

Journal of the Senate

SECOND REGULAR SESSION

FIFTY-SIXTH DAY—WEDNESDAY, APRIL 21, 2004

The Senate met pursuant to adjournment.

Senator Shields in the Chair.

Reverend Carl Gauck offered the following prayer:

“O God, you are my God, I seek you; my soul thirsts for you, my flesh faints for you as in a dry and weary land where there is no water.” (Psalm 63:1)

Almighty God, we reach the mid-point of this week and the hours have been long and we see only more dry weary hours ahead. So we come to You for refreshment and rest knowing that what we truly need can only come from You. So we pray, provide us with that sense of purpose that gives us a renewing energy that lightens our hearts and quickens our steps. 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 following Senators were present during the day’s proceedings:

Present—Senators

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

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

Absent with leave—Senators—None

The Lieutenant Governor was present.

The President called for the reading of the Journal.

Senator Gibbons moved that further reading of the Journal be dispensed with and the same be approved as though having been fully read.

Senator Kennedy requested a roll call vote be taken on the approval of the Journal. He was joined in his request by Senators Bray, Callahan, Bland and Wheeler.

Senator Jacob raised the point of order that unanimous consent is required to dispense with the reading of the Journal.

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

Senator Jacob raised the point of order that under the rules, the time of meeting of the Senate is 10:00 a.m. unless otherwise ordered; and that time has not yet arrived.

The point of order was referred to the President Pro Tem, who ruled it not well taken; stating that Page 995 of the Senate Journal for

Tuesday, April 20, 2004, reflects the Senate adjourned until 9:30 a.m., Wednesday, April 21, 2004.

Senator Jacob raised the point of order that timing of the opening of a session is ordered by the body and not an individual member.

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

The Journal was approved by the following vote:

YEAS—Senators

Bartle	Callahan	Caskey	Champion
Childers	Clemens	Foster	Gibbons
Goode	Griesheimer	Gross	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Vogel
Yeckel—21			

NAYS—Senators

Bland	Bray	Days	Dougherty
Jacob	Kennedy	Wheeler—7	

Absent—Senators

Cauthorn	Coleman	Dolan	Quick
Steelman	Stoll—6		

Absent with leave—Senators—None

Photographers from KMOU-TV and the Associated Press were given permission to take pictures in the Senate Chamber today.

RESOLUTIONS

Senator Vogel offered Senate Resolution No. 1786, regarding LaVerla Ruth Kistler, California, which was adopted.

Senator Russell offered Senate Resolution No. 1787, regarding Dan D. Divine, Hartville, which was adopted.

Senator Gross offered Senate Resolution No. 1788, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Sidney Branson, St. Charles, which was adopted.

CONCURRENT RESOLUTIONS

Senator Bland offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 48

Relating to the establishment of a Hepatitis C Task Force

WHEREAS, hepatitis C is a disease of the liver caused by the hepatitis C virus which damages liver cells and causes the liver to become swollen and tender, however, hepatitis has many other causes, including some medications, long-term alcohol abuse, and exposure to industrial chemicals; and

WHEREAS, although there is no vaccine to prevent infection with the hepatitis C virus (HCV), research is underway to develop one, but it is difficult to create an effective vaccine because new strains of the original virus can develop that are not affected by a vaccine against the original strain; and

WHEREAS, since all donated blood is screened for hepatitis C, many people are unaware they have hepatitis C until they try to donate blood and are notified by a blood donation center; and

WHEREAS, chronic hepatitis may be treated with medications that fight viral infections, however, the standard treatment of interferon and ribavirin is not an option for every person and only 30%-40% of those who receive antivirals are cured of the infection; and

WHEREAS, the impact of the disease on certain populations, such as intravenous drug users, incarcerated individuals, alcoholics, racial minority groups, gay and lesbian individuals, and HIV/AIDS infected individuals, is still unknown in Missouri:

NOW, THEREFORE, BE IT RESOLVED that the members of the Senate of the Ninety-second General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby establish a Hepatitis C Task Force to examine the impact of the hepatitis C virus (HCV) on intravenous drug users, incarcerated individuals, alcoholics, racial minority groups, gay and lesbian individuals, and HIV/AIDS infected individuals in Missouri; and

BE IT FURTHER RESOLVED that the Task Force shall be comprised of the following nine persons appointed by the Governor with the advice and consent of the House of Representatives:

- (1) Two persons from the Department of Mental Health;
- (2) Two persons from the Department of Health and Senior Services;
- (3) One person from the Department of Corrections;
- (4) Two persons from community organizations providing services to persons with HCV; and
- (5) Two persons living with HCV; and

BE IT FURTHER RESOLVED that two members of the Senate appointed by the President Pro Tem of the Senate and two members of the House of Representatives appointed by the Speaker of the House of Representatives and shall serve in an advisory capacity to the Task Force; and

BE IT FURTHER RESOLVED that the Task Force shall conduct research and evaluate key legislative, programmatic, and socioeconomic issues that are related to the impact of HCV on the aforementioned populations and make recommendations on ways to improve outreach, prevention, and intervention; and

BE IT FURTHER RESOLVED that the Task Force shall complete its work and submit a report to the General Assembly within one year of its formation, with the advisory House and Senate members of the Task Force providing guidance to the Task Force in its conduct and scope of its work; and

BE IT FURTHER RESOLVED that this resolution be sent to the Governor for his approval or rejection pursuant to the Missouri Constitution.

Read 1st time.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 1123**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS #2** for **SS** for **SCS** for **HS** for **HCS** for **HB 1304**, as amended, and has taken up and passed **CCS** for **SS #2** for **SS** for **SCS** for **HS** for **HCS** for **HB 1304**.

PRIVILEGED MOTIONS

Senator Scott, on behalf of the conference committee appointed to act with a like committee from the House on **SS No. 2** for **SS** for **SCS** for **HS** for **HCS** for **HB 1304**, as amended, moved that the following conference committee report be taken up.

CONFERENCE COMMITTEE REPORT ON SENATE SUBSTITUTE NO. 2 FOR SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1304

The Conference Committee appointed on Senate Substitute No. 2 for Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1304, with Senate Substitute Amendment No. 1 for Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 3, Senate Amendment No. 4, Senate Amendment No. 5 and Senate Amendment No. 7, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute No. 2 for Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1304, as amended;

2. That the House recede from its position on House Substitute for House Committee Substitute for House Bill No. 1304;

3. That the attached Conference Committee Substitute for Senate Substitute No. 2 for Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1304, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Delbert Scott

/s/ Michael R. Gibbons

/s/ Matt Bartle

Ken Jacob

Harold Caskey

FOR THE HOUSE:

/s/ Richard Byrd

/s/ Jason Crowell

/s/ Rod A. Jetton

Robert Harris, 23

Rick Johnson, 90

Senator Jacob offered a substitute motion that **SCS** for **HB 1003** be taken up for debate and requested a roll call vote be taken. He was joined in his request by Senators Callahan, Days, Dougherty and Stoll.

President Maxwell assumed the Chair.

Senator Gibbons raised the point of order that the substitute motion made by Senator Jacob is out of order as the body is not on the order of business of House Bills on Third Reading.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Scott restated his motion that the conference committee report on **SS No. 2** for **SS** for **SCS** for **HS** for **HCS** for **HB 1304** be taken up.

Senator Jacob submitted the following substitute motion in writing:

SUBSTITUTE MOTION

I move that the rules be suspended pursuant to rule 97 and the Senate go to the order of business of House Bills on Third Reading Formal

Calendar and that House Bill 1003 be brought before the body for Third Reading and Final Passage.

Senator Shields raised the point of order that Senator Jacob's substitute motion is not a true substitute motion, stating that it is a negative motion; adding that the objective of Senator Jacob can be reached by defeating the motion of Senator Scott and the continuation of the calling of the calendar.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Bray was recognized to inquire of Senator Stoll.

Senator Bray moved that the Senate adjourn until 10:00 a.m., Thursday, April 22, 2004, which motion prevailed.

Unofficial

SENATE CALENDAR

FIFTY-SEVENTH DAY—THURSDAY, APRIL 22, 2004

FORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 1034-Childers, with SCS
SB 1366-Yeckel, with SCS
SB 1196-Klindt, with SCS
SB 1096-Caskey, with SCS

SB 735-Foster, et al, with SCS
SB 1153-Cauthorn
SB 1185-Gross

HOUSE BILLS ON THIRD READING

HS for HCS for HB 1566-Stefanick,
with SCS (Cauthorn) (In Fiscal Oversight)
HS for HCS for HB 1003-Bearden,
with SCS (Russell)
HS for HCS for HB 1004-Bearden,
with SCS (Russell)
HS for HCS for HB 1005-Bearden,
with SCS (Russell)

HS for HCS for HB 1006-Bearden,
with SCS (Russell)
HS for HCS for HB 1007-Bearden,
with SCS (Russell)
HS for HCS for HB 1008-Bearden,
with SCS (Russell)
HS for HCS for HB 1009-Bearden,
with SCS (Russell)

Journal

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HS for HCS for HB 1010-Bearden,
with SCS (Russell)
HS for HCS for HB 1011-Bearden,
with SCS (Russell)

HS for HCS for HB 1012-Bearden,
with SCS (Russell)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 728-Steelman, with SCS	SB 1128-Cauthorn, with SCS
SBs 738 & 790-Loudon, with SCS & SS for SCS (pending)	SB 1132-Steelman, et al, with SCS
SB 755-Shields, with SCS, SS for SCS & SS for SS for SCS (pending)	SB 1138-Bartle
SBs 774 & 915-Wheeler, with SCS	SB 1159-Foster and Dougherty
SB 787-Childers, with SCS	SB 1180-Shields and Kinder, with SCS
SB 809-Klindt, with SCS, SS for SCS & SA 2 (pending)	SB 1198-Russell, with SCA 1
SB 810-Klindt, with SCS	SB 1213-Steelman and Gross, with SCS
SB 817-Kennedy and Griesheimer, with SCS	SBs 1221 & 1305-Kinder, with SCS, SS for SCS, SA 1 & SA 1 to SA 1 (pending)
SB 856-Loudon, with SCS, SS for SCS, SS for SS for SCS, SA 2 & SSA 1 for SA 2 (pending)	SB 1227-Russell, et al, with SCS
SB 906-Foster, with SCS	SB 1232-Clemens, et al, with SCS (pending)
SBs 908 & 719-Cauthorn, with SCS	SB 1234-Mathewson and Childers, with SCS, SS for SCS, SA 4 & point of order (pending)
SB 933-Yeckel, et al	SB 1254-Klindt, with SCS
SB 989-Gross, et al, with SCS (pending)	SB 1277-Yeckel, with SCS
SB 990-Loudon, with SCS	SBs 1332 & 1341-Caskey and Mathewson, with SCS
SB 1023-Griesheimer	SB 1355-Days
SB 1037-Steelman and Stoll, with SCS	SJR 24-Caskey and Bartle, with SCS
SBs 1069, 1068, 1025, 1005 & 1089-Gross and Griesheimer, with SCS, SS for SCS, SA 2 & SA 2 to SA 2 (pending)	SJR 25-Yeckel
SB 1124-Goode and Steelman, with SCS	SJR 26-Yeckel
	SJR 40-Stoll
	SJR 41-Kinder, et al, with SCS

HOUSE BILLS ON THIRD READING

HB 969-Cooper, et al, with SA 1
(pending) (Bartle)
HCS for HB 1182, with SCS (Klindt)

SCS for HCS for HB 1305 (Scott)
(In Fiscal Oversight)

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 741-Klindt

Reported 3/15

SB 1189-Scott, with SCS

House Bills

Reported 4/5

SCS for HBs 1071, 801, 1275 & 989-
Goodman (Childers)
(In Fiscal Oversight)

HCS for HB 947 (Cauthorn)

HB 975-Johnson (47), et al (Wheeler)
HB 1047-Guest and Bivins (Klindt)
HB 1107-Crawford, et al (Shields)

Reported 4/7

HB 1070-Miller, et al (Scott)
HB 938-Luetkemeyer, with SCS (Loudon)
HB 923-Holand and Fraser (Jacob)
HB 1622-Wasson, et al (Clemens)
HCS for HB 1399 (Clemens)
HCS for HB 1347 (Shields)
HCS for HB 1363 (Gibbons)

HB 1291-Pearce (Cauthorn)
HCS for HB 985 (Childers)
HCS for HB 1246 (Loudon)
HB 970-Portwood, et al (Shields)
HS for HCS for HB 1290-Portwood, with
SCS (Steelman)

Reported 4/13

HB 822-Luetkemeyer, et al, with SCS (Vogel)
HB 1187-Ervin, et al (Quick)
HCS for HB 1321, with SCS (Klindt)
HB 1362-Hobbs, et al (Cauthorn)
HB 1377-Sutherland, et al (Griesheimer)
HB 1398-Lager (Klindt)
HB 1407-Mayer and Villa (Dolan)

HCS for HB 1456 & HB 824, with SCS
(Foster)
HB 1494-Ervin (Quick)
HBs 1613, 1445, 1454, 1462, HCS for
HB 1471, HBs 1608, 1612 & 1635-
Morris, with SCS (Champion) (In
Fiscal Oversight)

Reported 4/14

HB 1603-Lager (Klindt)	HCS for HB 1614 (Steelman)
HCS for HBs 1529 & 1655 (Griesheimer)	HCS for HB 1253, with SCS (Loudon)
HCS for HB 1136, with SCS (Dolan)	HB 884-Ward (Loudon)
HCS for HB 1422 (Cauthorn)	HCS for HB 1233 (Griesheimer)
HCS for HB 1171 (Klindt)	HCS for HB 1090 (Quick)
HB 1259-Threlkeld (Griesheimer)	HB 1440-Deeken, with SCS (Scott)
HB 1126-Seigfreid, et al (Mathewson)	HB 1508-Baker (Bartle)
HCS for HB 1198 (Loudon)	HCS for HB 1660, with SCS (Klindt)
HB 1502-Wilson (42), et al (Wheeler)	HB 1616-Hanaway, et al (Gibbons)
HB 1217-Johnson (47), et al, with SCS (Wheeler)	HB 1444-Moore, et al (Vogel)
HB 1572-St. Onge, et al (Loudon)	HCS for HB 988 (Bartle)
	HB 1634-Behnen, with SCS (Gross)

Reported 4/15

HB 1317-Kingery, et al (Gibbons)	HCS for HB 928, HCS for HB 1123 & HCS for HB 1280-Bivins, with SCS (Yeckel)
HCS for HB 1405 (Callahan)	
HB 1114-Skaggs (Loudon)	HCS for HB 1179 (Days)
HB 1167-Kelly (144), et al (Clemens)	HCS for HBs 1631 & 1623 (Champion)
HCS for HB 1284 (Dolan)	HCS for HB 798, with SCS (Klindt)
HCS for HB 912 (Goode)	HB 1364-Bishop, et al, with SCS (Quick)
HCS for HB 1449 (Vogel)	HB 1188-Lipke, et al, with SCS (Bartle)
HB 1149-May, et al (Steelman)	HB 904-Luetkemeyer (Vogel)
HB 1442-Lipke, et al (Kinder)	HB 1427-Portwood (Wheeler)
HB 960-Roark, with SCS (Champion)	HB 994-Cunningham (145), et al (Scott)
HBs 1029, 1438 & 1610-Henke, with SCS (Dolan)	HB 869-Townley, et al (Caskey)
HB 826 & HCS for HB 883-Kelley (144), with SCS (Russell)	HCS for HB 1192, with SCS (Cauthorn)
HBs 996, 1142, HCS for HB 1201 & HB 1489-Dusenberg, et al, with SCS (Bartle)	HB 1048-Parker, et al (Klindt)

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

SB 739-Klindt, with HCS, as amended	HS for HCS for HB 1304-Byrd, with SS#2 for SS for SCS, as amended (Scott) (House adopted CCR and passed CCS)
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RESOLUTIONS

To be Referred

SCR 48-Bland

Reported from Committee

SR 1451-Yeckel

SCR 44-Yeckel

SCR 45-Dougherty

SCR 46-Gross

SCR 47-Griesheimer

HCR 10-Myers (Klindt)

HCR 12-Kelly (36) (Mathewson)

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