Rebecca Kropf; and special friend, Patricia Edelen, of Columbia:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-third General Assembly, join unanimously to memorialize the life and work of John Thomas

and to convey this legislative body's most heartfelt condolences to his family members, friends, colleagues, and neighbors who now miss his considerable strength, warmth, and light in their daily lives; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution in memory of John William Thomas of Hartsburg, Missouri.

INTRODUCTION OF BILLS

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

SB 344—By Wheeler.

An Act to repeal section 534.090, RSMo, and to enact in lieu thereof one new section relating to service of summons in unlawful detainer actions.

SB 345—By Vogel.

An Act to repeal section 288.110, RSMo, and to enact in lieu thereof one new section relating to the transfer of employer accounts, with an effective date.

SB 346—By Clemens.

An Act to amend chapter 537, RSMo, by adding thereto one new section relating to torts and actions for damages.

SB 347—By Clemens and Taylor.

An Act to repeal section 337.510, RSMo, and to enact in lieu thereof one new section relating to licensing requirements for professional counselors.

SB 348—By Clemens.

An Act to repeal section 324.484, RSMo, and to enact in lieu thereof one new section relating to exemption of dentists from acupuncture licensing requirements.

SB 349—By Green, Callahan, Kennedy and Graham.

An Act to repeal sections 290.210, 290.220, 290.230, 290.250, 290.260, 290.262, 290.263, 290.265, 290.270, 290.280, 290.290, 290.300, 290.305, 290.315, 290.320, 290.325, 290.330, 290.335, and 290.340, RSMo, and to enact in lieu thereof twenty new sections relating to prevailing

wages on public works, with penalty provisions.

SB 350—By Wilson.

An Act to repeal section 195.214, RSMo, and to enact in lieu thereof one new section relating to distribution of controlled substances in public parks, with penalty provisions.

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
65101
February 9, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

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

Dave Edwards, Republican, 702 Maxine, Crane, Stone County, Missouri 65633, as a member of the Amusement Ride Safety Board, for a term ending April 17, 2005, and until his successor is duly appointed and qualified; vice, Dave Edwards, withdrawn.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
February 9, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

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

William Dale Finke, 12 Harbor View Drive, Lake Saint Louis, Saint Charles County, Missouri 63367, as the Director of the Department of Insurance, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified; vice, Scott B. Lakin.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
February 9, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

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

Jerry R. King, Republican, Rural Route 4, Post Office Box 744, Butler, Bates County, Missouri 64730, as a member of the State Fair Commission, for a term ending December 29, 2005, and until his successor is duly appointed and qualified; vice, Morris Brown, term expired.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
February 9, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

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

Peggy D. Loman, 909 Northeast Willow Court, Oak Grove, Jackson County, Missouri 64075, as a member of the Advisory Committee for 911 Service Oversight, for a term ending April 9, 2008, and until her successor is duly appointed and qualified; vice, Peggy D. Loman, withdrawn.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
February 9, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

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

Michael A. Marx, 4173 Fairburn Court, Saint Louis, Saint Louis County, Missouri 63129, as a member of the Seismic Safety Commission, for a term ending July 1, 2008, and until his successor is duly appointed and qualified; vice, Michael A.

Marx, withdrawn.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
February 9, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

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

Carl D. Nelson, 2616 Mitchel Avenue, Saint Joseph,
Buchanan County, Missouri 64507, as a member of the Board of
Therapeutic Massage, for a term ending June 17, 2006, and until his
successor is duly appointed and qualified; vice, Carl D. Nelson,
withdrawn.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
February 9, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

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

Tina A. Odo, Republican, 19242 Saint Albans Valley Drive,
Glencoe, Saint Louis County, Missouri 63038, as a member of the
Missouri Public Entity Risk Management Board of Trustees, for a
term ending July 15, 2007, and until her successor is duly appointed
and qualified; vice, Tina A. Odo, withdrawn.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
February 9, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

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

Bruce A. Olson, Republican, 12 Saint Andrews Drive, Ladue,
Saint Louis County, Missouri 63124, as a member of the Health and
Educational Facilities Authority of the State of Missouri, for a term
ending July 30, 2009, and until his successor is duly appointed and
qualified; vice, Jewel L. Hunter, term expired.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
February 9, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

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

Michael J. Stephens, R.Ph., 340 South Elgin, Bolivar, Polk
County, Missouri 65613, as a member of the Commission for the
Missouri Senior Rx Program, for a term ending November 8, 2007,
and until his successor is duly appointed and qualified; vice, Charles
Bond, term expired.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
February 9, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

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

Kevin L. Thompson, Republican, 4 Boxwood Lane,
Kirkwood, Saint Louis County, Missouri 63122, as a member of the
Health and Educational Facilities Authority of the State of Missouri,
for a term ending July 30, 2009, and until his successor is duly
appointed and qualified; vice, Clifford I. Whipple, withdrawn.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri
 Jefferson City
 65101

February 9, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF
 THE STATE OF MISSOURI:

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

Deborah K. Waller, 225 Bradley, Sikeston, Scott County,
 Missouri 63801, as a member of the State Board of Cosmetology,
 for a term ending July 1, 2008, and until her successor is duly
 appointed and qualified; vice, Deborah K. Waller, withdrawn.

Respectfully submitted,

MATT BLUNT
 Governor

REPORTS OF STANDING COMMITTEES

Senator Griesheimer, Chairman of the
 Committee on Economic Development, Tourism
 and Local Government, submitted the following
 reports:

Mr. President: Your Committee on Economic
 Development, Tourism and Local Government, to
 which was referred **SB 24**, begs leave to report that
 it has considered the same and recommends that
 the Senate Committee Substitute, hereto attached,
 do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic
 Development, Tourism and Local Government, to
 which was referred **SB 69**, begs leave to report that
 it has considered the same and recommends that
 the Senate Committee Substitute, hereto attached,
 do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic
 Development, Tourism and Local Government, to
 which was referred **SB 70**, begs leave to report that
 it has considered the same and recommends that
 the Senate Committee Substitute, hereto attached,
 do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic
 Development, Tourism and Local Government, to

which was referred **SB 86**, begs leave to report that
 it has considered the same and recommends that
 the bill do pass and be placed on the Consent
 Calendar.

Also,

Mr. President: Your Committee on Economic
 Development, Tourism and Local Government, to
 which was referred **SB 99**, begs leave to report that
 it has considered the same and recommends that
 the bill do pass and be placed on the Consent
 Calendar.

Also,

Mr. President: Your Committee on Economic
 Development, Tourism and Local Government, to
 which was referred **SB 174**, begs leave to report
 that it has considered the same and recommends
 that the bill do pass and be placed on the Consent
 Calendar.

Also,

Mr. President: Your Committee on Economic
 Development, Tourism and Local Government, to
 which was referred **SB 206**, begs leave to report
 that it has considered the same and recommends
 that the bill do pass and be placed on the Consent
 Calendar.

Senator Klindt, Chairman of the Committee
 on Commerce, Energy and the Environment,
 submitted the following report:

Mr. President: Your Committee on
 Commerce, Energy and the Environment, to which
 was referred **SB 148**, begs leave to report that it
 has considered the same and recommends that the
 bill do pass and be placed on the Consent
 Calendar.

Senator Cauthorn, Chairman of the Committee
 on Governmental Accountability and Fiscal
 Oversight, submitted the following report:

Mr. President: Your Committee on Govern-
 mental Accountability and Fiscal Oversight, to
 which was referred **SB 122**, begs leave to report
 that it has considered the same and recommends
 that the Senate Committee Substitute, hereto

attached, do pass and be placed on the Consent Calendar.

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 178**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 180**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 141**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 100**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 71**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Champion, Chairman of the

Committee on Aging, Families, Mental and Public Health, submitted the following reports:

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 21**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 162**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 165**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 123**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 149**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following reports:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 189**, begs leave to report that it has considered the same and

recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **SB 13**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Clemens, Chairman of the Committee on Agriculture, Conservation, Parks and Natural Resources, submitted the following reports:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **SB 171**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **SJR 8**, begs leave to report that it has considered the same and recommends that the joint resolution do pass and be placed on the Consent Calendar.

Senator Nodler, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 36**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Shields, 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 SBs 202, 33, 45, 183 and 217**, 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.

SENATE BILLS FOR PERFECTION

Senator Champion moved that **SB 98**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for SB 98, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 98

An Act to repeal sections 173.005, 174.020, 174.231, 174.241, 174.250, 174.251, 174.253, 174.261, 174.300, 174.310, 174.320, 174.324, 174.450, 174.453, and 176.010, RSMo, and to enact in lieu thereof fourteen new sections relating to state institutions of higher education.

Was taken up.

Senator Champion moved that **SCS for SB 98** be adopted.

Senator Champion offered **SS for SCS for SB 98**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 98

An Act to repeal sections 173.005, 174.020, 174.231, 174.241, 174.250, 174.251, 174.253, 174.261, 174.300, 174.310, 174.320, 174.324, 174.450, 174.453, and 176.010, RSMo, and to enact in lieu thereof fourteen new sections relating to state institutions of higher education.

Senator Champion moved that **SS for SCS for SB 98** be adopted.

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

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 98, Page 21, Section 174.241, Line 28 of said page, by inserting after all of said line the following:

“Section B. The provisions of this act shall only become effective when all of the state’s public policy issues mentioned by the governor in his state of the state address, as printed on pages 119-123 of the senate journal on Wednesday,

January 26, 2005, are resolved. A panel, consisting of the president pro tempore of the Missouri senate, the speaker of the Missouri house of representatives, the Missouri senate minority floor leader, and the Missouri house minority leader, must unanimously agree that all such issues have been resolved. Upon such an unanimous decision, the panel shall send written notice to the revisor of statutes, and the provisions of this act shall become effective.”; and

Further amend the title and enacting clause accordingly.

Senator Days moved that the above amendment be adopted.

Senator Scott assumed the Chair.

Senator Nodler raised the point of order that **SA 1** is out of order in that it goes beyond the scope and purpose of the title of the bill.

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

SA 1 was again taken up.

At the request of Senator Champion, **SB 98**, with **SCS, SS** for **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

President Pro Tem Gibbons assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 270**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 225**, begs leave

to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Griesheimer, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following report:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 210**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Clemens, Chairman of the Committee on Agriculture, Conservation, Parks and Natural Resources, submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **SJR 1**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

REFERRALS

President Pro Tem Gibbons referred the gubernatorial appointments appearing on pages 215-217 of today's Journal to the Committee on Gubernatorial Appointments.

On motion of Senator Shields, the Senate recessed until 7:30 p.m.

RECESS

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

SENATE BILLS FOR PERFECTION

Senator Champion moved that **SB 98**, with **SCS, SS** for **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 was again taken up.

Senator Days was recognized to inquire of Senator Dougherty.

Senator Dolan raised the point of order that the debate between Senator Days and Senator Dougherty was not debate, but in fact Senator Dougherty was speaking on the bill and was not recognized for that purpose.

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

SA 1 was again taken up.

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

SENATE AMENDMENT NO. 1 TO SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 98, Page 1, Section B, Line 4, by striking the word "all" and inserting in lieu thereof: "a majority"; and further amend lines 7 to 14, by striking all of said lines and inserting in lieu thereof: "2005, are filed as legislation by members of the 93rd General Assembly, First Regular Session."; and".

Senator Dolan moved that the above amendment be adopted.

Senator Bartle assumed the Chair.

A quorum was established by the following vote:

Present—Senators

| | | | |
|----------|-----------|-------------|----------|
| Bartle | Bray | Callahan | Cauthorn |
| Champion | Clemens | Coleman | Crowell |
| Dolan | Dougherty | Engler | Gibbons |
| Graham | Green | Griesheimer | Gross |
| Kennedy | Klindt | Koster | Loudon |
| Mayer | Nodler | Purgason | Ridgeway |
| Scott | Shields | Stouffer | Taylor |
| Vogel | Wilson—30 | | |

Absent—Senators

Days Wheeler—2

Absent with leave—Senators—None

Vacancies—2

SA 1 to SA 1 was again taken up.

Senator Koster assumed the Chair.

Senator Bartle assumed the Chair.

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

SA 1 was again taken up.

President Kinder assumed the Chair.

A quorum was established by the following vote:

Present—Senators

| | | | |
|----------|---------|-----------|-------------|
| Bartle | Bray | Callahan | Cauthorn |
| Champion | Clemens | Coleman | Crowell |
| Days | Dolan | Dougherty | Engler |
| Gibbons | Graham | Green | Griesheimer |
| Gross | Kennedy | Klindt | Koster |
| Loudon | Mayer | Nodler | Purgason |
| Ridgeway | Scott | Shields | Stouffer |
| Taylor | Vogel | Wilson—31 | |

Absent—Senator Wheeler—1

Absent with leave—Senators—None

Vacancies—2

SA 1 was again taken up.

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

Senator Koster offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 98, Page 7, Section 174.020, Line 21, by inserting after the "1.": "Except as provided in subsection 5 of this section," and further amend said section, page 8, line 21, by inserting after all of said line: "5. The board of governors of the institution at Warrensburg, Johnson County, may alter the name of such institution to "The University of Central Missouri" upon the approval of at least four voting members of the board. Upon such a vote, the board shall provide written notice to

the revisor of statutes affirming that the board has approved the alteration. From the date the revisor receives the notice, the institution at Warrensburg, Johnson County, shall be named and known as “The University of Central Missouri.” The provisions of this subsection shall expire on August 28, 2007.”; and further amend page 20, section 176.010, line 28, by striking the “(e)” and inserting in lieu thereof: “[~~(e)~~] (f)” and further amend page 21 of said section, line 2, by striking the “(f)” and inserting in lieu thereof: “[~~(f)~~] (g)”.

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

Senator Days offered SA 3, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 98, Page 21, Section 174.241, Line 28 of said page, by inserting after all of said line the following:

“Section B. The provisions of this act shall only become effective when all of the state’s public policy issues mentioned by the governor in his state of the state address, as printed on pages 119-123 of the senate journal on Wednesday, January 26, 2005, are resolved. A panel, consisting of the president pro tempore of the Missouri senate, the speaker of the Missouri house of representatives, the Missouri senate minority floor leader, and the Missouri house minority leader, must unanimously agree that all such issues have been resolved. Upon such an unanimous decision, the panel shall send written notice to the revisor of statutes, and the provisions of this act shall become effective.”; and

Further amend the title and enacting clause accordingly.

Senator Days moved that the above amendment be adopted.

Senator Scott assumed the Chair.

President Kinder assumed the Chair.

A quorum was established by the following vote:

Present—Senators

| | | | |
|-------------|---------|-----------|----------|
| Bartle | Bray | Callahan | Champion |
| Clemens | Coleman | Crowell | Days |
| Engler | Gibbons | Graham | Green |
| Griesheimer | Kennedy | Klindt | Koster |
| Loudon | Mayer | Nodler | Purgason |
| Ridgeway | Scott | Shields | Stouffer |
| Taylor | Vogel | Wilson—27 | |

Absent—Senators

| | | | |
|-----------|-------|-----------|-------|
| Cauthorn | Dolan | Dougherty | Gross |
| Wheeler—5 | | | |

Absent with leave—Senators—None

Vacancies—2

SA 3 was again taken up.

At the request of Senator Days, SA 3 was withdrawn.

Senator Graham offered SA 4:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 98, Page 21, Section 176.010, Line 6 of said page, by inserting after all of said line the following:

“Section 1. Missouri State University shall not seek the land grant designation held by Lincoln University and the University of Missouri nor shall Missouri State University seek the research designation currently held by the University of Missouri. Missouri State University shall offer engineering programs and doctoral programs only in cooperation with the University of Missouri; provided that such cooperative agreements are approved by the governing boards of each institution and that in these instances the University of Missouri shall be the degree-granting institution. Should the University of Missouri decline to cooperate in the offering of such programs within one year of the formal approval of the coordinating board, Missouri State University may cooperate with another educational institution, or directly offer the degree. In all cases, the offering of such

degree programs shall be subject to the approval of the coordinating board for higher education, or any other higher education governing authority that may replace it. Missouri State University may offer doctoral programs in audiology and physical therapy. Missouri State University shall neither offer nor duplicate the professional programs at the University of Missouri including, without limitation, those that train medical doctors, pharmacists, dentists, veterinarians, optometrists, lawyers, and architects. The alteration of the name of Southwest Missouri State University to Missouri State University shall not entitle Missouri State University to any additional state funding.”; and

Further amend the title and enacting clause accordingly.

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

Senator Scott assumed the Chair.

President Kinder assumed the Chair.

Senator Graham offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 98, Page 1, Section A, Line 7, by inserting after all of said line the following:

“172.020. **Pursuant to sections 9(a) and 9(b) of Article IX of the Missouri Constitution**, the **state** university is hereby incorporated and created as a body politic and shall be known by the name of “The Curators of the University of Missouri”, and by that name shall have perpetual succession, power to sue and be sued, complain and defend in all courts; to make and use a common seal, and to alter the same at pleasure; to take, purchase and to sell, convey and otherwise dispose of lands and chattels, except that the curators shall not have the power to subdivide, sell or convey title to any land contained within a university campus or to subdivide, sell or convey title to any portion of any parcel of land containing in excess of twenty-five hundred contiguous acres

unless such transaction is approved by the general assembly by passage of a concurrent resolution signed by the governor. The curators shall not sell, trade or otherwise convey or permit the severance of timber, minerals or other natural resources, unless the curators comply with bidding procedures established by rule that mandate notice of the transaction be provided in a manner reasonably calculated to apprise prospective purchasers. Such rule or rules must at a minimum require at least one notice of the transaction be published in a newspaper of general circulation where the resources are located. The curators may act as trustee in all cases in which there be a gift of property or property left by will to the university or for its benefit or for the benefit of students of the university; to condemn an appropriate real estate or other property, or any interest therein, for any public purpose within the scope of its organization, in the same manner and with like effect as is provided in chapter 523, RSMo, relating to the appropriation and valuation of lands taken for telegraph, telephone, gravel and plank or railroad purposes; provided, that if the curators so elect, no assessment of damages or compensation under this law shall be payable and no execution shall issue before the expiration of sixty days after the adjournment of the next regular session of the legislature held after such assessment is made, but the same shall bear interest at the rate of six percent per annum from its date until paid; and provided further, that the curators may, at any time, elect to abandon the proposed appropriation of property by an instrument of writing to that effect, to be filed with the clerk of the court and entered on the minutes of the court, and as to so much as is thus abandoned, the assessment of damages or compensation shall be void.” and

Further amend the title and enacting clause accordingly.

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

Senator Champion moved that **SS** for **SCS** for **SB 98**, as amended, be adopted, which motion prevailed.

Senator Champion moved that **SS** for **SCS** for **SB 98**, as amended, be declared perfected and ordered printed and requested a roll call vote be taken. She was joined in her request by Senators Callahan, Nodler, Scott and Shields.

SS for **SCS** for **SB 98**, as amended, was declared perfected and ordered printed by the following vote:

YEAS—Senators

| | | | |
|---------|----------|-------------|----------|
| Bartle | Callahan | Cauthorn | Champion |
| Clemens | Coleman | Dolan | Engler |
| Gibbons | Green | Griesheimer | Kennedy |
| Klindt | Koster | Loudon | Mayer |

| | | | |
|---------|----------|-----------|-------|
| Nodler | Purgason | Ridgeway | Scott |
| Shields | Taylor | Wilson—23 | |

NAYS—Senators

| | | | |
|-------|----------|---------|--------|
| Bray | Crowell | Days | Graham |
| Gross | Stouffer | Vogel—7 | |

Absent—Senators

| | |
|-----------|-----------|
| Dougherty | Wheeler—2 |
|-----------|-----------|

Absent with leave—Senators—None

Vacancies—2

On motion of Senator Shields, the Senate adjourned until 12:00 Noon, Tuesday, February 15, 2005.

SENATE CALENDAR

Unofficial
TWENTY-THIRD DAY—TUESDAY, FEBRUARY 15, 2005

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

- | | |
|----------------------------|---------------------------|
| SB 321-Shields | SB 339-Gross |
| SB 322-Bartle | SB 340-Kennedy and Koster |
| SB 323-Bartle | SB 341-Bartle |
| SB 324-Scott | SB 342-Bartle |
| SB 325-Bray, et al | SB 343-Bartle, et al |
| SB 326-Nodler | SB 344-Wheeler |
| SB 327-Scott | SB 345-Vogel |
| SB 329-Coleman | SB 346-Clemens |
| SB 331-Coleman | SB 347-Clemens and Taylor |
| SB 332-Crowell | SB 348-Clemens |
| SB 333-Green | SB 349-Green, et al |
| SB 334-Green | SB 350-Wilson |
| SB 335-Dougherty | SJR 14-Klindt |
| SB 336-Dougherty and Dolan | SJR 15-Coleman |
| SB 337-Crowell | SJR 16-Gross |
| SB 338-Gross | SJR 17-Crowell |

THIRD READING OF SENATE BILLS

SCS for SBs 202, 33, 45, 183 &
217-Crowell

SENATE BILLS FOR PERFECTION

SB 270-Scott, et al, with SCS
SB 225-Cauthorn, with SCS

SB 210-Griesheimer, with SCS
SJR 1-Klindt

CONSENT CALENDAR

Senate Bills

Reported 2/14

SB 24-Griesheimer, with SCS
SB 69-Shields and Wheeler, with SCS
SB 70-Shields, with SCS
SB 86-Crowell
SB 99-Champion
SB 174-Vogel
SB 206-Champion
SB 148-Nodler
SB 122-Nodler, with SCS
SB 178-Shields
SB 180-Loudon, et al
SB 141-Nodler

SB 100-Champion, with SCS
SB 71-Griesheimer
SB 21-Shields
SB 162-Gross
SB 165-Bartle
SB 123-Bartle
SB 149-Nodler
SB 189-Gross
SB 13-Kennedy, et al
SB 171-Purgason
SJR 8-Bartle
SB 36-Nodler

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