

# Journal of the Senate

FIRST REGULAR SESSION

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**THIRTIETH DAY—MONDAY, FEBRUARY 28, 2005**

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The Senate met pursuant to adjournment.

Senator Scott in the Chair.

Reverend Carl Gauck offered the following prayer:

“I sought the Lord and he answered me, and delivered me from all my fears.” (Psalm 34:4)

Dear God, violence continues throughout our world and death continues to be ever present in the news. We can so easily become discouraged and live in a state of fear but help us to draw closer to You and know that Your love casts out all fears. Fill us with unwavering faith and guide our footsteps so we may confront those who would bring harm to our people. And Lord, be ever present and bring comfort to those who are in harms way and especially to the families that have lost those they love. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

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

The Journal for Thursday, February 24, 2005, was read and approved.

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

Present—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer

Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

Absent with leave—Senators—None

Vacancies—2

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Coleman offered Senate Resolution No. 460, regarding the late Antoine Lamarr Gilkey, which was adopted.

Senator Stouffer offered Senate Resolution No. 461, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. Clarence Gray, Odessa, which was adopted.

Senator Stouffer offered Senate Resolution No. 462, regarding Yancy Forsythe, Carrollton, which was adopted.

Senator Stouffer offered Senate Resolution No. 463, regarding the Seventieth Wedding Anniversary of Mr. and Mrs. Charles O’Neal, Marshall, which was adopted.

Senator Stouffer offered Senate Resolution No. 464, regarding the Thirty-fifth Wedding Anniversary of Mr. and Mrs. Wayne Hufford,

Lexington, which was adopted.

Senator Stouffer offered Senate Resolution No. 465, regarding the Sixty-seventh Wedding Anniversary of Mr. and Mrs. Stokley Ring, Odessa, which was adopted.

Senator Stouffer offered Senate Resolution No. 466, regarding the Concerned Citizens for the Black Community, Boonville, which was adopted.

Senator Vogel offered Senate Resolution No. 467, regarding Bobby L. Thomas, Fulton, which was adopted.

Senator Gibbons offered Senate Resolution No. 468, regarding Scoutmaster Tony Wicker, Kirkwood, which was adopted.

Senator Crowell offered Senate Resolution No. 469, regarding Dr. Ken White, D.V.M., Perryville, which was adopted.

Senator Crowell offered Senate Resolution No. 470, regarding the Jackson R-II School District, Jackson, which was adopted.

Senator Crowell offered Senate Resolution No. 471, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Wallace Knight, Cape Girardeau, which was adopted.

Senator Stouffer offered Senate Resolution No. 472, regarding Kenneth A. Lenz, which was adopted.

Senator Stouffer offered Senate Resolution No. 473, regarding Vicki McCarrell, Pilot Grove, which was adopted.

Senator Stouffer offered Senate Resolution No. 474, regarding Tom Carrender, Sweet Springs, which was adopted.

### CONCURRENT RESOLUTIONS

Senators Ridgeway and Wheeler offered the following concurrent resolution:

#### SENATE CONCURRENT RESOLUTION NO. 6

WHEREAS, Taiwan and the United States enjoy one of the most important economic and strategic international relationships that exists today; and

WHEREAS, together, Taiwan and the United States promote a shared belief in freedom, democracy, and market principles; and

WHEREAS, the level of mutual investment between Taiwan and the United States is quite high; and

WHEREAS, streamlined foreign investment procedures developed under a Taiwan-United States free trade agreement would lead to further investment by firms in both Taiwan and the United States and would create new business opportunities and new jobs; and

WHEREAS, a Taiwan-United States free trade agreement would encourage greater innovations and manufacturing efficiencies by stimulating joint technological development, practical applications, and new cooperative ventures; and

WHEREAS, a recent study by the United States International Trade Commission supports the negotiation of a Taiwan-United States free trade agreement; and

WHEREAS, a Taiwan-United States free trade agreement would build on the existing strong relations between Taiwan and the United States to simultaneously boost Taiwan's security and democracy and serve the broader interests of the United States in the Asia-Pacific region:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Third General Assembly, First Regular Session, the House of Representatives concurring therein, hereby support the negotiations of a Taiwan-United States free trade agreement.

### INTRODUCTION OF BILLS

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

#### **SB 424**—By Callahan and Bartle.

An Act to repeal section 577.023, RSMo, section 302.309 as enacted by house substitute for senate substitute for senate committee substitute for senate bill nos. 1233, 840 & 1043, ninety-second general assembly, second regular session and section 302.309 as enacted by conference committee substitute no. 2 for senate committee substitute for house committee substitute for house bill nos. 302 & 38, ninety-first general assembly, first regular session, and to enact in lieu thereof three new sections relating to intoxication-related traffic offenses, with penalty provisions.

#### **SB 425**—By Callahan and Bartle.

An Act to repeal section 570.120, RSMo, and

to enact in lieu thereof one new section relating to bad checks, with penalty provisions.

**SB 426**—By Callahan.

An Act to repeal section 302.341, RSMo, and to enact in lieu thereof one new section relating to the expungement of drivers' license suspensions.

**SB 427**—By Callahan.

An Act to repeal section 227.100, RSMo, and to enact in lieu thereof one new section relating to the highway construction bidding process.

**SB 428**—By Callahan.

An Act to amend chapter 375, RSMo, by adding thereto one new section relating to insurance discounts for senior citizens.

**SB 429**—By Callahan.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to a tax credit for canine adoption.

**SB 430**—By Callahan.

An Act to repeal section 572.010, RSMo, and to enact in lieu thereof one new section relating to gambling devices.

**SB 431**—By Callahan.

An Act to repeal section 144.518, RSMo, and to enact in lieu thereof two new sections relating to local sales taxes for museum and tourism-related activities, with an emergency clause.

**SB 432**—By Stouffer.

An Act to amend chapter 268, RSMo, by adding thereto one new section relating to animal identification.

**SB 433**—By Stouffer.

An Act to amend chapter 383, RSMo, by adding thereto eight new sections relating to the establishment of the Missouri health care stabilization fund.

**SB 434**—By Cauthorn.

An Act to repeal section 621.015, RSMo, and

to enact in lieu thereof three new sections relating to the administrative hearing commission.

**SB 435**—By Wilson.

An Act to repeal section 339.532, RSMo, and to enact in lieu thereof four new sections relating to fraudulent real estate transactions, with penalty provisions.

**SB 436**—By Bray.

An Act to amend chapter 135, RSMo, by adding thereto twenty new sections relating to senior citizen homestead deferral of taxes.

**SB 437**—By Bray.

An Act to repeal sections 566.200 and 566.223, RSMo, and to enact in lieu thereof three new sections relating to international marketing, with penalty provisions.

**SB 438**—By Bartle and Callahan.

An Act to repeal section 568.045, RSMo, and to enact in lieu thereof one new section relating to endangering the welfare of a child, with penalty provisions.

**SB 439**—By Bartle and Callahan.

An Act to repeal section 568.050, RSMo, and to enact in lieu thereof one new section relating to endangering the welfare of a child, with penalty provisions.

**SB 440**—By Ridgeway.

An Act to repeal section 144.030, RSMo, and to enact in lieu thereof one new section relating to sales and use tax exemptions.

**SB 441**—By Ridgeway.

An Act to amend chapter 302, RSMo, by adding thereto one new section relating to the suspension of driver's licenses and motor vehicle registrations for failing to pay towing charges.

**SB 442**—By Ridgeway.

An Act to repeal section 570.145, RSMo, and to enact in lieu thereof one new section relating to financial exploitation of the elderly, with penalty

provisions.

**SB 443**—By Taylor.

An Act to repeal sections 381.058, 381.410, and 381.412, RSMo, and to enact in lieu thereof four new sections relating to title insurance.

**SB 444**—By Taylor.

An Act to amend chapter 429, RSMo, by adding thereto one new section relating to establishing escrow accounts to satisfy mechanics' liens with respect to certain real estate transactions, with penalty provisions.

**SB 445**—By Taylor.

An Act to repeal section 306.030, RSMo, and to enact in lieu thereof two new sections relating to the state water patrol.

**SB 446**—By Crowell.

An Act to amend chapters 21, 172, and 174, RSMo, by adding thereto three new sections relating to employment practices of certain higher education institutions.

**SB 447**—By Crowell.

An Act to repeal section 104.800, RSMo, and to enact in lieu thereof one new section relating to the eight-year transfer provision under the Missouri state employees' retirement system.

**SB 448**—By Crowell.

An Act to repeal section 545.550, RSMo, and to enact in lieu thereof one new section relating to housing a defendant after a change of venue.

**SB 449**—By Crowell.

An Act to repeal section 143.121, RSMo, and to enact in lieu thereof one new section relating to taxation of pension and retirement income.

**SB 450**—By Dolan.

An Act to authorize the conveyance of state property.

**SB 451**—By Dolan.

An Act to amend chapter 455, RSMo, by

adding thereto one new section relating to the adult abuse fatality review panel.

**SB 452**—By Dolan.

An Act to repeal section 409.107, RSMo, relating to the issuance of securities.

**SB 453**—By Loudon.

An Act to repeal section 82.291, RSMo, and to enact in lieu thereof one new section relating to removal of nuisances, with an expiration date.

**SB 454**—By Loudon.

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to American Sign Language.

**SB 455**—By Loudon.

An Act to repeal sections 160.400, 160.405, 160.410, 160.415, 160.420, and 167.349, RSMo, and to enact in lieu thereof six new sections relating to charter schools.

**SB 456**—By Nodler.

An Act to repeal sections 536.010, 536.050, 536.300, 536.305, and 536.310, RSMo, and to enact in lieu thereof nine new sections relating to small business.

**SB 457**—By Wheeler, Champion, Taylor and Graham.

An Act to repeal sections 660.600 and 660.603, RSMo, and to enact in lieu thereof two new sections relating to the long-term care ombudsman program.

**SB 458**—By Wheeler and Bray.

An Act to amend chapter 338, RSMo, by adding thereto one new section relating to the duty of a pharmacist to fill prescriptions.

**SB 459**—By Green.

An Act to repeal section 143.121, RSMo, and to enact in lieu thereof two new sections relating to small business health insurance expenses deduction.

**SB 460**—By Koster.

An Act to repeal section 375.146, RSMo, and to enact in lieu thereof two new sections relating to insurance fraud, with penalty provisions.

**SB 461**—By Koster.

An Act to repeal sections 217.705, 565.081, 565.082, and 565.083, RSMo, and to enact in lieu thereof four new sections relating to probation and parole officers, with penalty provisions.

**SB 462**—By Klindt.

An Act to repeal section 393.145, RSMo, and to enact in lieu thereof two new sections relating to certain sewer and water corporations.

**SB 463**—By Gross.

An Act to repeal section 610.010, RSMo, and to enact in lieu thereof one new section relating to quasi-public governmental bodies.

**SB 464**—By Vogel.

An Act to repeal section 217.905, RSMo, and to enact in lieu thereof one new section relating to the Missouri state penitentiary redevelopment commission.

**SB 465**—By Vogel.

An Act to repeal sections 301.215, 301.560, and 365.200, RSMo, and to enact in lieu thereof two new sections relating to motor vehicle dealers.

**SB 466**—By Vogel.

An Act to repeal sections 104.403 and 104.404, RSMo, and to enact in lieu thereof three new sections relating to state employee retirement incentive, with an emergency clause.

**SB 467**—By Griesheimer.

An Act to repeal sections 260.325, 260.330, 260.335 and 260.345, RSMo, and to enact in lieu thereof four new sections relating to solid waste.

**SB 468**—By Griesheimer.

An Act to amend chapter 204, RSMo, by adding thereto thirty-three new sections relating to reorganized common sewer districts.

**SB 469**—By Griesheimer.

An Act to repeal sections 51.281, 54.010, 54.280, 54.320, 54.330, 65.110, 65.160, 65.460, 65.490, 65.600, 136.010, 136.160, 137.465, 137.585, 139.120, 139.350, 139.400, 139.420, 139.430, 139.440, 139.450, 139.460, 165.071, 242.560, 245.205, and 301.025, RSMo, and to enact in lieu thereof twenty-six new sections relating to consolidation of tax collection, with an expiration date for certain sections.

**SB 470**—By Engler.

An Act to amend chapter 319, RSMo, by adding thereto fourteen new sections relating to the blasting and excavation, with penalty provisions and an expiration date for a certain section.

**SB 471**—By Engler.

An Act to amend chapter 304, RSMo, by adding thereto one new section relating to the certification of certain tow truck operators, with penalty provisions.

**SB 472**—By Coleman and Days.

An Act to repeal sections 28.035, 115.105, 115.126, 115.159, 115.275, 115.277, 115.279, 115.281, 115.283, 115.284, 115.287, 115.289, 115.290, 115.291, 115.292, 115.293, 115.294, 115.295, 115.297, 115.299, 115.300, 115.301, 115.303, 115.417, 115.436, 115.447, 115.477, 115.481, 115.507, 115.631, 115.637, 115.658, 116.310, and 486.350, RSMo, and to enact in lieu thereof thirty-three new sections relating to elections, with penalty provisions and an effective date.

**SB 473**—By Kennedy.

An Act to repeal section 163.031, RSMo, and to enact in lieu thereof one new section relating to state aid for public schools, with an emergency clause.

**SB 474**—By Kennedy.

An Act to repeal sections 138.010, 138.200, and 138.236, RSMo, and to enact in lieu thereof three new sections relating to the accurate assessment act.

**SB 475**—By Kennedy.

An Act to repeal section 163.031, RSMo, and to enact in lieu thereof one new section relating to state aid for certain at-risk students.

**SB 476**—By Scott.

An Act to repeal sections 361.060, 361.070, 361.080, 361.262, 361.365, 362.042, 362.107, 362.170, 362.210, 362.213, 362.215, 362.217, 362.225, 362.300, 362.305, 362.310, 362.315, 362.520, and 362.600, RSMo, and to enact in lieu thereof thirteen new sections relating to banks and banking, with penalty provisions.

**SB 477**—By Scott.

An Act to repeal section 313.810, RSMo, and to enact in lieu thereof one new section relating to gaming.

**SB 478**—By Scott.

An Act to repeal sections 115.081, 115.126, 115.223, 115.277, 115.279, 115.283, 115.287, 115.290, 115.291, 115.295, 115.300, 115.430, and 115.637, RSMo, and to enact in lieu thereof fifteen new sections relating to elections, with penalty provisions.

**SB 479**—By Scott.

An Act to repeal section 105.483, RSMo, and to enact in lieu thereof one new section relating to filing of financial interest statements.

**SB 480**—By Shields.

An Act to amend chapter 167, RSMo, by adding thereto one new section relating to effective involvement by parents and families in support of their children's education.

**SJR 20**—By Shields.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 26(b) of article VI of the Constitution of Missouri, and adopting one new section in lieu thereof relating to bonded indebtedness of school districts.

**REPORTS OF STANDING COMMITTEES**

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

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SCS** for **SB 138**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SB 240**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SB 241**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

**THIRD READING OF SENATE BILLS**

**SCS** for **SB 138**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 138**

An Act to repeal section 92.402, RSMo, and to enact in lieu thereof one new section relating to taxation for public mass transportation systems.

Was taken up by Senator Wheeler.

On motion of Senator Wheeler, **SCS** for **SB 138** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster

Loudon	Mayer	Nodler	Purgason
Scott	Shields	Stouffer	Taylor
Vogel	Wheeler	Wilson—31	

NAYS—Senator Ridgeway—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—2

The President declared the bill passed.

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

Senator Wheeler 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 Gibbons assumed the Chair.

### REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **SB 185**, begs leave to report that it has considered the same and recommends that the bill do pass.

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

Mr. President: Your Committee on Ways and Means, to which was referred **SB 269**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Champion, Chairman of the Committee on Aging, Families, Mental and Public Health, submitted the following report:

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was

referred **SB 173**, begs leave to report that it has considered the same and recommends that the bill do pass.

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

Mr. President: Your Committee on Transportation, to which was referred **SB 312**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

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

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **SB 187**, begs leave to report that it has considered the same and recommends that the bill do pass.

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

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 222**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 257**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 258**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto

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

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 259**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 260**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 262**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

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

Mr. President: Your Committee on Education, to which was referred **SB 285**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 155**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education,

to which were referred **SB 103** and **SB 115**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 42**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

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

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **SB 57**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

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

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 318**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 246**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 280**, begs leave to report that it has considered the same and recommends



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

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

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 73**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

**SENATE BILLS FOR PERFECTION**

Senator Cauthorn moved that **SB 147**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 147**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 147

An Act to repeal section 142.031, RSMo, and to enact in lieu thereof one new section relating to the Missouri qualified biodiesel producer incentive fund.

Was taken up.

Senator Cauthorn moved that **SCS** for **SB 147** be adopted, which motion prevailed.

On motion of Senator Cauthorn, **SCS** for **SB 147** was declared perfected and ordered printed.

**THIRD READING OF SENATE BILLS**

**SB 242**, introduced by Senator Scott, entitled:

An Act to amend chapter 58, RSMo, by adding thereto one new section relating to registration of deputy coroners and assistant coroners.

Was called from the Consent Calendar and taken up.

On motion of Senator Scott, **SB 242** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—2

The President Pro Tem declared the bill passed.

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

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.

**SB 131**, introduced by Senator Loudon, entitled:

An Act to repeal sections 375.532 and 376.300, RSMo, and to enact in lieu thereof two new sections relating to insurance company investment in preferred stocks.

Was called from the Consent Calendar and taken up.

On motion of Senator Loudon, **SB 131** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

Taylor Vogel Wheeler Wilson—32 Vacancies—2

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—2

President Kinder assumed the Chair.

The President declared the bill passed.

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

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

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

SB 211, introduced by Senator Loudon, entitled:

An Act to repeal sections 407.911, 407.912, and 407.913, RSMo, and to enact in lieu thereof three new sections relating to certain merchandising practices.

Was called from the Consent Calendar and taken up.

On motion of Senator Loudon, SB 211 was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senator Kennedy—1

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

SB 122, introduced by Senator Nodler, entitled:

An Act to amend chapter 8, RSMo, by adding thereto one new section relating to the creation of the energy efficiency implementation act.

Was called from the Consent Calendar and taken up.

On motion of Senator Nodler, SB 122 was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senator Kennedy—1

Absent with leave—Senators—None

Vacancies—2

The President declared the bill passed.

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

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

Senator Shields moved that motion lay on the

table, which motion prevailed.

**SB 6**, with **SCS**, introduced by Senator Klindt, entitled:

An Act to amend chapter 640, RSMo, by adding thereto one new section relating to the establishment of the Missouri biomass technology commission, with an expiration date.

Was called from the Consent Calendar and taken up.

**SCS** for **SB 6**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 6

An Act to amend chapter 640, RSMo, by adding thereto one new section relating to the establishment of the Missouri alternative and renewable energy technology commission, with an expiration date.

Was taken up.

Senator Klindt moved that **SCS** for **SB 6** be adopted, which motion prevailed.

On motion of Senator Klindt, **SCS** for **SB 6** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senator Kennedy—1

Absent with leave—Senators—None

Vacancies—2

The President declared the bill passed.

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

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

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

**INTRODUCTION OF BILLS**

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

**SB 481**—By Shields.

An Act to repeal sections 162.675, 162.725, 162.735, and 162.740, RSMo, and to enact in lieu thereof two new sections relating to special education services.

**SB 482**—By Cauthorn.

An Act to repeal section 643.079, RSMo, and to enact in lieu thereof one new section relating to air contaminant source fees.

**SB 483**—By Cauthorn.

An Act to amend chapter 642, RSMo, by adding thereto two new sections relating to the department of natural resources.

**SECOND READING OF SENATE BILLS**

The following Bills and Joint Resolution were read the 2nd time and referred to the Committees indicated:

**SB 381**—Judiciary and Civil and Criminal Jurisprudence.

**SB 382**—Economic Development, Tourism and Local Government.

**SB 383**—Small Business, Insurance and Industrial Relations.

**SB 384**—Small Business, Insurance and Industrial Relations.

**SB 385**—Judiciary and Civil and Criminal Jurisprudence.

**SB 386**—Ways and Means.

**SB 387**—Ways and Means.

**SB 388**—Ways and Means.

**SB 389**—Financial and Governmental Organizations and Elections.

**SB 390**—Transportation.

**SB 391**—Judiciary and Civil and Criminal Jurisprudence.

**SB 392**—Economic Development, Tourism and Local Government.

**SB 393**—Aging, Families, Mental and Public Health.

**SB 394**—Financial and Governmental Organizations and Elections.

**SB 395**—Judiciary and Civil and Criminal Jurisprudence.

**SB 396**—Transportation.

**SB 397**—Judiciary and Civil and Criminal Jurisprudence.

**SB 398**—Governmental Accountability and Fiscal Oversight.

**SB 399**—Ways and Means.

**SB 400**—Economic Development, Tourism and Local Government.

**SB 401**—Pensions, Veterans' Affairs and General Laws.

**SB 402**—Pensions, Veterans' Affairs and General Laws.

**SB 403**—Aging, Families, Mental and Public Health.

**SB 404**—Judiciary and Civil and Criminal Jurisprudence.

**SB 405**—Judiciary and Civil and Criminal Jurisprudence.

**SB 406**—Ways and Means.

**SB 407**—Judiciary and Civil and Criminal Jurisprudence.

**SB 408**—Aging, Families, Mental and Public Health.

**SB 409**—Aging, Families, Mental and Public

Health.

**SB 410**—Aging, Families, Mental and Public Health.

**SB 411**—Commerce, Energy and the Environment.

**SB 412**—Small Business, Insurance and Industrial Relations.

**SB 413**—Commerce, Energy and the Environment.

**SB 414**—Financial and Governmental Organizations and Elections.

**SB 415**—Economic Development, Tourism and Local Government.

**SB 416**—Aging, Families, Mental and Public Health.

**SB 417**—Education.

**SB 418**—Judiciary and Civil and Criminal Jurisprudence.

**SB 419**—Judiciary and Civil and Criminal Jurisprudence.

**SB 420**—Judiciary and Civil and Criminal Jurisprudence.

**SB 421**—Transportation.

**SB 422**—Judiciary and Civil and Criminal Jurisprudence.

**SB 423**—Judiciary and Civil and Criminal Jurisprudence.

**SJR 19**—Pensions, Veterans' Affairs and General Laws.

#### **RE-REFERRALS**

President Pro Tem Gibbons re-referred **SB 343** to the Committee on Economic Development, Tourism and Local Government.

#### **REFERRALS**

President Pro Tem Gibbons referred **SCR 5** and **SR 448** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

## COMMUNICATIONS

President Pro Tem Gibbons submitted the following:

February 23, 2005

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

**RE: Appointment of Joint Committee on Corrections**

Dear Terry:

Pursuant to Section 21.440 of the Revised Statutes of Missouri

(RSMo 2002), I am appointing the following senator to the Joint Committee on Corrections:

Senator Timothy Green

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

Yours truly,

/s/ Michael R. Gibbons

MICHAEL R. GIBBONS

President Pro Tem

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

## SENATE CALENDAR

THIRTY-FIRST DAY—TUESDAY, MARCH 1, 2005

Unofficial  
FORMAL CALENDAR

### SECOND READING OF SENATE BILLS

SB 424-Callahan and Bartle  
SB 425-Callahan and Bartle  
SB 426-Callahan  
SB 427-Callahan  
SB 428-Callahan  
SB 429-Callahan  
SB 430-Callahan  
SB 431-Callahan  
SB 432-Stouffer  
SB 433-Stouffer  
SB 434-Cauthorn  
SB 435-Wilson  
SB 436-Bray  
SB 437-Bray  
SB 438-Bartle and Callahan  
SB 439-Bartle and Callahan  
SB 440-Ridgeway  
SB 441-Ridgeway  
SB 442-Ridgeway

SB 443-Taylor  
SB 444-Taylor  
SB 445-Taylor  
SB 446-Crowell  
SB 447-Crowell  
SB 448-Crowell  
SB 449-Crowell  
SB 450-Dolan  
SB 451-Dolan  
SB 452-Dolan  
SB 453-Loudon  
SB 454-Loudon  
SB 455-Loudon  
SB 456-Nodler  
SB 457-Wheeler, et al  
SB 458-Wheeler and Bray  
SB 459-Green  
SB 460-Koster  
SB 461-Koster

SB 462-Klindt	SB 474-Kennedy
SB 463-Gross	SB 475-Kennedy
SB 464-Vogel	SB 476-Scott
SB 465-Vogel	SB 477-Scott
SB 466-Vogel	SB 478-Scott
SB 467-Griesheimer	SB 479-Scott
SB 468-Griesheimer	SB 480-Shields
SB 469-Griesheimer	SB 481-Shields
SB 470-Engler	SB 482-Cauthorn
SB 471-Engler	SB 483-Cauthorn
SB 472-Coleman and Days	SJR 20-Shields
SB 473-Kennedy	

### HOUSE BILLS ON SECOND READING

HCS for HB 441

## Unofficial

### SENATE BILLS FOR PERFECTION

SB 185-Loudon, et al	SB 312-Dolan, with SCS
SB 269-Shields and Callahan, with SCS	SB 187-Cauthorn and Clemens
SB 173-Scott	

## Journal

### INFORMAL CALENDAR

### SENATE BILLS FOR PERFECTION

SB 29-Dolan, with SCS & SA 1 (pending)	SB 210-Griesheimer, with SCS
SB 32-Bartle, with SCS & SS for SCS (pending)	SB 225-Cauthorn, with SCS & SS#2 for SCS (pending)
SB 179-Griesheimer, et al, with SCS (pending)	

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### CONSENT CALENDAR

Senate Bills

Reported 2/23

SB 252-Koster, et al, with SCS	SB 342-Bartle
SB 177-Shields	

Reported 2/28

SB 240-Scott  
SB 241-Scott  
SB 222-Callahan, with SCS  
SB 257-Koster  
SB 258-Koster, with SCS  
SB 259-Koster  
SB 260-Koster, with SCS  
SB 262-Griesheimer, with SCS  
SB 285-Clemens and Klindt

SB 155-Mayer, with SCS  
SBs 103 & 115-Bartle, with SCS  
SB 42-Days  
SB 57-Klindt, with SCS  
SB 318-Crowell  
SB 246-Days, with SCS  
SB 280-Taylor  
SB 73-Champion, with SCS

RESOLUTIONS

To be Referred

SCR 6-Ridgeway and Wheeler

Unofficial

Reported from Committee

SCR 2-Cauthorn

SCR 3-Crowell

Journal

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