

# Journal of the Senate

## SECOND REGULAR SESSION

FIFTY-SEVENTH DAY—THURSDAY, APRIL 22, 2004

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

“Look for spiritual significance, not things men call important, big, impressive.” (Leslie Weatherhead)

Lord God, we pray that our actions are truly sharing in Your actions, coming from the depth of our being. We pray that we are moved to invest our energies, utilize our gifts, and work towards those things that are truly significant for the lives of our people. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KRCG-TV, KMIZ-TV and KOMU-TV were given permission to take pictures in the Senate Chamber today.

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

Present—Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan

Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel—34		

Absent with leave—Senators—None

The Lieutenant Governor was present.

The President called the order of business of Introduction of Guests.

Senator Gibbons sought recognition of the Chair and requested that Senator Scott be recognized.

### PRIVILEGED MOTIONS

Senator Scott moved 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 raised the point of order that under the provisions of Senate Rule 3, the motion is out of order in that the Senate is not following the order of business as prescribed.

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

On motion of Senator Scott, the conference committee report on **SS No. 2** for **SS** for **SCS** for

**HS** for **HCS** for **HB 1304** was taken up.

Senator Scott moved that the conference committee report on **SS No. 2** for **SS** for **SCS** for **HS** for **HCS** for **HB 1304** be adopted.

Senator Scott moved the previous question.

The President stated that Senator Scott’s motion for the previous question was not recognized at this time.

Senator Jacob raised the point of order that the the motion to adopt the conference committee report is out of order pursuant to U.S. Senate Rules. Stating that the presentation of a conference report includes its reading. The report must be read if a demand therefor is made and its reading can be dispensed with only by unanimous consent. The question of consideration cannot be raised until after the report has been read.

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

The conference committee report on **SS No. 2** for **SS** for **SCS** for **HS** for **HCS** for **HB 1304** was read.

Senator Scott renewed his motion for adoption of the conference committee report.

Senator Jacob offered a substitute motion in writing and asked that it be read, which was read in part:

“SUBSTITUTE MOTION NO. 1

That the Senate reject the 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 1304 and request that the House grant further conference thereon, and the Senate conferees be instructed to adopt the following amendment:

Amend 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, Page 1, Section 355.176, Line 8 of said page, through page 27, section 508.120, line 41 of said

page, by striking all of said sections from the bill and inserting in lieu thereof the following:”

Senator Goode rose to address the issue of the earlier motion made by Senator Scott to move the previous question, raising the point of order that it has always been the practice of the Senate that when a Senator has the floor, he could always make another motion; stating that Senator Scott should have been able to make that motion.

The point of order was referred to the President Pro Tem, who ruled it well taken which rendered Senator Jacob’s substitute motion moot.

Senator Scott submitted the following:

Motion for Previous Question - Pursuant to Rule 83 of the Missouri Senate:

**Shall the Main question be now put?**

Signed:

- /s/ Peter Kinder
- /s/ Anita Yeckel
- /s/ John E. Griesheimer
- /s/ Norma Champion
- /s/ John Cauthorn
- /s/ Gary Nodler
- /s/ Matt Bartle
- /s/ Charlie Shields
- /s/ Bill Foster
- /s/ Charles R. Gross
- /s/ Dan Clemens
- /s/ John Loudon
- /s/ Delbert Scott
- /s/ Jon Dolan
- /s/ Doyle Childers
- /s/ Carl M. Vogel
- /s/ David G. Klindt
- /s/ John T. Russell
- /s/ Michael R. Gibbons

The motion to move the previous question was adopted by the following vote:

YEAS—Senators

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

NAYS—Senators

Bland	Bray	Callahan	Caskey
Coleman	Days	Dougherty	Goode
Jacob	Kennedy	Mathewson	Quick
Steelman	Stoll	Wheeler—15	

Absent—Senators—None

Absent with leave—Senators—None

The conference committee report on **SS No. 2** for **SS** for **SCS** for **HS** for **HCS** for **HB 1304** was adopted by the following vote:

YEAS—Senators

Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Foster	Gibbons
Goode	Griesheimer	Gross	Kinder
Klindt	Loudon	Nodler	Russell
Scott	Shields	Vogel	Wheeler

Yeckel—21

NAYS—Senators

Bland	Bray	Callahan	Caskey
Coleman	Days	Dougherty	Jacob
Kennedy	Mathewson	Quick	Steelman

Stoll—13

Absent—Senators—None

Absent with leave—Senators—None

Senator Scott moved that **CCS** for **SS No. 2** for **SS** for **SCS** for **HS** for **HCS** for **HB 1304**, entitled:

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

An Act to repeal sections 355.176, 408.040, 508.010, 508.040, 508.070, 508.120, 510.263, 516.105, 537.035, 537.067, 538.205, 538.210, 538.220, and 538.225, RSMo, and to enact in lieu thereof sixteen new sections relating to claims for damages and the payment thereof.

Be read the 3rd time and finally passed.

Senator Scott moved the previous question.

The President stated that he was not recognized for that motion.

Senator Bartle raised the point of order that based on an earlier ruling by the President Pro Tem, the previous question motion is before the body.

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

Senator Scott submitted the following:

Motion for Previous Question - Pursuant to Rule 83 of the Missouri Senate.

**Shall the Main question be now put?**

Signed:

/s/ Peter Kinder	/s/ Charlie Shields
/s/ Anita Yeckel	/s/ Doyle Childers
/s/ Dan Clemens	/s/ Delbert Scott
/s/ Gary Nodler	/s/ Matt Bartle
/s/ John Cauthorn	/s/ Carl M. Vogel
/s/ David G. Klindt	/s/ Jon Dolan
/s/ John Loudon	/s/ Norma J. Champion
/s/ John E. Griesheimer	/s/ John T. Russell
/s/ Bill Foster	/s/ Michael R. Gibbons
/s/ Charles R. Gross	

The motion to move the previous question was adopted by the following vote:

YEAS—Senators

Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Foster	Gibbons
Griesheimer	Gross	Kinder	Klindt
Loudon	Nodler	Russell	Scott
Shields	Vogel	Wheeler	Yeckel—20

NAYS—Senators

Bland	Bray	Callahan	Caskey
Coleman	Days	Dougherty	Goode
Jacob	Kennedy	Mathewson	Quick
Steelman	Stoll—14		

Absent—Senators—None

Absent with leave—Senators—None

**CCS** for **SS No. 2** for **SS** for **SCS** for **HS** for **HCS** for **HB 1304** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Cauthorn	Champion	Childers
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Clemens	Dolan	Foster	Gibbons
Goode	Griesheimer	Gross	Kinder
Klindt	Loudon	Nodler	Russell
Scott	Shields	Vogel	Wheeler
Yeckel—21			

## NAYS—Senators

Bland	Bray	Callahan	Caskey
Coleman	Days	Dougherty	Jacob
Kennedy	Mathewson	Quick	Steelman
Stoll—13			

Absent—Senators—None

Absent with leave—Senators—None

The President declared the bill passed.

Senator Scott moved the title to the bill be agreed to.

Senator Scott moved the previous question.

The President stated that he was not recognized for that motion.

Senator Bartle raised the point of order that based on an earlier ruling by the President Pro Tem, the previous question motion is before the body.

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

Senator Scott submitted the following:

Motion for Previous Question - Pursuant to Rule 83 of the Missouri Senate.

**Shall the Main question be now put?**

Signed:

/s/ Peter Kinder	/s/ Charlie Shields
/s/ Anita Yeckel	/s/ Doyle Childers
/s/ Dan Clemens	/s/ Delbert Scott
/s/ John Cauthorn	/s/ Matt Bartle
/s/ Gary Nodler	/s/ Carl M. Vogel
/s/ David G. Klindt	/s/ Jon Dolan
/s/ John Loudon	/s/ Norma J. Champion
/s/ John E. Griesheimer	/s/ John T. Russell
/s/ Bill Foster	/s/ Michael R. Gibbons
/s/ Charles R. Gross	

The motion to move the previous question was adopted by the following vote:

## YEAS—Senators

Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Foster	Gibbons
Griesheimer	Gross	Kinder	Klindt
Loudon	Nodler	Russell	Scott
Shields	Vogel	Wheeler	Yeckel—20

## NAYS—Senators

Bland	Bray	Callahan	Caskey
Coleman	Days	Dougherty	Goode
Jacob	Kennedy	Mathewson	Quick
Steelman	Stoll—14		

Absent—Senators—None

Absent with leave—Senators—None

The motion that the title be agreed to was adopted.

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

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

President Pro Tem Kinder assumed the Chair.

**RESOLUTIONS**

Senator Mathewson offered Senate Resolution No. 1789, regarding Shirley J. Collins, Sedalia, which was adopted.

Senator Bland offered Senate Resolution No. 1790, regarding Dorothy A. Stroud, Kansas City, which was adopted.

Senator Klindt offered Senate Resolution No. 1791, regarding Derek C. Spencer, Trenton, which was adopted.

Senator Klindt offered Senate Resolution No. 1792, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Clarence Jacobs, Trenton, which was adopted.

Senator Champion offered Senate Resolution No. 1793, regarding Coach Gary Stanfield of Drury University, Springfield, which was adopted.

Senator Champion offered Senate Resolution No. 1794, regarding the Drury University Lady Panthers basketball team, which was adopted.

Senator Champion offered Senate Resolution No. 1795, regarding Kraft Foods North America, Springfield, which was adopted.

Senator Dolan offered Senate Resolution No. 1796, regarding Michael John Gore, St. Charles, which was adopted.

### MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 1118**, entitled:

An Act to repeal sections 302.177, 302.225, 302.272, 302.302, 302.309, 302.700, 302.725, 302.735, 302.740, 302.755, 302.756, 302.760, 304.035, and 577.054, RSMo, and to enact in lieu thereof eighteen new sections relating to commercial drivers' licenses, with an effective date and with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 773**, entitled:

An Act to repeal section 172.360, RSMo, and to enact in lieu thereof one new section relating to students admissible to the University of Missouri.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HBs 1286 and 1175**, entitled:

An Act to amend chapter 407, RSMo, by

adding thereto six new sections relating to marine dealers.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS for HCS for HB 1285**, entitled:

An Act to repeal sections 226.092, 407.730 and 407.735, RSMo, and to enact in lieu thereof three new sections relating to car rental insurance, with a penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1160**, entitled:

An Act to repeal sections 376.1219, RSMo, and to enact in lieu thereof one new section relating to health insurance coverage for treatment of inherited diseases of amino and organic acids.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 1509**, entitled:

An Act to repeal section 376.1230, RSMo, and to enact in lieu thereof one new section relating to health benefits for chiropractic care.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 1080**, entitled:

An Act to repeal sections 160.518, 160.538, and 160.720, RSMo, and to enact in lieu thereof two new sections relating to education accountability standards.

With House Amendment No. 1.

#### HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 1080, Page 5, Section 160.720, Line 56, by adding after all of said line the following:

“174.453. 1. The board of governors shall be appointed as follows:

(1) Five voting members shall be selected from the counties comprising the institution's historic statutory service region as described in section 174.010, except that no more than two members shall be appointed from any one county with a population of less than two hundred thousand inhabitants;

(2) Two voting members shall be selected from any of the counties in the state which are outside of the institution's historic service region; and

(3) One nonvoting member who is a student shall be selected in the same manner as prescribed in section 174.055.

2. The term of service of the governors shall be as follows:

(1) The voting members shall be appointed for terms of six years; and

(2) The nonvoting student member shall serve a two-year term.

3. Members of any board of governors selected pursuant to this section and in office on May 13, 1999, shall serve the remainder of their unexpired terms.

**4. Notwithstanding the provisions of subsection 1 of this section, the board of governors of Missouri Southern State University-Joplin shall be appointed as follows:**

**(1) Five voting members shall be selected from any of the following counties: Barton, Jasper, Newton, McDonald, Dade, Lawrence, and Barry provided that no more than three of these five members shall be appointed from any one county;**

**(2) Two voting members shall be selected from any of the counties in the state which are outside of the counties articulated in subdivision (1) of this subsection;**

**(3) One nonvoting member who is a student shall be selected in the same manner as prescribed in section 174.055; and**

**(4) The provisions of subdivisions (1) and (2) of this subsection shall only apply to board members first appointed after August 28, 2004.”; and**

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

In which the concurrence of the Senate is respectfully requested.

Also,

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** for **SCS** for **SBs 740, 886 and 1178**, entitled:

An Act to repeal sections 148.330, 263.534, 267.470, 267.472, 267.475, 267.480, 267.485, 267.490, 267.495, 267.500, 267.505, 267.510, 267.515, 267.520, 267.525, 267.531, 267.535, 267.540, 267.545, 267.550, 267.551, 267.552, 267.553, 267.554, 267.555, 267.556, 348.406, 348.410, 348.412, 348.430, and 348.432, RSMo, and to enact in lieu thereof eleven new sections relating to agriculture programs.

With House Amendments No. 1 and 3.

#### HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for

Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 740, 886 and 1178, Section 348.410, Page 5, Lines 1 through 14, by deleting said section and lines; and

Further amend said bill, Section 348.432, Page 10, Lines 56 and 57, by deleting said lines and inserting in lieu thereof the following:

“a tax credit certificate in the appropriate amount. [tax] **Tax** credits issued pursuant to this section [shall initially be claimed in the taxable”]; 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 for Senate Committee Substitute for Senate Bills Nos. 740, 886 and 1178, Page 11, Section 348.432, Line 88, by inserting after said line the following:

“Section A. Section 537.115, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 537.115, to read as follows:

537.115. 1. As used in this section, the following terms mean:

(1) “Canned food”, any food commercially processed and prepared for human consumption;

(2) “Perishable food”, any food which may spoil or otherwise become unfit for human consumption because of its nature, type or physical condition.

This term includes, but is not limited to, fresh and processed meats, poultry, seafood, dairy products, bakery products, eggs in the shell, fresh fruits and vegetables, and foods which have been packaged, refrigerated, or frozen.

2. All other provisions of law notwithstanding, a good faith donor of canned or perishable food, which complies with chapter 196, RSMo, at the time it was donated and which is fit for human consumption at the time it is donated, to a bona fide charitable or not-for-profit organization for

free distribution, shall not be subject to criminal or civil liability arising from an injury or death due to the condition of such food unless such injury or death is a direct result of the negligence, recklessness or intentional misconduct of such donor.

3. All other provisions of law notwithstanding, a bona fide charitable or not-for-profit organization which in good faith receives and distributes food, which complies with chapter 196, RSMo, at the time it was donated and which is fit for human consumption at the time it is distributed, without charge, shall not be subject to criminal or civil liability arising from an injury or death due to the condition of such food unless such injury or death is a direct result of the negligence, recklessness, or intentional misconduct of such organization.

4. Notwithstanding any other provision of law to the contrary, a good faith donor or a charitable or not-for-profit organization, who in good faith receives or distributes frozen and packaged venison without charge, shall not be subject to criminal or civil liability arising from an injury or death due to the condition of such food, except as provided in this subsection. The venison must:

(1) Come from a whitetail deer harvested in accordance with the rules and regulations of the department of conservation;

(2) Be field dressed and handled in a sanitary manner and the carcass of which remains in sound condition;

(3) Be processed in a licensed facility that is subject to the United States Department of Agriculture's mandated inspections during domesticated animal operations **or is approved by the Missouri department of agriculture meat inspection program**. Except that, the provisions of this subsection shall not apply if the injury or death is a direct result of the negligence, recklessness or intentional misconduct of such donor or the deer was harvested during a season that the deer in Missouri were found to have diseases communicable to humans. Venison handled and processed in accordance with the provisions of this section and protected by all reasonable means from

foreign or injurious contamination is exempt from the provisions of chapter 196, RSMo.

5. The provisions of this section shall govern all good faith donations of canned or perishable food which is not readily marketable due to appearance, freshness, grade, surplus or other conditions, but nothing in this section shall restrict the authority of any appropriate agency to regulate or ban the use of such food for human consumption.”.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HJRs 39, 38, 42** and **47** entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article I of the Constitution of Missouri, and adopting one new section relating to the prohibition of same-sex marriage.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

#### HOUSE BILLS ON THIRD READING

**HS** for **HCS** for **HB 1003**, with **SCS**, introduced by Representative Bearden, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education and the several divisions, programs, and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2004 and ending June 30, 2005.

Was taken up by Senator Russell.

**SCS** for **HS** for **HCS** for **HB 1003**, entitled:

#### SENATE COMMITTEE SUBSTITUTE FOR HOUSE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1003

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education and the several divisions, programs, and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2004 and ending June 30, 2005.

Was taken up.

Senator Gross assumed the Chair.

Senator Russell moved that **SCS** for **HS** for **HCS** for **HB 1003** be adopted, which motion prevailed.

On motion of Senator Russell, **SCS** for **HS** for **HCS** for **HB 1003** was read the 3rd time and passed by the following vote:

#### YEAS—Senators

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

#### NAYS—Senators

Bland	Bray	Coleman	Days
Jacob—5			

Absent—Senator Quick—1

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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



**HS** for **HCS** for **HB 1004**, with **SCS**, introduced by Representative Bearden, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue and the Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2004 and ending June 30, 2005.

Was taken up by Senator Russell.

**SCS** for **HS** for **HCS** for **HB 1004**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1004

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue and the Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2004 and ending June 30, 2005.

Was taken up.

Senator Russell moved that **SCS** for **HS** for **HCS** for **HB 1004** be adopted.

Senator Childers assumed the Chair.

Senator Kinder assumed the Chair.

### SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **CCS** for **SS No. 2** for **SS** for **SCS** for **HS** for **HCS** for **HB 1304**, having passed both branches of the General Assembly, would be read at length by the Secretary, and signed by the President Pro Tem to the end that it may become law. The bill was so read by the Secretary and signed by the President Pro Tem.

### OBJECTIONS

April 22, 2004

Terry L. Spieler

Secretary of the Senate

Capitol Building, Room 325

Jefferson City, Missouri 65101

**Re: Constitutional Objections to be Included in the Senate Journal of this Date**

Dear Terry:

Pursuant to the discussion which took place this afternoon on the Senate floor just prior to Senator Kinder's signing the TAFP version of HB 1304, I would request that the following be placed in the Journal for this date, April 22, 2004, at the appropriate point in the Journal at which I verbally raised "constitutional objections" to CCS/SS#2/SS/SCS/HS/HCS/HB 1304:

Senator Jacob raised verbal "constitutional objections" to the substance of the bill and to the procedure related to passage of the bill in the Senate and submitted the following written objections to the same:

1.) That the substance of the bill violates the constitutional guarantee to access to the open courts of justice;

2.) That the substance of the bill violates the constitutional mandate that the rules of practice and procedure of the courts of justice be established by the Missouri Supreme Court, and that the substance of the bill violates the constitutional distribution and separation of powers as it constitutes action by the legislative branch to exercise a power properly belonging to the judicial branch;

3.) That the substance of the bill violates the constitutional prohibition that "no bill shall contain more than one subject", in that, among other things, the bill addresses multiple subjects, i.e. (1) claims for damages, (2) payment of claims for damages, and (3) claims for specific performance. It should be noted that even the title of the bill betrays, by the explicit use of the "and" conjunctive, that the bill addresses multiple subjects, i.e. (1) claims for damages, "and" (2) payment of claims for damages;

4.) That the substance of the bill violates the constitutional prohibition that the subject of a bill "shall be clearly expressed in its title", in that the bill clearly affects claims for specific performance but the title expresses only that the bill "relates to claims for damages and the payment thereof";

5.) That the substance of the bill violates the constitutional guarantee to due process of law;

6.) That the substance of the bill violates the constitutional

guarantee to equal protection of the laws;

7.) That the procedure by which the bill was presented to and adopted by the Missouri Senate violates the constitutional requirement that “No bill shall be considered for final passage in either house until it, with all amendments thereto, has been printed and copies distributed among the members”, in that the amendments to the bill were never officially “printed” prior to the bill being considered for final passage in the Senate; and

8.) That many other procedural irregularities occurred on this day during the extremely chaotic presentation and passage of the CCR and the bill which are too numerous to detail here given the extraordinarily short period of time which passed between the passage of the bill in the Senate late this morning and the Pro Tem’s act of signing the bill before the Senate early this afternoon, each of which irregularity constitutes a separate and distinct violation of the Missouri Constitution and each of which could be well established by testimony of the Senators present and the dozens of other Senate employees and onlookers present during the outbursts and commotion which enveloped the Missouri Senate chamber during the presentation and controversial passage of the CCR and the bill.

Thank you for your attention to this matter.

Very best regards,

/s/ Ken

Ken Jacob

On motion of Senator Russell, **SCS** for **HS** for **HCS** for **HB 1004** was adopted.

On motion of Senator Russell, **SCS** for **HS** for **HCS** for **HB 1004** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bland	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Kennedy	Kinder	Klindt	Loudon
Nodler	Russell	Scott	Shields
Steelman	Stoll	Vogel	Yeckel—28

NAYS—Senators

Bray	Days	Jacob	Wheeler—4
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Absent—Senators

Mathewson	Quick—2
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Absent with leave—Senators—None

Senator Shields assumed the Chair.

The President declared the bill passed.

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

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

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

**HS** for **HCS** for **HB 1005**, with **SCS**, introduced by Representative Bearden, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, the Department of Public Safety, and the Chief Executive’s Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2004 and ending June 30, 2005.

Was taken up by Senator Russell.

**SCS** for **HS** for **HCS** for **HB 1005**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1005

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, the Department of Public Safety, and the Chief Executive’s Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2004 and ending June 30, 2005.

Was taken up.

Senator Russell moved that **SCS** for **HS** for **HCS** for **HB 1005** be adopted.

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

**SENATE AMENDMENT NO. 1**

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1005, Page 13, Section 5.226, Line 6, by inserting immediately after said line the following:

“This section is contingent upon passage of SB 1221 and SB 1227”; and

Further amend said bill, page 13, section 5.227, line 5, by inserting immediately after said line the following:

“This section is contingent upon passage of SB 1221 and SB 1227”.

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

Senator Gross assumed the Chair.

Senator Russell moved that **SCS** for **HS** for **HCS** for **HB 1005**, as amended, be adopted, which motion prevailed.

On motion of Senator Russell, **SCS** for **HS** for **HCS** for **HB 1005**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators

Bland	Bray	Coleman	Days—4
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Absent—Senators

Quick	Wheeler—2
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Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

**HS** for **HCS** for **HB 1006**, with **SCS**, introduced by Representative Bearden, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement, and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2004 and ending June 30, 2005.

Was taken up by Senator Russell.

**SCS** for **HS** for **HCS** for **HB 1006**, entitled:  
**SENATE COMMITTEE SUBSTITUTE FOR HOUSE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1006**

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement, and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the

period beginning July 1, 2004 and ending June 30, 2005.

Was taken up.

Senator Shields assumed the Chair.

Senator Gross assumed the Chair.

Senator Russell moved that **SCS** for **HS** for **HCS** for **HB 1006** be adopted, which motion prevailed.

On motion of Senator Russell, **SCS** for **HS** for **HCS** for **HB 1006** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Callahan	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Dolan	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Kennedy
Kinder	Klindt	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Yeckel—28

NAYS—Senators

Bland	Bray	Days	Jacob—4
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Absent—Senator Wheeler—1

Absent with leave—Senator Loudon—1

The President declared the bill passed.

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

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

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

**HS** for **HCS** for **HB 1007**, with **SCS**, introduced by Representative Bearden, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, and Department of Labor and Industrial Relations, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and

to transfer money among certain funds for the period beginning July 1, 2004 and ending June 30, 2005.

Was taken up by Senator Russell.

**SCS** for **HS** for **HCS** for **HB 1007**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1007

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, and Department of Labor and Industrial Relations, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2004 and ending June 30, 2005.

Was taken up.

Senator Russell moved that **SCS** for **HS** for **HCS** for **HB 1007** be adopted.

Senator Bartle assumed the Chair.

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

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1007, Page 6, Section 7.060, Line 10, by inserting immediately after the word “Levee,” the following: “Branson Landing Project.”

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

Senator Russell offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1007, Page 4, Section 7.020, Line 38, by deleting the number “700,000” and replacing it with the number “850,000” and further amend said Bill, Section 7.025, Line 8, by deleting

the number “3,303,360” and replacing it with the number “3,453,360” and amend section and bill totals accordingly.

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

Senator Caskey offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1007, Page 5, Section 7.050, Line 9, by inserting immediately after said line the following:

“For the Missouri Main Street Program

From Missouri Main Street Program Fund . \$40,590”

and further amend said bill Section 7.050, by inserting immediately after said section the following new section:

“Section 7.053. To the Department of Economic Development

Funds are to be transferred out of the State Treasury, chargeable to the General Revenue Fund, to the Missouri Main Street Program Fund

From General Revenue Fund . . . . . \$40,590”

and amend section and bill total accordingly.

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

Senator Russell moved that SCS for HS for HCS for HB 1007, as amended, be adopted, which motion prevailed.

On motion of Senator Russell, SCS for HS for HCS for HB 1007, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Callahan	Caskey	Cauthorn
Champion	Childers	Clemens	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Kennedy	Kinder
Klindt	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman

Stoll Vogel Wheeler Yeckel—28

NAYS—Senators

Bland Bray Coleman Days

Jacob—5

Absent—Senators—None

Absent with leave—Senator Loudon—1

The President declared the bill passed.

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

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

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

HS for HCS for HB 1008, with SCS, introduced by Representative Bearden, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2004 and ending June 30, 2005.

Was taken up by Senator Russell.

SCS for HS for HCS for HB 1008, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1008

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2004 and ending June 30, 2005.

Was taken up.

Senator Russell moved that SCS for HS for HCS for HB 1008 be adopted, which motion

prevailed.

On motion of Senator Russell, **SCS** for **HS** for **HCS** for **HB 1008** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Callahan	Caskey	Cauthorn
Champion	Childers	Clemens	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Kennedy	Kinder
Klindt	Mathewson	Nodler	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel—27	

NAYS—Senators

Bland	Bray	Coleman	Days
Jacob—5			

Absent—Senator Quick—1

Absent with leave—Senator Loudon—1

The President declared the bill passed.

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

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

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

**HS** for **HCS** for **HB 1009**, with **SCS**, introduced by Representative Bearden, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2004 and ending June 30, 2005.

Was taken up by Senator Russell.

**SCS** for **HS** for **HCS** for **HB 1009**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1009

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department

of Corrections and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2004 and ending June 30, 2005.

Was taken up.

Senator Russell moved that **SCS** for **HS** for **HCS** for **HB 1009** be adopted, which motion prevailed.

On motion of Senator Russell, **SCS** for **HS** for **HCS** for **HB 1009** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators

Bland	Bray	Coleman	Days
Jacob—5			

Absent—Senators

Cauthorn	Quick—2
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Absent with leave—Senator Loudon—1

The President declared the bill passed.

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

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

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

**HS** for **HCS** for **HB 1010**, with **SCS**, introduced by Representative Bearden, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Board of Public Buildings, the Department of Health and Senior Services, and the several divisions and programs thereof, the Missouri Health Facilities Review Committee and the Commission for the Missouri Senior Rx

Program to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2004 and ending June 30, 2005.

Was taken up by Senator Russell.

SCS for HS for HCS for HB 1010, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1010

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Board of Public Buildings, the Department of Health and Senior Services, and the several divisions and programs thereof, the Missouri Health Facilities Review Committee and the Commission for the Missouri Senior Rx Program to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2004 and ending June 30, 2005.

Was taken up.

Senator Russell moved that SCS for HS for HCS for HB 1010 be adopted.

Senator Shields offered SA 1, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1010, Page 29, Section 10.677, Line 26, by deleting said line and inserting in lieu thereof the following:

“From General Revenue Fund . . . . . \$570,000  
From Federal Funds . . . . . 760,000  
Total . . . . . \$1,330,000”,

and further amend bill totals accordingly.

Senator Shields moved that the above amendment be adopted.

Senator Dougherty offered SSA 1 for SA 1, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1010, Page 29, Section 10.677, Line 26, by deleting said line and inserting in lieu thereof the following

“From General Revenue Fund . . . . . \$570,000  
From New Federal Funds . . . . . \$1e  
Total . . . . . \$571,000”,

and further amend bill totals accordingly.

Senator Dougherty moved that the above substitute amendment be adopted.

At the request of Senator Dougherty, SSA 1 for SA 1 was withdrawn.

Senator Dougherty offered SSA 2 for SA 1, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 2 FOR SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1010, Page 29, Section 10.677, Line 26, by deleting said line and inserting in lieu thereof the following

“From General Revenue Fund . . . . . \$570,000  
From New Federal Funds . . . . . 760,000  
Total . . . . . \$1,330,000”,

and further amend bill totals accordingly.

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

Senator Dougherty offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1010, Page 26, Section 10.650, Line 5 by deleting said line and inserting in lieu thereof the following “for the diagnosis and treatment of tuberculosis based on current”.

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

Senator Days offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1010, Page 27, Section 10.660, Line 7, by deleting the number “\$3,282,203” and inserting in lieu thereof the number “\$3,462,968”. And further amend said section, line 21 by deleting said line and inserting in lieu thereof “Total (Not to exceed 350.37 F.T.E.) “15,227,104”.

Further amend said bill, page 28, Section 10.665, line 4 by deleting the number “5,631,586” and inserting in lieu thereof the number “\$10,439,386”. And further amend said section, line 11 by deleting the number “\$36,400,266” and inserting in lieu thereof the number “\$41,208,066”. Amend bill totals accordingly.

Senator Days moved that the above amendment be adopted.

Senator Childers assumed the Chair.

Senator Dougherty offered **SA 1 to SA 3**:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 3

Amend Senate Amendment No. 3 to Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1010, Page 1, Line 9, by adding after said line the following:

“Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1010, Page 27, Section 10.665, line 3 by inserting immediately after the word ‘programs’, ‘provided that up to \$4,807,800 may be used for the purpose of funding comprehensive health services for women and men that are provided directly by governmental entities as defined by section 610.010 (4) RSMo of this state through contract with the Department of Health and Senior Services. Comprehensive health services shall be only subcontracted to other

governmental agencies and not subcontracted further under any circumstances.”

Senator Dougherty moved that the above amendment be adopted.

Senator Gross requested a roll call vote be taken on the adoption of **SA 1 to SA 3** and was joined in his request by Senators Bray, Coleman, Russell and Vogel.

**SA 1 to SA 3** failed of adoption by the following vote:

YEAS—Senators

Bland	Bray	Caskey	Coleman
Days	Dougherty	Foster	Goode
Jacob	Quick	Wheeler—11	

NAYS—Senators

Bartle	Callahan	Cauthorn	Champion
Childers	Clemens	Dolan	Gibbons
Griesheimer	Gross	Kennedy	Kinder
Klindt	Mathewson	Nodler	Russell
Scott	Shields	Steelman	Vogel
Yeckel—21			

Absent—Senator Stoll—1

Absent with leave—Senator Loudon—1

**SA 3** was again taken up.

Senator Days moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Bray, Callahan, Coleman and Wheeler.

**SA 3** failed of adoption by the following vote:

YEAS—Senators

Bland	Bray	Caskey	Coleman
Days	Dougherty	Goode	Jacob
Quick	Wheeler—10		

NAYS—Senators

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



Absent—Senators—None

Absent with leave—Senator Loudon—1

Senator Bray offered SA 4:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1010, Page 2, Section 10.010, Line 7, by deleting the number “\$5,372,822” and inserting in lieu thereof the number “\$5,515,822”, further amend said section by deleting line 11 and inserting in lieu thereof:

“Total (Not to exceed 120.13 F.T.E.) . . \$6,460,944” and further amend bill totals accordingly.

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

Senator Russell moved that SCS for HS for HCS for HB 1010, as amended, be adopted, which motion prevailed.

On motion of Senator Russell, SCS for HS for HCS for HB 1010, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators

Coleman	Days	Dougherty	Jacob—4
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Absent—Senator Bland—1

Absent with leave—Senator Loudon—1

The President declared the bill passed.

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

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

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

HS for HCS for HB 1011, with SCS, introduced by Representative Bearden, entitled:

An Act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2004 and ending June 30, 2005.

Was taken up by Senator Russell.

SCS for HS for HCS for HB 1011, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1011

An Act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2004 and ending June 30, 2005.

Was taken up.

Senator Russell moved that SCS for HS for HCS for HB 1011 be adopted, which motion prevailed.

PRIVILEGED MOTIONS

Having voted on the prevailing side, Senator Caskey moved that the vote by which SCS for HS for HCS for HB 1011 was adopted be reconsidered, which motion prevailed by the following vote:

YEAS—Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler

Yeckel—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Loudon—1

**SCS** for **HS** for **HCS** for **HB 1011** was again taken up.

Senator Russell offered **SA 1**:

**SENATE AMENDMENT NO. 1**

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1011, Page 28, Section 11.465, Line 35, by deleting the number “113,533,434” and inserting in lieu thereof the number “115,533,434” and further amend said section, line 36 by deleting the number “179,556,526” and inserting in lieu thereof the number “182,556,526” and further amend said section, line 58 by deleting the number “\$761,157,980” and inserting in lieu thereof the number “\$766,157,980”. Further amend bill totals accordingly.

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

Senator Russell offered **SA 2**:

**SENATE AMENDMENT NO. 2**

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1011, Page 25, Section 11.435, Line 5, by inserting immediately thereafter the word “pharmacists” the following, “and for the development of a Comprehensive Chronic Care Risk Management program.”, and further amend said Bill, Page 31, Section 11.480, Line 4, by inserting immediately thereafter the word “programs” the following, “and for the development of a Comprehensive Chronic Care Risk Management program.”.

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

Senator Russell moved that **SCS** for **HS** for **HCS** for **HB 1011**, as amended, be adopted, which

motion prevailed.

On motion of Senator Russell, **SCS** for **HS** for **HCS** for **HB 1011**, as amended, was read the 3rd time and passed by the following vote:

**YEAS—Senators**

Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Kennedy	Kinder	Klindt	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel—30		

**NAYS—Senators**

Bland	Coleman	Jacob—3
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Absent—Senators—None

Absent with leave—Senator Loudon—1

The President declared the bill passed.

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

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

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

**HS** for **HCS** for **HB 1012**, with **SCS**, introduced by Representative Bearden, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive’s Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and

expenses of members and employees and other necessary operating expenses of the Missouri Commission on Interstate Cooperation, the Committee on Legislative Research, various joint committees, for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2004 and ending June 30, 2005.

Was taken up by Senator Russell.

**SCS for HS for HCS for HB 1012**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1012

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Missouri Commission on Interstate Cooperation, the Committee on Legislative Research, various joint committees, for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2004 and ending June 30, 2005.

Was taken up.

Senator Russell moved that **SCS for HS for HCS for HB 1012** be adopted.

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

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1012, Page 13, Section 12.400, Line 3 by deleting "\$26,221,780" and inserting in lieu thereof the following: "28,221,780 with \$2,000,000 being appropriated solely for the purpose of an increase in the salary of employees of the office of the state public defender and no other purpose."; and

Further amend same section, same page, line 7 by deleting "\$28,239,822" and inserting in lieu thereof the following "30,239,822"; and

Further amend all applicable totals, if any, accordingly.

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

**SA 1** failed of adoption by the following vote:

YEAS—Senators

Bland	Bray	Callahan	Caskey
Coleman	Days	Dougherty	Jacob
Stoll	Wheeler—10		

NAYS—Senators

Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Foster	Gibbons
Goode	Griesheimer	Gross	Kennedy
Kinder	Klindt	Nodler	Russell
Scott	Shields	Steelman	Vogel
Yeckel—21			

Absent—Senators

Mathewson	Quick—2
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Absent with leave—Senator Loudon—1

Senator Stoll offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1012, Page 11, Section 12.355,

Line 6, by deleting the number “111,904,140” and inserting in lieu thereof the number “112,027,200” and amend section and bill totals accordingly.

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

Senator Russell moved that **SCS** for **HS** for **HCS** for **HB 1012**, as amended, be adopted, which motion prevailed.

On motion of Senator Russell, **SCS** for **HS** for **HCS** for **HB 1012**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Callahan	Cauthorn	Champion
Childers	Clemens	Dolan	Foster
Gibbons	Goode	Griesheimer	Gross
Kinder	Klindt	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Yeckel—24

NAYS—Senators

Bland	Bray	Caskey	Coleman
Days	Dougherty	Jacob	Kennedy
Wheeler—9			

Absent—Senators—None

Absent with leave—Senator Loudon—1

The President declared the bill passed.

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

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

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

### 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 **HS** for **HB 1409**, entitled:

An Act to repeal sections 32.105, 32.110, 71.620, 100.710, 135.208, 135.209, 135.215, 135.530, 144.030, 620.1400, 620.1410, 620.1420, 620.1430, 620.1440, 620.1450, 620.1460, 620.1560, RSMo, and section 100.850 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 289, ninety-second general assembly, first regular session, and section 100.850 as enacted by senate committee substitute for senate bill no. 620, ninety-second general assembly, first regular session, and to enact in lieu thereof forty-four new sections relating to economic development projects.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HBs 1477** and **1563**, entitled:

An Act to repeal sections 192.020, 192.067, 192.138, 192.665, 192.667, and 197.293, RSMo, and to enact in lieu thereof seventeen new sections relating to health care facilities, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 844**, entitled:

An Act to amend chapter 34, RSMo, by adding thereto five new sections relating to the establishment of the open contracting act.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 1433**, entitled:

An Act to repeal sections 278.258, 644.076, 701.031, 701.033, 701.037, and 701.038, RSMo, and to enact in lieu thereof eleven new sections relating to regulation of water and sewer systems.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1093**, entitled:

An Act to amend chapter 209, RSMo, by adding thereto three new sections relating to rights of persons with service dogs, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

**MESSAGES FROM THE GOVERNOR**

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

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City, Missouri  
April 15, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

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

Peter T. Ewell, Ph.D., 2524 Balsam Drive, Boulder, Colorado 80304, as an out of state member of the Truman State University Board of Governors, for a term ending January 1, 2010, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
BOB HOLDEN  
Governor

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City, Missouri  
April 20, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

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

Laurie Barrow, 5908 Northwest 104th Terrace, Kansas City, Platte County, Missouri 64154, as a member of the Child Abuse and Neglect Review Board, for a term ending April 27, 2007, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
BOB HOLDEN  
Governor

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City, Missouri  
April 20, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

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

Floyd O. Bartch, Democrat, 8005 Northeast 122nd Terrace, Kansas City, Clay County, Missouri 64167, as a member of the Missouri Gaming Commission, for a term ending April 29, 2007, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
BOB HOLDEN  
Governor

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City, Missouri  
April 20, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

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

Annie R. Dixon, 601 Magnolia Drive, Hannibal, Marion County, Missouri 63401, as a member of the State Board of Barber Examiners, for a term ending September 1, 2006, and until her successor is duly appointed and qualified; vice, Shirley Sweet, resigned.

Respectfully submitted,  
BOB HOLDEN  
Governor

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City, Missouri  
April 20, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF  
THE STATE OF MISSOURI:

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

Kenneth C. Hensley, Democrat, 805 Gore, P.O. Box 245,  
Raymore, Cass County, Missouri 64083, as a member of the Public  
Defender Commission, for a term ending December 30, 2009, and  
until his successor is duly appointed and qualified; vice, reappointed  
to a full term.

Respectfully submitted,  
BOB HOLDEN  
Governor

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City, Missouri  
April 20, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF  
THE STATE OF MISSOURI:

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

Kathy Conley Jones, Democrat, 2 West Pine Court, St. Louis  
City, Missouri 63108, as a member of the Missouri Investment  
Trust, for a term ending February 24, 2006, and until her successor  
is duly appointed and qualified; vice, Rainey Crawford, term  
expired.

Respectfully submitted,  
BOB HOLDEN  
Governor

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City, Missouri  
April 20, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF  
THE STATE OF MISSOURI:

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

Kerri Beth M. McBee-Black, Democrat, 1505 Preakness  
Drive, Columbia, Boone County, Missouri 65202, as a member of  
the Missouri Women's Council, for a term ending December 6,  
2005, and until her successor is duly appointed and qualified; vice,  
Sherrie Nash, resigned.

Respectfully submitted,  
BOB HOLDEN  
Governor

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City, Missouri  
April 20, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF  
THE STATE OF MISSOURI:

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

H. Bruce Nethington, Republican, 1130 South Geyer Road,  
Kirkwood, St. Louis County, Missouri 63122, as a member of the  
Missouri Health Facilities Review Committee, for a term ending  
January 1, 2006, and until his successor is duly appointed and  
qualified; vice, reappointed to a full term.

Respectfully submitted,  
BOB HOLDEN  
Governor

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City, Missouri  
April 20, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF  
THE STATE OF MISSOURI:

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

Cleatus S. Stanfill, Democrat, 2905 Willow Street,  
Caruthersville, Pemiscot County, Missouri 63830, as a member of  
the Mississippi River Parkway Commission, for a term ending April  
14, 2009, and until his successor is duly appointed and qualified;  
vice, reappointed to a full term.

Respectfully submitted,  
BOB HOLDEN  
Governor

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City, Missouri  
April 20, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF  
THE STATE OF MISSOURI:

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

Donald E. Thompson, Democrat, #5 Woodfort Court, Box  
183, Troy, Lincoln County, Missouri 63379, as a member of the  
Health and Educational Facilities Authority of the State of Missouri,  
for a term ending July 30, 2008, and until his successor is duly  
appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
BOB HOLDEN  
Governor

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City, Missouri  
April 21, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF  
THE STATE OF MISSOURI:

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

Carolyn V. Atkins, Ph.D., 3029 Hogan Drive, Jefferson City,  
Cole County, Missouri 65109, as a member of the Child Abuse and  
Neglect Review Board, for a term ending April 27, 2006, and until  
her successor is duly appointed and qualified; vice, reappointed to  
a full term.

Respectfully submitted,  
BOB HOLDEN  
Governor

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City, Missouri  
April 21, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF  
THE STATE OF MISSOURI:

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

Jack D. Atterberry, Democrat, 1632 Paddlewheel Circle,  
Jefferson City, Cole County, Missouri 65109, as a member of the  
Workers' Compensation Determinations Review Board, for a term  
ending March 3, 2005, and until his successor is duly appointed and  
qualified; vice, reappointed to a full term.

Respectfully submitted,  
BOB HOLDEN  
Governor

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City, Missouri  
April 21, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF  
THE STATE OF MISSOURI:

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

Ollie C. Fisher, D.M.D., Republican, 6666 Foxshire Drive, St.  
Louis, St. Louis County, Missouri 63033, as a member of the State  
Board of Health, for a term ending October 13, 2006, and until his  
successor is duly appointed and qualified; vice, reappointed to a full  
term.

Respectfully submitted,  
BOB HOLDEN  
Governor

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City, Missouri  
April 21, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF  
THE STATE OF MISSOURI:

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

Dawn M. Fuller, 1027 El Dorado Drive, Jefferson City, Cole  
County, Missouri 65101, as a member of the Child Abuse and  
Neglect Review Board, for a term ending April 27, 2006, and until  
her successor is duly appointed and qualified; vice, Betsy Baird,  
resigned.

Respectfully submitted,  
BOB HOLDEN  
Governor

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City, Missouri  
April 21, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF  
THE STATE OF MISSOURI:

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

James D. Hill, Republican, 5241 Cote Brillante, St. Louis  
City, Missouri 63113, as a member of the Missouri Development  
Finance Board, for a term ending September 14, 2007, and until his  
successor is duly appointed and qualified; vice, Susan Constance,  
term expired.

Respectfully submitted,  
BOB HOLDEN  
Governor

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City, Missouri  
April 21, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF  
THE STATE OF MISSOURI:

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

Kenneth D. Minton, Democrat, 702 Trotter Lane, Dexter,  
Stoddard County, Missouri 63841, as a member of the Missouri  
Agricultural and Small Business Development Authority, for a term  
ending June 30, 2005, and until his successor is duly appointed and  
qualified; vice, James Reinhard, resigned.

Respectfully submitted,  
BOB HOLDEN  
Governor

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City, Missouri  
April 21, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF  
THE STATE OF MISSOURI:

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

Joyce Murphy, 1150 Choctaw Ridge, Holts Summit, Callaway  
County, Missouri 65043, as a member of the Missouri State Public  
Employees Deferred Compensation Fund, for a term ending  
November 20, 2006, and until her successor is duly appointed and  
qualified; vice, reappointed to a full term.

Respectfully submitted,  
BOB HOLDEN  
Governor

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City, Missouri  
April 21, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF  
THE STATE OF MISSOURI:

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

Roger Obermeier, 4810 Woods Crossing, Jefferson City, Cole  
County, Missouri 65109, as a member of the Missouri Board of  
Examiners for Hearing Instrument Specialists, for a term ending  
February 2, 2006, and until his successor is duly appointed and  
qualified; vice, Dennis Cory, term expired.

Respectfully submitted,  
BOB HOLDEN  
Governor

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City, Missouri  
April 21, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF  
THE STATE OF MISSOURI:

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

Arvid E. West, Jr., 3017 Oak Valley Drive, Jefferson City,  
Cole County, Missouri 65109, as a member of the Missouri  
Veterans' Commission, for a term ending November 2, 2007, and  
until his successor is duly appointed and qualified; vice, Donald  
Gralike, term expired.

Respectfully submitted,  
BOB HOLDEN  
Governor

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City, Missouri  
April 21, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF  
THE STATE OF MISSOURI:

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

William H. Worley, D.V.M., Democrat, 1243 West 64<sup>th</sup>  
Street, Kansas City, Jackson County, Missouri 64113, as a member  
of the Environmental Improvement and Energy Resources  
Authority, for a term ending January 1, 2007, and until his successor  
is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
BOB HOLDEN  
Governor

Also,

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

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF  
THE STATE OF MISSOURI:

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

Hal M. Agler, 1529 North Jefferson, Springfield, Greene  
County, Missouri 65803, as a member of the State Committee for  
Social Workers, for a term ending October 23, 2007, and until his  
successor is duly appointed and qualified; vice, Lynda Quan, term  
expired.

Respectfully submitted,  
BOB HOLDEN  
Governor

Also,

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

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF  
THE STATE OF MISSOURI:

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

Robert D. Blitz, Democrat, 61 Portland, Frontenac, St. Louis  
County, Missouri 63131, as a member of the Regional Convention  
and Sports Complex Authority, for a term ending May 31, 2008,  
and until his successor is duly appointed and qualified; vice,  
Gretchen Myers, term expired.

Respectfully submitted,  
BOB HOLDEN  
Governor



Also,

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

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF  
THE STATE OF MISSOURI:

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

Karen Jeanne Jones, Republican, 7 Forest Oak Court,  
O'Fallon, St. Charles County, Missouri 63366, as a member of the  
Missouri Women's Council, for a term ending December 6, 2006,  
and until her successor is duly appointed and qualified; vice,  
reappointed to a full term.

Respectfully submitted,  
BOB HOLDEN  
Governor

Also,

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

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF  
THE STATE OF MISSOURI:

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

Donna Ostercamp, 1606 Wilson Avenue, Columbia, Boone  
County, Missouri 65201, as a member of the Consolidated Health  
Care Plan Board of Trustees, for a term ending January 1, 2010, and  
until her successor is duly appointed and qualified; vice, James A.  
Proffitt, resigned.

Respectfully submitted,  
BOB HOLDEN  
Governor

Also,

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

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF  
THE STATE OF MISSOURI:

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

Lori J. Smith Patterson, Republican, #2 Drake Drive,  
Kirksville, Adair County, Missouri 63501, as a member of the  
Missouri Women's Council, for a term ending December 6, 2006,  
and until her successor is duly appointed and qualified; vice,  
reappointed to a full term.

Respectfully submitted,  
BOB HOLDEN  
Governor

Also,

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

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF  
THE STATE OF MISSOURI:

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

Amanda Beth Skaggs, 2401 Fayette, North Kansas City, Clay  
County, Missouri 64116, as a member of the Missouri State Board  
of Nursing, for a term ending August 13, 2008, and until her  
successor is duly appointed and qualified; vice, Arthur Bante,  
resigned.

Respectfully submitted,  
BOB HOLDEN  
Governor

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

The following message was received from the  
Governor:

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City, Missouri  
April 20, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY  
OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following  
appointment to office made by me and submitted to you on February  
6, 2004 for your advice and consent:

Linda Taylor Allen, Ph.D., 3902 Cromwell Court, Columbia,  
Boone County, Missouri 65203, as a member of the Missouri  
Planning Council on Developmental Disabilities, for a term ending  
June 30, 2006, and until her successor is duly appointed and  
qualified; vice, Linda Taylor Allen, Ph.D., withdrawn.

Respectfully submitted,  
BOB HOLDEN  
Governor

President Pro Tem Kinder moved that the  
above appointment be returned to the Governor  
pursuant to his request, which motion prevailed.

## REFERRALS

President Pro Tem Kinder referred **HCS** for  
**HB 1233** and **HB 1188**, with **SCS**, to the  
Committee on Governmental Accountability and  
Fiscal Oversight.

**RESOLUTIONS**

Senator Vogel offered Senate Resolution No. 1797, regarding Shawn Michael Jaegers, which was adopted.

Senator Dougherty offered Senate Resolution No. 1798, regarding Serena Ryerkerk Doherty, Kansas City, which was adopted.

Senator Loudon offered Senate Resolution No. 1799, regarding Michael David Schopp, Ballwin, which was adopted.

**COMMUNICATIONS**

Senator Gibbons submitted the following:

Lieutenant Governor of Missouri

Jefferson City

65101

April 22, 2004

Ms. Terry Spieler  
Secretary of the Missouri Senate  
State Capitol Room 325  
Jefferson City, Missouri 65101

Dear Madame Secretary:

I respectfully request that the following be included in today's (Thursday, April 22, 2004) Senate Journal.

Decisions made by the President of the Senate may not later be called into question other than by appeal of the chair. To preserve decorum, and out of respect of the Senate, Lt. Gov. Maxwell accepted direction of President Pro Tem Kinder and recognized Senator Scott to make the previous question motion.

In accordance with the Missouri State Constitution, as interpreted in the *State versus Cason* decision, I am required to follow the procedural rules of the Missouri Senate. The Lt. Gov., when recognizing Senator Scott and Senator Jacob, followed Rule #87 which states "*after a motion is stated by the chair it is deemed to be in possession of the Senate*" and Rule #76, which states "*if two or more Senators rise at once, the chair shall name the Senator who is to speak first, the other rising having the preference next to speak.*"

The Lt. Gov. will continue to follow the procedural rules as President of the Missouri Senate.

Thank you.

Sincerely,  
/s/ Joe Maxwell  
Joe Maxwell

**INTRODUCTIONS OF GUESTS**

Senator Bray introduced to the Senate, Andrew Bettman, Frontenac.

Senator Jacob introduced to the Senate, delegates for Third Annual Hispanic Day.

Senator Kinder introduced to the Senate, delegates for Third Annual Hispanic Day.

Senator Klindt introduced to the Senate, Stephen Terry, Independence; and Carly Smith-Spydell, Maryville.

Senator Champion introduced to the Senate, Dr. Robert H. Spence and his wife, Anne, Springfield.

Senator Jacob introduced to the Senate, fourth grade students from Fairview Elementary School, Columbia.

Senator Kinder introduced to the Senate, forty fourth grade students from Altenburg School, Altenburg.

Senator Gibbons introduced to the Senate, fifth grade students from Community School, St. Louis.

Senator Greisheimer introduced to the Senate, Sister M. Natanya Mouriouse, Gabriel and David Gulfer, Matt Alberding, Michael Fahrenhorst, Trevor Lehman, Deanne Petersen, Caitlin Murphy, Zack Godat, Katherine and Stephanie Weider, Paige and Nancy Kuhlmann, Amber Meatte and Blake Kelly, students from St. Alban Roe Catholic School, Wildwood.

Senator Griesheimer introduced to the Senate, Bill Burt, St. Clair.

Senator Gross introduced to the Senate, Kathy Collier and Charlotte Crane, St. Charles.

Senator Bray introduced to the Senate, the Physician of the Day, Dr. John Seidenfeld, M.D., St. Louis.

Senator Childers introduced to the Senate, Sheena Morris, Teresa Porter, Corey Hawkins and fifty-four fifth grade students and parents from Blue Eye Middle School, Blue Eye.

Senator Childers introduced to the Senate, Joseph Clark, Steven and Micah Marshall, Matthew, Sheleah, Titus, Scott and Leah McCully, Homeschoolers from McDonald County.

Senator Bray introduced to the Senate, the Physician of the Day, Kathrine Jahnige Mathews, M.D., M.P.H., St. Louis.

Senator Bartle introduced to the Senate, Stephani Reynolds and students from Blue Springs Freshman Center, Blue Springs.

Senator Gibbons introduced to the Senate, fifty-nine fourth grade students from St. Peter School, Kirkwood; and Grace Madden, Matthew

Dude, Luke Hagerty and Abby Walsh were made honorary pages.

Senator Cauthorn introduced to the Senate, Coach Sara Williams, Kristin Osborn, Brooke Crandall, Jenny Elsea, Dani Moyer, Holly Hazen, Brooke Salter, Kellie Primmer, Kayla Moots, Stefanie McKim, Kimberly Elsea, Shanea Rusk, Amanda Mills, Chelsey Collop, Bridget and Ashley Clarkson and Andrea Reeves, members of the Adair County R-II Girls Basketball Team, Class 1 State Champions, Brashear.

On motion of Senator Gibbons, the Senate adjourned until 9:00 a.m., Friday, April 23, 2004.

SENATE CALENDAR

~~FIFTY-EIGHTH DAY~~ FRIDAY, APRIL 23, 2004

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 1118  
HB 773-Icet  
HCS for HBs 1286 & 1175  
HS for HCS for HB 1285-Engler  
HB 1160-Parker, et al  
HCS for HB 1509

HS for HCS for HJR's 39, 38, 42 & 47-Engler  
HS for HB 1409-Dempsey  
HS for HCS for HBs 1477 & 1563-Schaaf  
HB 844-Mayer, et al  
HS for HCS for HB 1433-Wood  
HCS for HB 1093

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)

## 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)	SCS for HCS for HB 1305 (Scott) (In Fiscal Oversight)
HCS for HB 1182, with SCS (Klindt)	

## 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 HBs 1529 & 1655 (Griesheimer)

HCS for HB 1136, with SCS (Dolan)

HCS for HB 1422 (Cauthorn)

HCS for HB 1171 (Klindt)

HB 1259-Threlkeld (Griesheimer)

HB 1126-Seigfreid, et al (Mathewson)

HCS for HB 1198 (Loudon)

HB 1502-Wilson (42), et al (Wheeler)	HCS for HB 1090 (Quick)
HB 1217-Johnson (47), et al, with SCS (Wheeler)	HB 1440-Deeken, with SCS (Scott)
HB 1572-St. Onge, et al (Loudon)	HB 1508-Baker (Bartle)
HCS for HB 1614 (Steelman)	HCS for HB 1660, with SCS (Klindt)
HCS for HB 1253, with SCS (Loudon)	HB 1616-Hanaway, et al (Gibbons)
HB 884-Ward (Loudon)	HB 1444-Moore, et al (Vogel)
HCS for HB 1233 (Griesheimer)	HCS for HB 988 (Bartle)
(In Fiscal Oversight)	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) (In Fiscal Oversight)
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)

## SENATE BILLS WITH HOUSE AMENDMENTS

SS for SCS for SBs 740, 886 & 1178- Klindt, with HCS, as amended	SB 1080-Nodler, et al, with HCS, as amended
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BILLS IN CONFERENCE AND BILLS  
CARRYING REQUEST MESSAGES

## In Conference

SB 739-Klindt, with HCS, as amended

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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