

Journal of the Senate

SECOND REGULAR SESSION

SIXTY-SIXTH DAY—THURSDAY, MAY 4, 2006

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Nevertheless, amid the greatest difficulties of my Administration, when I could not see any other resort, I would place my whole reliance on God, knowing that all would go well, and that He would decide for the right.” (Abraham Lincoln, October 24, 1863)

Gracious God, we gather in prayer with many in our nation this day remembering Your admonishment to bring all things to You in prayer. And so today, as we again deal with the various difficulties that face us, help us to rely on You, knowing that You will decide what is right for us and guide and direct our hearts and minds in all we do and say. 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.

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

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty

Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel
Wheeler	Wilson—34		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

MESSAGES FROM THE SECRETARY OF STATE

The President laid before the Senate the following communication from the Secretary of State, which was read:

TO THE SECRETARY OF THE SENATE

Ms. Terry Spieler
Jefferson City, MO

Madam:

I, Robin Carnahan, Secretary of State of the State of Missouri, hereby certify that at the Special Election held in the 2nd Senatorial District in the State of Missouri, on the 4th day of April, 2006, as provided by law, the following named person was elected to the office of State Senate, 2nd Senatorial District as shown by the election results certified to this office by the election authorities of

the 2nd Senatorial District.

Name	Office
Scott T. Rupp	State Senate
3107 Bear View Ct.	2nd Senatorial District
Wentzville, MO 63385	

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of my office this 3rd day of May, 2006.

SEAL /s/ Robin Carnahan
Secretary of State

Senator Shields announced that photographers from the Senate had been given permission to take flash photography in the Senate Chamber today.

President Pro Tem Gibbons assumed the Chair.

Senator Rupp was escorted to the dais and received the oath of office.

President Kinder assumed the Chair.

Senator Shields announced that photographers from the St. Louis Post-Dispatch had been given permission to take pictures in the Senate Chamber today.

Senator Shields requested unanimous consent of the Senate to suspend the rules for the purpose of allowing Senator Rupp to introduce special guests.

REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **HCS** for **HB 1317**; **HCS** for **HB 1485**, with **SCS**; **HCS** for **HBs 1698, 1236, 995, 1362** and **1290**, with **SCS**; **HB 1728**, with **SCS**; **HCS** for **HB 1767**, with **SCS**; and **HB 1905**, begs leave to report that it has considered the same and recommends that the bills do pass.

Senator Gibbons, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

David A. Poggemeier, M.D., Republican, as a member of the State Board of Registration for the Healing Arts;

Also,

Jeffrey L. Cox, as a member of the Child Abuse and Neglect Review Board;

Also,

Sam Schneider and Ben D. Chlapek, as members of the State Advisory Council on Emergency Medical Services;

Also

Mark E. Skrade, Psy.D., as a member of the Missouri Area Health Education Centers Council;

Also,

Kathy R. Thornburg, Theresa Mayberry-Dunn and Sharon E. Rohrbach, as members of the Coordinating Board for Early Childhood Development;

Also,

John S. Korte and Betty P. Council, as members of the Missouri Head Injury Advisory Council;

Also,

Terry M. Jarrett, as a member of the Administrative Hearing Commission;

Also,

Anthony "Tony" Stafford, as a member of the Citizens' Advisory Commission for Marketing

Missouri Agricultural Products;

Also,

Philip T. Treacy, Republican, as a member of the Missouri Real Estate Appraisers Commission;

Also,

Mark C. Thompson, as a member of the Kansas City Board of Police Commissioners;

Also,

Nimrod T. Chapel Jr., as the Director of the Department of Labor and Industrial Relations;

Also,

Kenneth T. Conlee, as a member of the Peace Officer Standards and Training Commission;

Also,

Thomas F. Myers, Republican, as a member of the Dam and Reservoir Safety Council;

Also,

Gregory A. Pottberg, as a member of the Missouri Fire Safety Advisory Board;

Also,

Mary Lou Hart and Robbie L. Brouk, as members of the Advisory Commission for Clinical Perfusionists;

Also,

Daniel E. Champion, Democrat, as a member of the Missouri Commission on Human Rights;

Also,

Phillip W. Schwarz, as student representative of Linn State Technical College Board of Regents;

Also,

Eric C. Norris, as the student representative and David H. Jones, as a member of the Missouri Southern State University Board of Governors;

Also,

Harriet A. Beard, as a member of the Well Installation Board;

Also,

Ann R. Bannes, Democrat, as a member of the State Board of Senior Services;

Also,

Jack Lary, Republican, as a member of the Board of Election Commissioners for Saint Louis City;

Also,

Brad G. Mitchell, Democrat, and John P. King, Republican, as members of the Missouri Ethics Commission;

Also,

Thomas G. Heinsz, as a member of the Saint Charles County Convention and Sports Facilities Authority;

Also,

Jessica L. Melching, as a member of the Organ Donation Advisory Committee;

Also,

Christopher A. Gordon and David E. Richards, as members of the State Historical Records Advisory Board;

Also,

Guy C. Gilbert, as a member of the Board of Geologist Registration;

Also,

James R. Person, as a member of the Advisory Committee for 911 Service Oversight;

Also,

Jeanne M. Daffron, as a member of the Life Sciences Research Board;

Also,

James M. DiPardo, Democrat, as a member of the Land Reclamation Commission.

Senator Gibbons requested unanimous consent of the Senate to vote on the above reports in one

motion. There being no objection, the request was granted.

Senator Gibbons moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

HOUSE BILLS ON THIRD READING

At the request of Senator Scott, **HCS** for **HBs 1145, 1359** and **1121** was placed on the Informal Calendar.

HCS for **HB 1275** was placed on the Informal Calendar.

Senator Ridgeway assumed the Chair.

At the request of Senator Scott, **HB 1105** was placed on the Informal Calendar.

At the request of Senator Stouffer, **HCS** for **HB 1380**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Gibbons, **HB 1320** was placed on the Informal Calendar.

HB 1728, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Shields, **HCS** for **HB 1900** was placed on the Informal Calendar.

HCS for **HB 1485**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Bartle, **HCS** for **HB 1767**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Shields, **HB 1118**, with **SCS No. 2**, was placed on the Informal Calendar.

HB 1905 was placed on the Informal Calendar.

At the request of Senator Bartle, **HCS** for **HB 1534** was placed on the Informal Calendar.

HCS for **HBs 1698, 1236, 995, 1362** and **1290**, with **SCS**, entitled:

An Act to repeal sections 217.735, 544.671, 547.170, 558.018, 559.106, 566.010, 566.030, 566.032, 566.060, 566.062, 566.083, 566.090, 566.145, 566.147, 566.151, 568.020, 568.060, 575.195, 589.400, 589.402, 589.403, 589.405, 589.407, 589.015, 589.414, 589.425, 632.484, 632.489, and 632.495, RSMo, and to enact in lieu thereof thirty-five new sections relating to sexual offenders, with penalty provisions.

Was taken up by Senator Bartle.

SCS for **HCS** for **HBs 1698, 1236, 995, 1362** and **1290**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 1698, 1236, 995,
1362 and 1290

An Act to repeal sections 43.650, 547.170, 556.061, 558.018, 559.100, 566.010, 566.030, 566.060, 566.067, 566.083, 566.086, 566.090, 566.145, 566.147, 566.151, 568.020, 568.060, 575.195, 589.400, 589.402, 589.403, 589.405, 589.407, 589.414, 589.425, 600.042, 632.484, 632.489, 632.495, 632.498, 632.501, 632.504, and 632.507, RSMo, and to enact in lieu thereof forty-three new sections relating to sexual offenders, with penalty provisions and an emergency clause.

Was taken up.

Senator Bartle moved that **SCS** for **HCS** for **HBs 1698, 1236, 995, 1362** and **1290** be adopted.

Senator Bartle offered **SS** for **SCS** for **HCS** for **HBs 1698, 1236, 995, 1362** and **1290**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 1698, 1236, 995,
1362 and 1290

An Act to repeal sections 43.650, 217.735, 547.170, 556.061, 558.018, 559.100, 559.106, 566.010, 566.030, 566.060, 566.067, 566.083, 566.086, 566.090, 566.145, 566.147, 566.151,

568.020, 568.060, 575.195, 589.400, 589.402, 589.403, 589.405, 589.407, 589.414, 589.425, 600.042, 632.484, 632.489, 632.495, 632.498, 632.501, 632.504, and 632.507, RSMo, and to enact in lieu thereof forty-five new sections relating to sexual offenders, with penalty provisions and an emergency clause.

Senator Bartle moved that **SS** for **SCS** for **HCS** for **HBs 1698, 1236, 995, 1362** and **1290** be adopted.

Senator Bartle offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1698, 1236, 995, 1362 and 1290, Page 22, Section 566.030, Line 28 of said page, by inserting after “compulsion.” the following: **“Nothing in this section shall preclude the prosecution of a lesser or alternate offense if the victim is a child less than twelve years of age.”**; and

Further amend said bill, Page 24, Section 566.060, Line 7 of said page, by inserting after “compulsion.” the following: **“Nothing in this section shall preclude the prosecution of a lesser or alternate offense if the victim is a child less than twelve years of age.”**

Senator Bartle moved that the above amendment be adopted.

Senator Shields announced that photographers from KRCG-TV had been given permission to take pictures in the Senate Chamber today.

At the request of Senator Bartle, **HCS** for **HBs 1698, 1236, 995, 1362** and **1290**, with **SCS, SS** for **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

A quorum was established by the following vote:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens

Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel
Wheeler	Wilson—34		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

RESOLUTIONS

Senator Champion offered Senate Resolution No. 2997, regarding Joshua Holland, Springfield, which was adopted.

Senator Champion offered Senate Resolution No. 2998, regarding Carl S. Yendes, Jr., Springfield, which was adopted.

Senator Champion offered Senate Resolution No. 2999, regarding Luke Sherman, Springfield, which was adopted.

Senator Champion offered Senate Resolution No. 3000, regarding Kyle Pavlin, Springfield, which was adopted.

Senator Champion offered Senate Resolution No. 3001, regarding Benjamin Bloom, Springfield, which was adopted.

Senators Gross and Rupp offered Senate Resolution No. 3002, regarding Brenda D. Newberry, St. Charles, which was adopted.

Senator Goodman offered Senate Resolution No. 3003, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. John Clotfelter, Monett, which was adopted.

Senator Goodman offered Senate Resolution No. 3004, regarding Pierce City High School, which was adopted.

Senator Klindt offered Senate Resolution No. 3005, regarding the Fiftieth Wedding Anniversary

of Mr. and Mrs. Charlie Yates, Bethany, which was adopted.

Senator Klindt offered Senate Resolution No. 3006, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Ivan Fansher, Savannah, which was adopted.

Senator Stouffer offered Senate Resolution No. 3007, regarding Lindsay Grotjan, which was adopted.

Senator Stouffer offered Senate Resolution No. 3008, regarding Traci Harr, which was adopted.

Senator Stouffer offered Senate Resolution No. 3009, regarding Sarah Jackson, which was adopted.

Senator Stouffer offered Senate Resolution No. 3010, regarding Michael Maxwell, Excelsior Springs, which was adopted.

Senator Stouffer offered Senate Resolution No. 3011, regarding Shana Atkinson, which was adopted.

Senator Stouffer offered Senate Resolution No. 3012, regarding Madelynn Thomas, which was adopted.

Senator Stouffer offered Senate Resolution No. 3013, regarding Whitney Miller, which was adopted.

Senator Stouffer offered Senate Resolution No. 3014, regarding Clayton Thompson, which was adopted.

Senator Stouffer offered Senate Resolution No. 3015, regarding Jessica McCormack, which was adopted.

On motion of Senator Shields, the Senate recessed until 2:00 p.m.

RECESS

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

MESSAGES FROM THE HOUSE

The following message was 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 House has taken up and passed **HCS** for **SS No. 2** for **SCS** for **SBs 1014** and **730**, entitled:

An Act to repeal sections 115.126, 115.159, 115.163, 115.223, 115.225, 115.237, 115.247, 115.249, 115.427, 115.430, 115.431, 115.439, 115.445, 115.449, 115.453, 115.631, and 115.637, RSMo, and to enact in lieu thereof twenty-one new sections relating to election administration, with penalty provisions and an emergency clause for a certain section.

With House Amendment No. 1 to House Amendment No. 1; House Amendment No. 3 to House Amendment No. 1; House Amendment No. 1, as amended; House Amendment No. 1 to House Amendment No. 2; House Amendment No. 2, as amended; House Amendment No. 1 to House Amendment No. 3; House Amendment No. 3, as amended; House Amendment No. 5; House Amendment No. 1 to House Amendment No. 7; and House Amendment No. 7, as amended.

HOUSE AMENDMENT NO. 1 TO HOUSE AMENDMENT NO. 1

Amend House Amendment No. 1 to House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1014 and 730, Page 2, Line 29, by inserting after said line the following:

Further amend section 115.456, Page 31, Line 43, by inserting after the word "oval" on said line the following: "**or divided arrow**"

HOUSE AMENDMENT NO. 3 TO HOUSE AMENDMENT NO. 1

Amend House Amendment No. 1 to House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills

Nos. 1014 and 730, by inserting after Page 2, Line 17, Section 115.427 the following:

“Amend Page 16, Section 115.427, Line 93, by deleting all of said line and inserting in lieu thereof the following: **“section. Such advance notice shall include, at a minimum, the use of advertisements and public service announcements in print, broadcast television, radio, and cable television media, as well as the posting of information on the opening pages of the official state Internet web sites of the secretary of state and governor.”**; and

Further amend said bill, Page 19, Section 115.427, Line 184 by deleting the number **“6”** and insert in lieu thereof **“5”**; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1014 and 730, Section 115.002, Page 1, Line 1, by inserting after **“115.002,”** on said line the following: **“115.024,”**; and

Further amend said bill, Section 115.024, Page 3, Line 44, by inserting after said section the following:

“115.124. 1. Notwithstanding any other law to the contrary, in a nonpartisan election in any political subdivision or special district except for municipal [and board of trustees of community college districts] elections, if the notice provided for in subsection 5 of section 115.127 has been published in at least one newspaper of general circulation in the district, and if the number of candidates who have filed for a particular office is equal to the number of positions in that office to be filled by the election, no election shall be held for such office, and the candidates shall assume the responsibilities of their offices at the same time and in the same manner as if they had been elected. Notwithstanding any other provision of law to the

contrary, if at any election the number of candidates filing for a particular office exceeds the number of positions to be filled at such election, the election authority shall hold the election as scheduled, even if a sufficient number of candidates withdraw from such contest for that office so that the number of candidates remaining after the filing deadline is equal to the number of positions to be filled.

2. The election authority or political subdivision responsible for the oversight of the filing of candidates in any nonpartisan election in any political subdivision or special district shall clearly designate where candidates shall form a line to effectuate such filings and determine the order of such filings; except that, in the case of candidates who file a declaration of candidacy with the election authority or political subdivision prior to 5:00 p.m. on the first day for filing, the election authority or political subdivision may determine by random drawing the order in which such candidates' names shall appear on the ballot. If a drawing is conducted pursuant to this subsection, it shall be conducted so that each candidate may draw a number at random at the time of filing. If such drawing is conducted, the election authority or political subdivision shall record the number drawn with the candidate's declaration of candidacy. If such drawing is conducted, the names of candidates filing on the first day of filing for each office on each ballot shall be listed in ascending order of the numbers so drawn.”; and

Further amend said bill, Section 115.427, Page 15, Lines 32 to 34 by deleting all of said lines and inserting in lieu thereof the following:

“(4) Any identification containing a photographic or digital image of the individual which is issued by the Missouri National Guard, the United States armed forces, or the United States Department of Veteran Affairs to a member or former member of the Missouri National Guard or the United States armed forces and that does not have an expiration

date.”; and

Further amend said bill, Section 115.445, Page 27, Line 17 by deleting from said line the word “**Children**” and inserting in lieu thereof the phrase “**A child**”; and

Further amend said bill, Section 115.456, Page 30, Line 5 by deleting from said line the word “**chad**” and inserting in lieu thereof the word “**chads**”; and

Further amend said bill, Section 115.631, Page 35, Line 82 by deleting from said line the word “**threatened**” and inserting in lieu thereof the phrase: “**threatening an**”; and

Further amend said bill, Section 115.631, Page 35, Line 84 by deleting the word “**provide**” and inserting in lieu thereof the word “**providing**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 2

Amend House Amendment No. 2 to House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1014 and 730, Page 2, Section 115.105, Line 13, by deleting 13, 14 and on Line 15 the words “such identification period.”; and put in its place: “**Any challenge by a challenger to a voter’s identification for validity shall only be made to the election judge or other election authority.**”

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1014 and 730, Section 115.024, Page 3, Line 44 by inserting after all of said line the following:

“115.105. 1. The chair of the county committee of each political party named on the ballot shall have the right to designate a challenger for each polling place, who may be present during the hours of voting, and a challenger for each

location at which absentee ballots are counted, who may be present while the ballots are being prepared for counting and counted. No later than four business days before the election, the chair of each county committee of each political party named on the ballot shall provide signed official designation forms with the names of the designated challengers and substitutes to the local election authority for confirmation of eligibility to serve as a challenger. The local election authority, after verifying the eligibility of each designated and substitute challenger, shall sign off on the official designation forms, unless the challenger is found not to have the qualifications established by subsection 5 of this section. If the election authority determines that a challenger does not meet the qualifications of subsection 5 of this section, the designating party chair may designate a replacement challenger and provide the local election authority with the name of the replacement challenger before 5:00 p.m. of the Monday preceding the election. The designating chair may substitute challengers at his or her discretion during such hours.

2. Challenges may only be made when the challenger believes the election laws of this state have been or will be violated, and each challenger shall report any such belief to the election judges, or to the election authority if not satisfied with the decision of the election judges.

3. Prior to the close of the polls, challengers may list and give out the names of those who have voted. The listing and giving out of names of those who have voted by a challenger shall not be considered giving information tending to show the state of the count.

4. In a presidential primary election, challengers may collect information about the party ballot selected by the voter and may disclose party affiliation information after the polls close.

5. All persons selected as challengers shall have the same qualifications required by section 115.085 for election judges, except that such

challenger shall be a registered voter in the jurisdiction of the election authority for which the challenger is designated as a challenger.

6. Challengers shall not have the authority to review a voters' photographic identification for validity, but may make a challenge or report with the election judge regarding the validity of such identification. If the poll challenger is not satisfied with the decision of the election judge, then he or she may report their belief that the election laws of this state have been or will be violated to the election authority as allowed under section 115.105, RSMo.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 3

Amend House Amendment No. 3 to House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1014 and 730, Page 1, Line 4 by inserting after the words “each election,” on said line the following: **“held in a county with a charter form of government”**; and

Further amend said amendment, Page 1, Line 6 by inserting after the word “election.” on said line the following:

“For each election except a general election held in any county without a charter form of government, the election authority shall provide for each polling place in its jurisdiction a number of ballots equal to at least one and one-third times the number of ballots cast in the voting district served by such polling place at the election held two years before at that polling place or at the polling place that served the voting district in the previous election. For each general election held in any county without a charter form of government, the election authority shall provide for each polling place in its jurisdiction a number of ballots equal to at

least one and one-third times the number of ballots cast in the voting district served by such polling place or at the polling place that served the voting district in the general election held four years prior. When determining the number of ballots to provide for each polling place, the election authority shall consider any factors that would affect the turnout at such polling place.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1014 and 730, Page 12, Section 115.247, Lines 9 through 23 by deleting all of said lines and insert the following:

“3. For each election, the election authority [shall] **may** provide for each polling place in its jurisdiction fifty-five ballots for each fifty and fraction of fifty voters registered in the voting district at the time of the election. The election authority shall keep a record of the exact number of ballots delivered to each polling place. For purposes of this subsection, the election authority shall not be required to count registered voters designated as inactive pursuant to section 115.193.”; and

Further amend said bill, Page 13, Section 115.247, Line 25 by placing and opening bracket “[” before the word “All”; and

Further amend said bill, Page 13, Section 115.247, Line 28 by placing a closing bracket “]” after the word “authority.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Substitute No. 2 for Senate Committee

Substitute for Senate Bills Nos. 1014 and 730, Pages 35 to 37, Section 115.637, Lines 1 to 76, by deleting all of said section; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 7

Amend House Amendment No. 7 to House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1014 and 730, Page 1, Line 16 by inserting after all of said line the following:

“Further amend said bill, Section 115.427, Page 19, Line 183 by inserting after said line the following:

“15. The provisions of subdivision 5 of subsection 1, subsection 3, and subsection 4 of this section shall expire December 1, 2006.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1014 and 730, Section 115.427, Page 15, Line 34 by inserting after all of said line the following:

“(5) Personal identification of the voter by two supervising election judges, one from each major political party, shall be acceptable voter identification upon the completion of a secretary of state-approved affidavit that is signed by both supervisory election judges and the voter that attests to the personal knowledge of the voter by the two supervisory election judges. The secretary of state may provide by rule for a sample affidavit to be used for such purpose.”; and

Further amend Section 115.427, Page 15, Line 57 by deleting from said line the word “provisional” and inserting in lieu thereof the word

“regular”; and further amend said section, Page 15, Lines 57 through 61 by deleting all language on said lines after the word “ballot.” on Line 57; and further amend said section, Page 16, Line 80 by deleting the word “provisional” and inserting in lieu thereof the word **“regular”**; and further amend Page 16, Lines 82 through 89 by deleting all of said lines from the bill; and

Further amend Section 115.427, Page 18, Lines 151 through 155 by deleting all of said lines; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

HOUSE BILLS ON THIRD READING

Senator Bartle moved that **HCS** for **HBs 1698, 1236, 995, 1362** and **1290**, with **SCS, SS** for **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 1 was again taken up.

At the request of Senator Bartle, **SA 1** was withdrawn.

Senator Bartle offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1698, 1236, 995, 1362 and 1290, Pages 34-35, Section 568.060, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

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

Senator Loudon offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1698, 1236, 995, 1362 and 1290, Page 35, Section 568.060, Line 3 of said page, by inserting immediately after said line the following:

“573.010. As used in this chapter the following terms shall mean:

(1) “Child”, any person under the age of fourteen;

(2) “Child pornography”[.]:

(a) Any obscene material or performance depicting sexual conduct, sexual contact, or a sexual performance, as these terms are defined in section 556.061, RSMo, and which has as one of its participants or portrays as an observer of such conduct, contact, or performance a [child] **minor** under the age of eighteen; **or**

(b) **Any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct where:**

a. The production of such visual depiction involves the use of a minor engaging in sexually explicit conduct;

b. Such visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaging in sexually explicit conduct; or

c. Such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct;

(3) “Displays publicly”, exposing, placing, posting, exhibiting, or in any fashion displaying in any location, whether public or private, an item in such a manner that it may be readily seen and its content or character distinguished by normal

unaided vision viewing it from a street, highway or public sidewalk, or from the property of others or from any portion of the person's store, or the exhibitor's store or property when items and material other than this material are offered for sale or rent to the public;

(4) “Explicit sexual material”, any pictorial or three dimensional material depicting human masturbation, deviate sexual intercourse, sexual intercourse, direct physical stimulation or unclothed genitals, sadomasochistic abuse, or emphasizing the depiction of postpubertal human genitals; provided, however, that works of art or of anthropological significance shall not be deemed to be within the foregoing definition;

(5) “Furnish”, to issue, sell, give, provide, lend, mail, deliver, transfer, circulate, disseminate, present, exhibit or otherwise provide;

(6) **“Graphic”, when used with respect to a depiction of sexually explicit conduct, that a viewer can observe any part of the genitals or pubic area of any depicted person or animal during any part of the time that the sexually explicit conduct is being depicted;**

(7) “Identifiable minor”:

(a) A person:

a. (i) Who was a minor at the time the visual depiction was created, adapted, or modified; or

(ii) Whose image as a minor was used in creating, adapting, or modifying the visual depiction; and

b. Who is recognizable as an actual person by the person's face, likeness, or other distinguishing characteristic, such as a unique birthmark or other recognizable feature; and

(b) The term shall not be construed to require proof of the actual identity of the identifiable minor;

(8) “Indistinguishable”, when used with

respect to a depiction, virtually indistinguishable, in that the depiction is such that an ordinary person viewing the depiction would conclude that the depiction is of an actual minor engaged in sexually explicit conduct. Indistinguishable does not apply to depictions that are drawings, cartoons, sculptures, or paintings depicting minors or adults;

(9) “Material”, anything printed or written, or any picture, drawing, photograph, motion picture film, videotape or videotape production, or pictorial representation, or any recording or transcription, or any mechanical, chemical, or electrical reproduction, or stored computer data, or anything which is or may be used as a means of communication. “Material” includes undeveloped photographs, molds, printing plates, stored computer data and other latent representational objects;

[(7)] (10) “Minor”, any person under the age of eighteen;

[(8)] (11) “Nudity”, the showing of postpubertal human genitals or pubic area, with less than a fully opaque covering;

[(9)] (12) “Obscene”, any material or performance is obscene if, taken as a whole:

(a) Applying contemporary community standards, its predominant appeal is to prurient interest in sex; and

(b) The average person, applying contemporary community standards, would find the material depicts or describes sexual conduct in a patently offensive way; and

(c) A reasonable person would find the material lacks serious literary, artistic, political or scientific value;

[(10)] (13) “Performance”, any play, motion picture film, videotape, dance or exhibition performed before an audience of one or more;

[(11)] (14) “Pornographic for minors”, any material or performance is pornographic for

minors if the following apply:

(a) The average person, applying contemporary community standards, would find that the material or performance, taken as a whole, has a tendency to cater or appeal to a prurient interest of minors; and

(b) The material or performance depicts or describes nudity, sexual conduct, sexual excitement, or sadomasochistic abuse in a way which is patently offensive to the average person applying contemporary adult community standards with respect to what is suitable for minors; and

(c) The material or performance, taken as a whole, lacks serious literary, artistic, political, or scientific value for minors;

[(12)] (15) “Promote”, to manufacture, issue, sell, provide, mail, deliver, transfer, transmute, publish, distribute, circulate, disseminate, present, exhibit, or advertise, or to offer or agree to do the same, by any means including a computer;

[(13)] (16) “Sadomasochistic abuse”, flagellation or torture by or upon a person as an act of sexual stimulation or gratification;

[(14)] (17) “Sexual conduct”, actual or simulated, normal or perverted acts of human masturbation; deviate sexual intercourse; sexual intercourse; or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or the breast of a female in an act of apparent sexual stimulation or gratification or any sadomasochistic abuse or acts including animals or any latent objects in an act of apparent sexual stimulation or gratification;

(18) “Sexually explicit conduct”, actual or simulated:

(a) Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex:

(b) Bestiality;

(c) Masturbation;

(d) Sadistic or masochistic abuse; or

(e) Lascivious exhibition of the genitals or pubic area of any person;

[(15)] (19) “Sexual excitement”, the condition of human male or female genitals when in a state of sexual stimulation or arousal;

(20) “Visual depiction”, includes undeveloped film and videotape, and data stored on computer disk or by electronic means which is capable of conversion into a visual image;

[(16)] (21) “Wholesale promote”, to manufacture, issue, sell, provide, mail, deliver, transfer, transmute, publish, distribute, circulate, disseminate, or to offer or agree to do the same for purposes of resale or redistribution.”; and

Further amend the title and enacting clause accordingly.

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

Senator Stouffer offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1698, 1236, 995, 1362 and 1290, Page 38, Section 589.400, Line 17, by inserting immediately after said line the following:

“2. Notwithstanding the provisions of subsection 1 of this section, the court shall have discretion over whether a person shall be required to register under sections 589.400 to 589.425 if such person is nineteen years of age or younger and the victim is thirteen years of age or older at the time of the offense and no physical force or threat of physical force was used in the commission of the offense.”; and

further amend said bill, said section, page 40, line 21, by striking the word “fourteen” and inserting in

lieu thereof the word “**thirteen**”; and

further renumber the remaining subsections accordingly.

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

Senator Bartle offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1698, 1236, 995, 1362 and 1290, Page 22, Section 566.010, Line 20, by inserting immediately after said line the following:

“566.020. 1. Whenever in this chapter the criminality of conduct depends upon a victim's being incapacitated, no crime is committed if the actor reasonably believed that the victim was not incapacitated and reasonably believed that the victim consented to the act. The defendant shall have the burden of injecting the issue of belief as to capacity and consent.

2. Whenever in this chapter the criminality of conduct depends upon a child being thirteen years of age or younger, it is no defense that the defendant believed the child to be older.

3. Whenever in this chapter the criminality of conduct depends upon a child being under seventeen years of age, it is an affirmative defense that the defendant reasonably believed that the child was seventeen years of age or older.

4. Consent is not an affirmative defense to any offense under Chapter 566 if the alleged victim is less than twelve years of age.”; and

Further amend said bill, said page, Section 566.030, lines 27-28, by striking all of said lines; and further amend said bill and section, page 23, line 14, by striking the words “twenty-five” and inserting in lieu thereof the word “**thirty**”; and

Further amend said bill, page 24, Section 566.060, lines 5-7, by striking all of said lines and

inserting in lieu thereof the following “sexual intercourse.”; and further amend said bill, section and page, line 20, by striking the words “twenty-five” and inserting in lieu thereof the word “**thirty**”; and

Further amend the title and enacting clause accordingly.

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

Senator Bray offered SA 6:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1698, 1236, 995, 1362 and 1290, Page 33, Section 566.213, Line 14, by inserting immediately after said line the following:

“566.265. If a corporation or other business pleads guilty to or is found guilty of violating section 566.203, 566.206, 566.209, 566.212, 566.213, or 566.215, in addition to the criminal penalties described in such sections and other remedies provided for by law, the court may:

- (1) Order its dissolution or reorganization;**
- (2) Order the suspension or revocation of any license, permit, or prior approval granted to it by the state;**
- (3) Order the surrender of its charter if it is organized under Missouri law or the revocation of its certificate to conduct business in Missouri if it is not organized under Missouri law.”; and**

Further amend the title and enacting clause accordingly.

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

Senator Bray offered SA 7:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Committee

Substitute for House Bills Nos. 1698, 1236, 995, 1362 and 1290, Page 33, Section 566.213, Line 14, by inserting immediately after said line the following:

“567.085. 1. A person commits the crime of promoting travel for prostitution if the person knowingly sells or offers to sell travel services that include or facilitate travel for the purpose of engaging in prostitution as defined by section 567.010.

2. The crime of promoting travel for prostitution is a class C felony.

567.087. 1. No travel agency or charter tour operator shall:

(1) Promote travel for prostitution under section 567.085;

(2) Sell, advertise, or otherwise offer to sell travel services or facilitate travel:

(a) For the purpose of engaging in a commercial sex act as defined in section 566.200, RSMo;

(b) That consists of tourism packages or activities using and offering any sexual contact as defined in section 566.010, RSMo, as enticement for tourism; or

(c) That provides or purports to provide access to or that facilitates the availability of sex escorts or sexual services.

2. There shall be a rebuttable presumption that any travel agency or charter tour operator using advertisements that include the term “sex tours” or “sex travel” or include depictions of human genitalia is in violation of this section.

567.089. 1. No travel agency or charter tour operator shall engage in selling, advertising, or otherwise offering to sell travel services, tourism packages, or activities that solicit, encourage, or facilitate travel for the purpose of engaging in prostitution.

2. Upon violation of this section by a travel

agency or charter tour operator, the secretary of state shall revoke the articles of incorporation of the travel agency or charter tour operator. The secretary of state, as part of a proceeding brought under this section, may order a freeze of the bank or deposit accounts of the travel agency or charter tour operator.”; and

Further amend the title and enacting clause accordingly.

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

Senator Crowell assumed the Chair.

Senator Bartle moved that **SS** for **SCS** for **HCS** for **HBs 1698, 1236, 995, 1362 and 1290**, as amended, be adopted, which motion prevailed.

On motion of Senator Bartle, **SS** for **SCS** for **HCS** for **HBs 1698, 1236, 995, 1362 and 1290** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Wheeler—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
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Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Wheeler—1

Vacancies—None

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Stouffer moved that **SCS** for **SB 614**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 614**, as amended, entitled:

**HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 614**

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to residential treatment agency tax credits.

Was taken up.

Senator Stouffer moved that **HCS** for **SCS** for **SB 614**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
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Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel

Wilson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Wheeler—1

Vacancies—None

On motion of Senator Stouffer, **HCS for SCS for SB 614**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bray	Callahan
Cauthorn	Champion	Clemens	Coleman
Crowell	Days	Dougherty	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senator Bartle—1

Absent with leave—Senator Wheeler—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the

table, which motion prevailed.

Bill ordered enrolled.

Senator Clemens moved that **SB 980**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for SB 980, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 980

An Act to repeal sections 335.212 and 335.233, RSMo, and to enact in lieu thereof three new sections relating to certain nursing and teaching student assistance programs.

Was taken up.

Senator Clemens moved that **HCS for SB 980**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel

Wilson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Wheeler—1

Vacancies—None

On motion of Senator Clemens, **HCS for SB 980**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty

Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Wheeler—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Clemens, title to the bill was agreed to.

Senator Clemens moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Griesheimer moved that **SS No. 2 for SCS for SB 583**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for SS No. 2 for SCS for SB 583, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 583

An Act to repeal sections 33.080, 301.190, 301.800, 307.366, 643.300, 643.305, 643.310, 643.315, 643.320, 643.330, 643.335, and 643.350, RSMo, and to enact in lieu thereof fifteen new sections relating to the state emissions inspection program, with penalty provisions and an effective date for certain sections.

Was taken up.

Senator Griesheimer moved that **HCS for SS**

No. 2 for SCS for SB 583, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Green	Griesheimer	Gross	Kennedy
Loudon	Mayer	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Stouffer	Vogel	Wilson—27	

NAYS—Senators

Bray	Cauthorn	Dougherty	Graham
Klindt—5			

Absent—Senator Koster—1

Absent with leave—Senator Wheeler—1

Vacancies—None

On motion of Senator Griesheimer, **HCS for SS No. 2 for SCS for SB 583**, was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Callahan
Cauthorn	Champion	Clemens	Coleman
Crowell	Days	Engler	Gibbons
Goodman	Green	Griesheimer	Gross
Kennedy	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel
Wilson—29			

NAYS—Senators

Bray	Dougherty	Graham	Klindt—4
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Absent—Senators—None

Absent with leave—Senator Wheeler—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Griesheimer, title to the

bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Clemens moved that **SB 1017**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 1017**, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1017

An Act to repeal sections 196.931, 196.949, and 196.951, RSMo, and to enact in lieu thereof five new sections relating to agricultural programs.

Was taken up.

Senator Clemens moved that **HCS** for **SB 1017**, as amended, be adopted.

At the request of Senator Clemens, the above motion was withdrawn.

Senator Koster assumed the Chair.

Senator Clemens moved that the Senate refuse to concur in **HCS** for **SB 1017**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Crowell assumed the Chair.

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
65101
May 4, 2006

To the Senate of the 93rd General Assembly of the State of Missouri:

I hereby withdraw from your consideration the following appointments to office submitted to you for your advice and consent:

Edwin S. Fryer, 25 Foreway Drive, Ladue, Saint Louis County, Missouri 63124, as a member of the State Advisory Council on Emergency Medical Services, for a term ending January 5, 2010, and until his successor is duly appointed and qualified; vice, Bernard Orman, term expired.

Earl Wilson, Democrat, 8027 Bennett Street, Saint Louis, Saint Louis County, Missouri 63117, as a member of the Lincoln University Board of Curators, for a term ending January 1, 2012, and until his successor is duly appointed and qualified; vice, Pearlle Evans, term expired.

Lydia H. McEvoy, Republican, 1409 Northeast 102nd Terrace, Kansas City, Clay County, Missouri 64155, as a member of Central Missouri State University Board of Governors, for a term ending January 1, 2012, and until her successor is duly appointed and qualified; vice, Jennifer Hill-Nixon, term expired.

Ronald W. Randen, Post Office Box 91, 195 Street Highway 153, Gideon, New Madrid County, Missouri 63848, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2009, and until his successor is duly appointed and qualified; vice, Robert Honan, term expired.

Vern Henderson, Republican, 8318 Orchard, Saint Louis, Saint Louis County, Missouri 63132, as a member of the Linn State Technical College Board of Regents, for a term ending December 29, 2011, and until his successor is duly appointed and qualified; vice, Norma Stack, term expired.

Craig Westfall, 4671 Highway H, Half Way, Polk County, Missouri 65663, as a member of the Linked Deposits Review Committee, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified; vice, Craig Westfall, withdrawn.

Francis G. Slack, 1 Manderleigh Estates Court, Frontenac, Saint Louis County, Missouri 63131, as a member of the Board of Boiler and Pressure Vessel Rules, for a term ending September 27, 2007, and until his successor is duly appointed and qualified; vice Francis G. Slack, withdrawn.

Donald L. Hiatte, 3988 County Road 436, New Bloomfield, Callaway County, Missouri 65063, as a member and chair of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects, for a term ending September 30, 2009, and until his successor is duly appointed and qualified; vice, James Anderson, term expired.

Andrea Segura, 406 Kingsley, Liberty, Clay County, Missouri 64068, as a member of the Missouri State Committee of Interpreters, for a term ending October 9, 2006, and until her successor is duly appointed and qualified; vice, Sandy Drummond,

term expired.

Nuzhat Nisar, M.D., 104 Country Creek Court, Ballwin, Saint Louis County, Missouri 63011, as a member of the Children's Trust Fund Board, for a term ending September 15, 2008, and until her successor is duly appointed and qualified; vice, Shawn Griffin, term expired.

Rebecca R. Steele, 1516 Maple Street, Chillicothe, Livingston County, Missouri 64601, as a member of the Missouri Area Health Education Centers Council, for a term ending February 1, 2009, and until her successor is duly appointed and qualified; vice, 191.980, RSMo.

Michael D. McCunniff, D.D.S., 1105 Northeast Trailwood, Lee's Summit, Jackson County, Missouri 64086, as a member of the Missouri Area Health Education Centers Council, for a term ending February 1, 2009, and until his successor is duly appointed and qualified; vice, 191.980, RSMo.

Respectfully submitted,
MATT BLUNT

President Pro Tem Gibbons moved that the above appointments be returned to the Governor per his request, which motion prevailed.

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 **HCS** for **HB 1349**, 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 reports:

Mr. President: Your Committee on Ways and Means, to which was referred **HB 1619**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **HCS** for **HB 1092**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

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

Mr. President: Your Committee on Education, to which was referred **HCS** for **HB 1059**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Stouffer, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **HB 1035**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Loudon, Chairman of the Committee on Small Business, Insurance and Industrial Relations, submitted the following report:

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **HCS** for **HB 1837**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

MESSAGES FROM THE HOUSE

The following message was 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 House refuses to adopt **SS** for **SCS** for **HCS** for **HB 1944**, as amended, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

PRIVILEGED MOTIONS

Senator Koster moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HCS**

for **HB 1944**, as amended, and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HB 1944**, as amended: Senators Koster, Gibbons, Shields, Coleman and Kennedy.

RESOLUTIONS

Senator Alter offered Senate Resolution No. 3016, regarding Conrad Smith, which was adopted.

Senator Scott offered Senate Resolution No. 3017, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Bill Ragland, Clinton, which was adopted.

Senator Scott offered Senate Resolution No. 3018, regarding Carolyn L. Moree, which was adopted.

Senator Scott offered Senate Resolution No. 3019, regarding Jill McCracken, which was adopted.

Senator Goodman offered Senate Resolution No. 3020, regarding Mary Jane Proffit, which was adopted.

Senator Goodman offered Senate Resolution No. 3021, regarding Janith Sullens, which was adopted.

Senator Goodman offered Senate Resolution No. 3022, regarding Connie Curbow, which was adopted.

Senator Gibbons offered Senate Resolution No. 3023, regarding Ryan James Molitor, Valley Park, which was adopted.

Senator Rupp offered Senate Resolution No. 3024, regarding Frank Nelly, O'Fallon, which was adopted.

COMMUNICATIONS

President Pro Tem Gibbons submitted the following:

May 4, 2006

The Honorable Michael R. Gibbons
President Pro Tem - Missouri Senate
State Capitol, Room 326
Jefferson City, MO 65101

Dear Senator Gibbons:

Effective this date I am submitting my resignation as a member of the Small Business, Insurance and Industrial Relations Committee.

Thank you for your consideration in regard to this matter.

Sincerely,

/s/ John Cauthorn

John Cauthorn

State Senator, 18th District

Also,

May 4, 2006

Mrs. Terry Spieler
Secretary of the Senate
State Capitol Building
Jefferson City, MO 65101

Re: Appointment to Senate Transportation Committee

Dear Mrs. Spieler:

Please be advised I have appointed **Senator Scott Rupp** to the Senate Transportation Standing Committee.

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

Yours truly,

/s/ Michael R. Gibbons

MICHAEL R. GIBBONS

Also,

May 4, 2006

Mrs. Terry Spieler
Secretary of the Senate
State Capitol Building
Jefferson City, MO 65101

Re: Appointment to Senate Financial and Governmental Organizations and Elections Committee

Dear Mrs. Spieler:

Please be advised I have appointed **Senator Scott Rupp** to the Senate Financial and Governmental Organizations and Elections Standing Committee.

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

earliest convenience.

Yours truly,
/s/ Michael R. Gibbons
MICHAEL R. GIBBONS

Also,

May 4, 2006

Mrs. Terry Spieler
Secretary of the Senate
State Capitol Building
Jefferson City, MO 65101

Re: Appointment to Senate Small Business, Insurance & Industrial Relations Committee

Dear Mrs. Spieler:

Please be advised I have appointed **Senator Scott Rupp** to replace Senator John Cauthorn on the Senate Small Business, Insurance & Industrial Relations Standing Committee.

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

earliest convenience.

Yours truly,
/s/ Michael R. Gibbons
MICHAEL R. GIBBONS

INTRODUCTIONS OF GUESTS

Senator Rupp introduced to the Senate, his wife, Natalie, Wentzville; his father, Chet Rupp and Matthew Seeds, St. Charles; Weston McKee, St. Louis County; and Angela Baumann, Kirkwood.

Senator Gross introduced to the Senate, Doug Wagner and Tom King and seventh grade students from Immanuel Lutheran School, St. Charles.

On motion of Senator Shields, the Senate adjourned until 9:00 a.m., Friday, May 5, 2006.

SENATE CALENDAR

SIXTY-SEVENTH DAY—FRIDAY, MAY 5, 2006

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SJR 43-Crowell, et al

SENATE BILLS FOR PERFECTION

SB 1187-Gibbons, with SCS

HOUSE BILLS ON THIRD READING

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| 1. HB 1302-Cooper (155), et al
(Ridgeway) (In Fiscal Oversight) | 7. HCS for HB 1349, with SCS (Clemens) |
| 2. HCS for HB 1182 (Nodler) | 8. HB 1619-Sutherland, et al, with SCS |
| 3. HCS for HB 1317 (Goodman) | 9. HCS for HB 1092, with SCS (Ridgeway) |
| 4. HB 1504-Yates, with SCS (Loudon) | 10. HCS for HB 1059 |
| 5. HCS for HB 1168, with SCS (Crowell) | 11. HB 1035-Young (49), et al |
| 6. HB 994-Dusenberg, et al (Cauthorn) | 12. HCS for HB 1837, with SCS |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 566-Dougherty, et al, with SCS & SS for SCS (pending)	SB 817-Scott, et al
SB 617-Koster, with SCS	SB 841-Ridgeway, et al, with SCS
SB 635-Cauthorn	SB 849-Mayer, et al, with SS, SA 6 & SA 1 to SA 6 (pending)
SB 637-Cauthorn, et al, with SCS & SA 3 (pending)	SB 862-Engler, with SCS
SB 642-Scott	SB 998-Champion, with SCS
SB 655-Nodler, with SCS	SB 1009-Klindt, with SS (pending)
SBs 665 & 757-Engler, with SCS & SA 1 (pending)	SB 1038-Mayer
SB 687-Scott and Bartle, with SCS	SB 1049-Shields, with SCS
SB 736-Crowell and Cauthorn, with SCS	SB 1092-Klindt, with SCS
SB 759-Engler	SB 1104-Cauthorn and Klindt, with SCS
SB 816-Griesheimer and Coleman, with SCS & SS#2 for SCS (pending)	SB 1114-Goodman & Loudon, with SCS
	SB 1188-Gibbons
	SB 1217-Goodman
	SB 1251-Shields, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 978, with SCS (pending) (Goodman)	HCS for HB 1456, with SCS, SS for SCS & SA 1 (pending) (Ridgeway)
HCS for HB 1026, with SCS (Shields)	HCS for HB 1485, with SCS (Ridgeway)
HCS for HBs 1030, 1033, 1146, 1225 & 1326, with SCS (Bartle)	HB 1521-Richard, et al (Griesheimer)
HB 1105-Wilson (119), et al (Scott)	HCS for HB 1532, with SCS (Griesheimer)
HB 1118-Dempsey, et al, with SCS#2 (Shields)	HCS for HB 1534 (Bartle)
HCS for HBs 1145, 1359 & 1121 (Scott)	HB 1623-St. Onge, et al, with SS, SA 1 & points of order (pending) (Stouffer)
HCS for HB 1149, with SCS#2 (Klindt)	HCS for HB 1632, with SCS (Engler)
HCS for HB 1275 (Goodman)	HB 1728-Rector, et al, with SCS (Klindt)
HB 1320-Lipke, et al (Gibbons)	HCS for HB 1742, with SCS (Shields)
HCS for HB 1367, with SCS (Scott)	HCS for HB 1767, with SCS (Bartle)
HCS for HB 1380, with SCS (Stouffer)	HCS for HB 1900 (Shields)
HB 1411-Smith (150), et al, with SCS (Scott)	HB 1905-Jetton, et al (Champion)
HB 1446-Whorton, et al (Barnitz)	HB 1936-Tilley, with SCS (Stouffer)
	HJR 28-Jackson (Ridgeway)

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 760-Engler, with SCS

House Bills

Reported 4/3

HB 1157-Cooper (120), et al (Scott)

Reported 4/12

HB 1169-Cooper (120) (Scott)

HCS for HB 1244 (Engler)

HCS for HB 1551 (Engler)

HCS for HB 1511, with SCS (Shields)

HB 998-Smith (118) (Scott)

HCS for HB 1135 (Stouffer)

HCS for HB 1710 (Gibbons)

HCS for HB 1333 (Mayer)

HCS for HB 1366 (Engler)

HB 1424-Franz (Purgason)

HCS for HB 1711 (Gibbons)

Reported 4/13

HB 1088-Schaaf, et al (Scott)

HCS for HB 1037 (Klindt)

HB 1144-May, et al (Clemens)

HB 1577-Pollock, et al (Clemens)

HB 1722-Sutherland, et al (Mayer)

HB 1833-Wood, et al (Goodman)

HB 1988-Wagner, et al (Barnitz)

HB 1466-Daus (Coleman)

SENATE BILLS WITH HOUSE AMENDMENTS

SB 725-Bray, et al, with HCS

SCS for SB 756-Clemens, with HCS

SCS for SB 769-Mayer, with HCS, as amended

SB 819-Scott, with HCS

SB 834-Nodler, with HCS

SB 840-Stouffer, with HCS, as amended

SB 893-Scott, with HCS

SS#2 for SCS for SBs 1014 & 730-Scott, with HCS, as amended

SB 1045-Goodman, with HCS

SB 1084-Gibbons, with HCS

SCS for SB 1086-Kennedy, et al, with HCS

SCS for SB 1122-Shields, with HCS

SB 1165-Klindt, with HCS

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

SCS for SB 666-Engler, with HCS, as amended	HCS for HBs 1270 & 1027, with SCS, as amended (Cauthorn)
SCS for SB 773-Cauthorn and Barnitz, with HCS, as amended	HB 1865-Bearden, et al, with SCS, as amended (Shields)
SCS for SB 932-Scott, with HCS	HCS for HB 1944, with SS for SCS, as amended (Koster)
SCS for SBs 1001, 896 & 761-Griesheimer, with HCS, as amended	
HCS for HB 1022, with SCS, as amended (Gross)	

Requests to Recede or Grant Conference

SB 1017-Clemens, with HCS, as amended
(Senate requests House recede or grant conference)

RESOLUTIONS

Reported from Committee

SR 2363-Gross	HCR 9-Ruestman, et al (Ridgeway)
HCR 25-Bowman, et al (Days)	HCR 4-Bruns
HCR 17-Quinn, et al (Stouffer)	HCR 37-Loehner, et al (Barnitz)
HCR 15-Jetton, et al	HCR 10-Zweifel, et al (Loudon)
HCR 12-Portwood (Kennedy)	SR 2741-Wilson

MISCELLANEOUS

REMONSTRANCE 1-Gross

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