

Journal of the Senate

FIRST REGULAR SESSION

THIRTY-NINTH DAY—TUESDAY, MARCH 15, 2005

The Senate met pursuant to adjournment.

Senator Nodler in the Chair.

Reverend Carl Gauck offered the following prayer:

“For (God) is good, for his steadfast love endures forever.” (2 Chronicles 7:3b)

Loving Father, You keep right on blessing us even when we don’t deserve it; so we give You thanks for loving us and keeping us in Your care. Please strengthen us for the work we have to do. Help us to be loving to those who work on our behalf. And help us remember always to be grateful for Your grace, mercy, love and presence and all we owe You that sustains us each day. 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.

Senator Shields moved that the Senate Journal for Monday, March 14, 2005, be corrected on Page 444, Column 1, in the roll call, by recording Senator Clemens as “nay” rather than “absent”; and further amend the vote totals accordingly, which motion prevailed.

The Journal of the previous day was read and approved, as corrected.

Senator Shields announced that photographers from KRCG-TV and Public Access Television, St.

Louis, were given permission to take pictures in the Senate Chamber today.

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

Present—Senators

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

Absent with leave—Senators—None

Vacancies—2

The Lieutenant Governor was present.

RESOLUTIONS

Senator Cauthorn offered Senate Resolution No. 693, regarding Corrections Officer I Ronald Denler, Hannibal, which was adopted.

Senator Cauthorn offered Senate Resolution No. 694, regarding Corrections Officer I Darrell Harrison, Hannibal, which was adopted.

Senator Cauthorn offered Senate Resolution No. 695, regarding Corrections Officer I Rebecca Caldwell, Center, which was adopted.

Senator Cauthorn offered Senate Resolution No. 696, regarding Corrections Officer I Randy Graddy, Center, which was adopted.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SS** for **SCS** for **HCS** for **HB 393**, as amended: Representatives Byrd, Pratt, Richard, Burnett and Johnson 90.

REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Ways and Means, to which was referred **SB 464**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **SB 295**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **SB 310**, 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 report:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 355**, 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 Consent Calendar.

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

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 216**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 378**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 534**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 320**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 404**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 405**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 418**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 159**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which were referred **SB 420** and **SB 344**, 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 the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 407**, 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 Purgason moved that **SB 539**, with **SS** and **SA 7** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 7 was again taken up.

Senator Purgason moved that the above amendment be adopted.

President Kinder assumed the Chair.

Senator Scott assumed the Chair.

A quorum was established by the following vote:

Present—Senators

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

Absent—Senator Loudon—1

Absent with leave—Senators—None

Vacancies—2

SA 7 was again taken up.

President Pro Tem Gibbons assumed the Chair.

Senator Purgason moved that **SA 7** be adopted.

Senator Dougherty requested a roll call vote be taken on the adoption of **SA 7** and was joined in his request by Senators Coleman, Days, Green and Wheeler.

SA 7 was adopted by the following vote:

YEAS—Senators

Cauthorn	Champion	Clemens	Crowell
Dolan	Gibbons	Griesheimer	Gross
Klindt	Koster	Loudon	Mayer

Nodler	Purgason	Ridgeway	Scott
Shields	Taylor	Vogel—19	

NAYS—Senators

Bray	Callahan	Coleman	Days
Dougherty	Engler	Graham	Green
Kennedy	Wheeler	Wilson—11	

Absent—Senators

Bartle	Stouffer—2
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Absent with leave—Senators—None

Vacancies—2

At the request of Senator Purgason, **SB 539**, with **SS**, as amended (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which were referred **SB 74** and **SB 49**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 95**, 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 12**, begs leave to report that it has considered the same and recommends that the bill do pass.

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

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which were referred **SB 23** and **SB 51**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 232**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Crowell, Chairman of the Committee on Pensions, Veterans' Affairs and General Laws, submitted the following report:

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **SB 319**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

RESOLUTIONS

Senator Dougherty offered Senate Resolution No. 697, regarding the One Hundredth Birthday of Mae Overton, St. Louis, which was adopted.

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

RECESS

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

SENATE BILLS FOR PERFECTION

Senator Purgason moved that **SB 539**, with **SS**, as amended (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for **SB 539**, as amended, was again taken up.

Senator Ridgeway assumed the Chair.

Senator Green offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Bill No. 539, Page 1, Section A, Line 11 of said page, by inserting after all of said line the following:

“103.003. As used in sections 103.003 to 103.175, the following terms mean:

(1) “Actuarial reserves”, the necessary funding required to pay all the medical expenses for services provided to members of the plan but for which the claims have not yet been received by the claims administrator;

(2) “Actuary”, a member of the American Academy of Actuaries or who is an enrolled actuary under the Employee Retirement Income Security Act of 1974;

(3) “Agency”, a state-sponsored institution of higher learning, political subdivision or governmental entity or instrumentality;

(4) “Alternative delivery health care program”, a plan of covered benefits that pays medical expenses through an alternate mechanism rather than on a fee-for-service basis. This includes, but is not limited to, health maintenance organizations and preferred provider organizations, all of which shall include chiropractic physicians licensed under chapter 331, RSMo, in the provider networks or organizations;

(5) “Board”, the board of trustees of the Missouri consolidated health care plan;

(6) “Claims administrator”, an agency contracted to process medical claims submitted from providers or members of the plan and their dependents;

(7) “Coordination of benefits”, to work with another group-sponsored health care plan which also covers a member of the plan to ensure that both plans pay their appropriate amount of the health care expenses incurred by the member;

(8) “Covered benefits”, a schedule of covered services, including chiropractic services, which are payable under the plan;

(9) “Employee”, any person employed full time by the state or a participating member agency, or a person eligible for coverage by a state-sponsored retirement system or a retirement system sponsored by a participating member agency of the plan, **except for state senators and representatives**;

(10) “Evidence of good health”, medical information supplied by a potential member of the plan that is reviewed to determine the financial risk the person represents to the plan and the corresponding determination of whether or not he or she should be accepted into the plan;

(11) “Health care plan”, any group medical benefit plan providing coverage on an expense-incurred basis, any HMO, any group service or indemnity contract issued by a health plan of any type or description;

(12) “Medical benefits coverages” shall include services provided by chiropractic physicians as well as physicians licensed under chapter 334, RSMo;

(13) “Medical expenses”, costs for services performed by a provider and covered under the plan;

(14) “Missouri consolidated health care plan benefit fund account”, the benefit trust fund account containing all payroll deductions, payments, and income from all sources for the plan;

(15) “Officer”, an elected official of the state of Missouri;

(16) “Participating member agency”, a state-sponsored institution of higher learning, political subdivision or governmental entity that has elected to join the plan and has been accepted by the board;

(17) “Plan year”, a twelve-month period designated by the board which is used to calculate the annual rate categories and the appropriate coverage;

(18) “Provider”, a physician, hospital,

pharmacist, psychologist, chiropractic physician or other licensed practitioner who or which provides health care services within the respective scope of practice of such practitioner pursuant to state law and regulation;

(19) “Retiree”, a person who is not an employee and is receiving or is entitled to receive an annuity benefit from a state-sponsored retirement system or a retirement system of a participating member agency of the plan or becomes eligible for retirement benefits because of service with a participating member agency.”; and

Further amend said bill, page 101, section B, line 3 of said page, by inserting after all of said line the following:

“Section C. The repeal and reenactment of section 103.003 shall become effective January 1, 2006.”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bray, Callahan, Kennedy and Wilson.

SA 8 failed of adoption by the following vote:

YEAS—Senators

Callahan	Coleman	Days	Graham
Green	Kennedy	Wilson—7	

NAYS—Senators

Bartle	Bray	Cauthorn	Champion
Clemens	Crowell	Dolan	Dougherty
Engler	Gibbons	Griesheimer	Gross
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler—25			

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—2

Senator Green offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Bill No. 539, Page 53, Section 208.225, Line 16, by inserting after all of said line the following:

“208.230. 1. Any applicant for health care benefits under the provisions of this chapter, and any person requesting uncompensated care in a hospital shall identify the employer or employers of the proposed beneficiary of the health care benefits in the application or to the hospital. In the event the proposed public health program beneficiary is not employed, the applicant shall identify the employer or employers of any adult who is responsible for providing all or some of the proposed beneficiary’s support. Any hospital providing uncompensated care shall forward the name of the employer or employers to the department of social services.

2. On or before January 1 of each year, the department of social services shall transmit to the general assembly a report identifying all employers identified pursuant to the requirements in subsection 1 of this section who employ twenty-five or more public health program beneficiaries for a period one year prior to the report and in accordance with the confidentiality requirements of section 630.140, RSMo. In determining whether the twenty-five employee threshold is met, the department of social services shall include all public health program beneficiaries employed by the employer and its subsidiaries at all locations within the state. The report shall include each employer’s name, and as appropriate, the names of its subsidiaries that employ public health program beneficiaries, location, the total number of its employees and dependents who are enrolled in each state-funded health care program, and the total cost to the state of providing public health care benefits for the employees and enrolled dependents of each named employer. In addition to filing the

report with the general assembly, the department shall make the report available to the public through its Internet website.

3. Any member of the public has a right to request and receive a copy of the report published pursuant to subsection 2 of this section.

4. As used in this section, the term "proposed beneficiary" means any individual who files an application for benefits or hospital care for himself or herself; or any other individual on whose behalf an application is filed, including but not limited to children or other dependents of the applicant or other individual for whom the application is filed."; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted, which motion failed.

Senator Wilson offered SA 10, which was read:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Bill No. 539, Page 28, Section 208.152, Line 9 of said page, by striking the opening bracket “[”]; and further amend line 12 of said page, by striking the closing bracket “]”; and further amend said section by renumbering the remaining subdivisions accordingly.

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

SA 10 failed of adoption by the following vote:

YEAS—Senators

Bray	Callahan	Coleman	Days
Dougherty	Graham	Green	Kennedy
Wheeler	Wilson—10		

NAYS—Senators

Bartle	Cauthorn	Champion	Clemens
Dolan	Engler	Gibbons	Griesheimer
Gross	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel—21			

Absent—Senator Crowell—1

Absent with leave—Senators—None

Vacancies—2

Senator Griesheimer assumed the Chair.

Senator Dougherty offered SA 11, which was read:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Bill No. 539, Page 67, Section 453.073, Lines 5-8 of said page, by striking all of said lines.

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

SA 11 failed of adoption by the following vote:

YEAS—Senators

Bray	Callahan	Coleman	Days
Dougherty	Graham	Green	Kennedy
Wheeler	Wilson—10		

NAYS—Senators

Bartle	Cauthorn	Champion	Clemens
Crowell	Dolan	Engler	Gibbons
Griesheimer	Gross	Klindt	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel—21			

Absent—Senator Koster—1

Absent with leave—Senators—None

Vacancies—2

Senator Days offered **SA 12**, which was read:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Bill No. 539, Page 37, Section 208.152, Line 25 of said page, by striking the opening bracket “[”]; and further amend line 27 of said page, by striking the closing bracket “]”; and further amend lines 27-28 by striking all of the underlined language; and

Further amend said bill and section, page 38, line 1 of said page, by striking all of the underlined language.

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, Coleman, Green and Wilson.

SA 12 failed of adoption by the following vote:

YEAS—Senators

Bray	Callahan	Coleman	Days
Dougherty	Engler	Green	Kennedy
Wheeler	Wilson—10		

NAYS—Senators

Bartle	Cauthorn	Champion	Clemens
Crowell	Dolan	Gibbons	Griesheimer
Gross	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel—21			

Absent—Senator Graham—1

Absent with leave—Senators—None

Vacancies—2

Senator Gibbons offered **SA 13**, which was read:

SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Bill No. 539, Page 11, Section 208.014, Line 22 of said page, by inserting immediately after “et seq.” the following: “, **which shall sunset on June 30, 2008**”.

Senator Gibbons moved that the above amendment be adopted.

Senator Dougherty requested a roll call vote be taken on the adoption of **SA 13** and was joined in his request by Senators Bray, Days, Gibbons and Wilson.

SA 13 was adopted by the following vote:

YEAS—Senators

Bartle	Cauthorn	Champion	Clemens
Crowell	Dolan	Engler	Gibbons
Griesheimer	Gross	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel—22		

NAYS—Senators

Bray	Callahan	Coleman	Days
Dougherty	Graham	Green	Kennedy
Wheeler	Wilson—10		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—2

Senator Bray offered **SA 14**, which was read:

SENATE AMENDMENT NO. 14

Amend Senate Substitute for Senate Bill No. 539, Page 38, Section 208.152, Line 21 of said page, by striking the following: “If it is”; and further amend lines 22-28 of said page, by striking all of said lines; and

Further amend said bill and section, page 39, lines 1-10 of said page, by striking all of said lines and inserting in lieu thereof the following: “**This subsection shall not apply to other qualified children, pregnant women, or blind persons.**”.

Senator Bray moved that the above amendment be adopted.

At the request of Senator Purgason, **SB 539**, with **SS** and **SA 14** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Crowell, Chairman of the Committee on Pensions, Veterans' Affairs and Elections, submitted the following reports:

Mr. President: Your Committee on Pensions, Veterans' Affairs and Elections, to which was referred **SB 521**, 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 Pensions, Veterans' Affairs and Elections, to which was referred **SB 357**, 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 Dolan, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **SB 488**, 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 Transportation, to which was referred **SB 396**, 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 Transportation, to which was referred **SB 390**, 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 Transportation, to which was referred **SB 354**, 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.

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 **HB 40**, entitled:

An Act to repeal section 349.045, RSMo, and to enact in lieu thereof one new section relating to industrial development corporations, with an emergency clause.

Emergency clause adopted.

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 56**, entitled:

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to multiple sclerosis.

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 127**, entitled:

An Act to repeal sections 321.190 and 321.603, RSMo, and to enact in lieu thereof two new sections relating to fire protection district board attendance fees.

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 47**, entitled:

An Act to repeal section 182.640, RSMo, and to enact in lieu thereof one new section relating to consolidated public library districts, with an emergency clause.

Emergency clause defeated.

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 163, 213** and **216**, entitled:

An Act to repeal sections 42.170, 42.175, 42.200, and 42.202, RSMo, and to enact in lieu thereof four new sections relating to veterans' medallion programs, with an emergency clause.

Emergency clause adopted.

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 592**, entitled:

An Act to repeal section 313.813, RSMo, and to enact in lieu thereof one new section relating to excursion gambling boats.

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 269**, entitled:

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

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 361**, entitled:

An Act to repeal section 488.5050, RSMo, and to enact in lieu thereof one new section relating to the surcharge for DNA profiling analysis.

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 adopted **SCR 3**.

RESOLUTIONS

Senator Stouffer offered Senate Resolution No. 698, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Forrest Rutherford, Higginsville, which was adopted.

Senator Stouffer offered Senate Resolution No. 699, regarding Doris Wightman, Norborne, which was adopted.

Senator Wilson offered Senate Resolution No. 700, regarding the death of Leroy William Brown, Jr., which was adopted.

Senator Wilson offered Senate Resolution No. 701, regarding Keith Cutler, Kansas City, which was adopted.

On motion of Senator Shields, the Senate recessed until 6:15 p.m.

RECESS

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

Senator Shields announced that photographers from KOMU-TV were given permission to take pictures in the Senate Chamber today.

SENATE BILLS FOR PERFECTION

Senator Purgason moved that **SB 539**, with **SS** and **SA 14** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 14 was again taken up.

Senator Mayer assumed the Chair.

Senator Nodler assumed the Chair.

Senator Bray moved that **SA 14** be adopted and requested a roll call vote be taken. She was joined in her request by Senators Callahan, Coleman, Kennedy and Days.

SA 14 failed of adoption by the following vote:

YEAS—Senators

Bray	Callahan	Coleman	Days
Dougherty	Engler	Graham	Green
Kennedy	Wheeler	Wilson—11	

NAYS—Senators

Bartle	Cauthorn	Champion	Clemens
Crowell	Dolan	Gibbons	Griesheimer
Gross	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel—20

Absent—Senator Klindt—1

Absent with leave—Senators—None

Vacancies—2

Senator Callahan offered **SA 15**, which was read:

SENATE AMENDMENT NO. 15

Amend Senate Substitute for Senate Bill No. 539, Page 19, Section 208.151, Line 21 of said page, by striking the opening bracket “[”;

Further amend said bill and section, page 21, line 6 of said page, by striking the closing bracket “]”;

Further renumber the remaining subdivisions accordingly.

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

Senator Callahan offered **SA 16**:

SENATE AMENDMENT NO. 16

Amend Senate Substitute for Senate Bill No. 539, Page 21, Section 208.152, Lines 6-28 of said page, by striking said lines;

Further amend said bill and section, Page 22, Lines 1 to 19 of said page, by striking said lines and inserting in lieu there of the following:

“(25)] (21) All persons who would be determined to be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits, under the eligibility standards in effect December 31, 1973; except that, on or after July 1, 2002, less restrictive income methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2), shall be used to raise the income limit to eighty percent of the federal poverty level and, as of July 1, 2003, less restrictive income methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2), shall be used to raise the income limit to ninety percent of the federal poverty level and, as of July 1, 2004, less restrictive income methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2), shall be used to raise the income limit to one hundred percent of the federal poverty level. If federal law or regulation authorizes the division of family services to, by rule, exclude the income or resources of a parent or parents of a person under the age of eighteen and such exclusion of income or resources can be limited to such parent or parents, then notwithstanding the provisions of

section 208.010:

(a) The division may by rule exclude such income or resources in determining such person's eligibility for permanent and total disability benefits; and

(b) Eligibility standards for permanent and total disability benefits shall not be limited by age;”.

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

SA 16 failed of adoption by the following vote:

YEAS—Senators

Bray	Callahan	Coleman	Days
Dougherty	Engler	Graham	Green
Kennedy	Wheeler	Wilson—11	

NAYS—Senators

Bartle	Cauthorn	Champion	Clemens
Crowell	Dolan	Gibbons	Griesheimer
Gross	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel—20

Absent—Senator Klindt—1

Absent with leave—Senators—None

Vacancies—2

Senator Graham offered SA 17:

SENATE AMENDMENT NO. 17

Amend Senate Substitute for Senate Bill No. 539, Page 21, Section 208.151, Lines 6-28 of said page, by striking said lines; and

Further amend said bill and section, Page 22, Lines 1 to 19 of said page, by striking said lines and inserting in lieu there of the following:

“(25)] (21) All persons who would be determined to be eligible for old age assistance benefits, permanent and total disability benefits, or

aid to the blind benefits, under the eligibility standards in effect December 31, 1973; except that, on or after July 1, 2002, less restrictive income methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2), shall be used to raise the income limit to eighty percent of the federal poverty level and, as of July 1, 2003, less restrictive income methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2), shall be used to raise the income limit to ninety percent of the federal poverty level and, as of July 1, 2004, less restrictive income methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2), shall be used to raise the income limit to one hundred percent of the federal poverty level. If federal law or regulation authorizes the division of family services to, by rule, exclude the income or resources of a parent or parents of a person under the age of eighteen and such exclusion of income or resources can be limited to such parent or parents, then notwithstanding the provisions of section 208.010:

(a) The division may by rule exclude such income or resources in determining such person's eligibility for permanent and total disability benefits; and

(b) Eligibility standards for permanent and total disability benefits shall not be limited by age;”.

Senator Graham moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Days, Gibbons, Green and Kennedy.

SA 17 failed of adoption by the following vote:

YEAS—Senators

Bray	Callahan	Coleman	Days
Dougherty	Engler	Graham	Green
Kennedy	Wheeler	Wilson—11	

NAYS—Senators

Bartle	Cauthorn	Champion	Clemens
Crowell	Dolan	Gibbons	Griesheimer
Gross	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott

Shields Stouffer Taylor Vogel—20

SENATE AMENDMENT NO. 19

Absent—Senator Klindt—1

Amend Senate Substitute for Senate Bill No. 539, Pages 86-88, Section 208.146, by striking said section from the bill; and

Absent with leave—Senators—None

Further amend the title and enacting clause accordingly.

Vacancies—2

Senator Wilson offered SA 18, which was read:

Senator Bray moved that the above amendment be adopted.

SENATE AMENDMENT NO. 18

Senator Scott assumed the Chair.

Amend Senate Substitute for Senate Bill No. 539, Pages 88-89, Section 208.162, by striking all of said section from the bill; and

Senator Dougherty requested a roll call vote be taken on the adoption of SA 19 and was joined in his request by Senators Bray, Days, Kennedy and Wheeler.

Further amend the title and enacting clause accordingly.

SA 19 failed of adoption by the following vote:

Senator Wilson moved that the above amendment be adopted.

YEAS—Senators

Senator Bray requested a roll call vote be taken and was joined in her request by Senators Dolan, Engler, Gibbons and Griesheimer.

Bray	Callahan	Coleman	Days
Dougherty	Engler	Graham	Green
Kennedy	Mayer	Wheeler	Wilson—12

SA 18 failed of adoption by the following vote:

NAYS—Senators

YEAS—Senators			
Bray	Callahan	Coleman	Days
Dougherty	Engler	Graham	Kennedy
Wheeler	Wilson—10		

NAYS—Senators			
Bartle	Cauthorn	Champion	Crowell
Dolan	Gibbons	Griesheimer	Gross
Klindt	Koster	Loudon	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel—19	

Absent—Senator Clemens—1

NAYS—Senators			
Bartle	Cauthorn	Champion	Clemens
Crowell	Dolan	Gibbons	Griesheimer
Gross	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel—21			

Absent with leave—Senators—None

Vacancies—2

Senator Days offered SA 20, which was read:

SENATE AMENDMENT NO. 20

Absent—Senator Green—1

Amend Senate Substitute for Senate Bill No. 539, Page 29, Section 208.152, Line 9 of said page, by striking the opening bracket “[”]; and further amend line 11 of said page, by striking the closing bracket “]”; and further amend said section by renumber the remaining subdivisions accordingly.

Absent with leave—Senators—None

Senator Days moved that the above amendment be adopted and requested a roll call

Vacancies—2

Senator Bray offered SA 19, which was read:

vote be taken. She was joined in her request by Senators Bray, Coleman, Dougherty and Kennedy.

President Pro Tem Gibbons assumed the Chair.

SA 20 failed of adoption by the following vote:

YEAS—Senators

Bray	Callahan	Coleman	Days
Dougherty	Engler	Graham	Kennedy
Wheeler	Wilson—10		

NAYS—Senators

Bartle	Cauthorn	Champion	Clemens
Crowell	Dolan	Gibbons	Griesheimer
Gross	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel—21			

Absent—Senator Green—1

Absent with leave—Senators—None

Vacancies—2

Senator Nodler assumed the Chair.

President Pro Tem Gibbons assumed the Chair.

Senator Purgason moved that **SS** for **SB 539**, as amended, be adopted, which motion prevailed.

Senator Purgason moved that **SS** for **SB 539**, as amended, be declared perfected and ordered printed.

Senator Dougherty requested a roll call vote be taken on the perfection motion and was joined in his request by Senators Bray, Callahan, Coleman and Kennedy.

SS for **SB 539**, as amended, was declared perfected and ordered printed by the following vote:

YEAS—Senators

Bartle	Cauthorn	Champion	Clemens
Crowell	Dolan	Gibbons	Griesheimer

Gross	Klindt	Koster	Loudon
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel—20

NAYS—Senators

Bray	Callahan	Coleman	Days
Dougherty	Engler	Graham	Green
Kennedy	Mayer	Wheeler	Wilson—12

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—2

CONFERENCE COMMITTEE REPORTS

Senator Loudon, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **SBs 1 and 130**, with **HCS**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON HOUSE COMMITTEE SUBSTITUTE FOR SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 1 and 130

The Conference Committee appointed on House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1 & 130, with House Amendment Nos. 1, 2, 3, House Amendment No. 4 as amended, House Amendments Nos. 5, 8, 9, 10, 11, 12, and House Amendment No. 13 as amended, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1 & 130, as amended;
2. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1 & 130;

3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1 & 130, be Third Read and Finally Passed.

FOR THE SENATE: /s/ John Loudon /s/ Michael R. Gibbons /s/ Dan Clemens Victor Callahan Timothy Green
FOR THE HOUSE: /s/ Steve Hunter /s/ Carl Bearden /s/ Shannon Cooper Michael Vogt Jenee Lowe

Senator Loudon moved that the above conference committee report be adopted.

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

On motion of Senator Shields, the Senate recessed until 11:00 p.m.

RECESS

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

President Pro Tem Gibbons assumed the Chair.

CONFERENCE COMMITTEE REPORTS

Senator Loudon moved that the conference committee report on HCS for SS for SCS for SBs 1 and 130, as amended, be taken up, which motion prevailed.

Senator Loudon moved that the above conference committee report be adopted.

A quorum was established by the following vote:

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

Absent with leave—Senators—None

Vacancies—2

The conference committee report on HCS for SS for SCS for SBs 1 and 130 was again taken up.

Senator Koster assumed the Chair.

Senator Loudon moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bartle Cauthorn Champion Clemens
Crowell Dolan Engler Gibbons
Griesheimer Klindt Loudon Mayer
Nodler Purgason Ridgeway Scott
Shields Stouffer Taylor Vogel—20

NAYS—Senators

Bray Callahan Coleman Days
Dougherty Graham Green Gross
Kennedy Koster Wheeler Wilson—12

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—2

President Pro Tem Gibbons assumed the Chair.

On motion of Senator Loudon, CCS for HCS for SS for SCS for SBs 1 and 130, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 1 & 130

An Act to repeal sections 286.020, 287.020, 287.040, 287.063, 287.067, 287.110, 287.120, 287.127, 287.128, 287.129, 287.140, 287.143, 287.150, 287.170, 287.190, 287.197, 287.203, 287.215, 287.380, 287.390, 287.420, 287.510, 287.550, 287.610, 287.615, 287.616, 287.642, 287.710, 287.715, 287.800, 287.812, 287.865,

287.894, 287.957, and 287.972, RSMo, and to enact in lieu thereof forty new sections relating to workers' compensation law, with penalty provisions and an effective date for certain sections.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Cauthorn	Champion	Clemens
Crowell	Dolan	Engler	Gibbons
Griesheimer	Gross	Klindt	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor

Vogel—21

NAYS—Senators

Bray	Callahan	Coleman	Days
Dougherty	Graham	Green	Kennedy
Koster	Wheeler	Wilson—11	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—2

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.

INTRODUCTIONS OF GUESTS

Senator Shields introduced to the Senate, Robert Sigrist, Bibi Miller, Alice Christgen, Billie Sharp and Jerry Milbourne, St. Joseph; and Mindy Walker, Maryville.

Senator Engler introduced to the Senate, teachers, parents and students from St. Paul Lutheran School, Farmington.

Senator Loudon introduced to the Senate,

Chris Hartrich, Pat Aydt, Glenn Koenen, Nancy Gray, Jim Boyd and former State Senator Mike Reid, members of the West St. Louis County Chamber of Commerce.

Senator Kennedy introduced to the Senate, the Physician of the Day, Dr. Timothy J. McCann, M.D., St. Louis.

Senator Vogel introduced to the Senate, Paige Harris Jacoby and William Crawford Jacoby; and Paige and William were made honorary pages.

Senator Bartle introduced to the Senate, members of the Blue Springs Chamber of Commerce.

Senator Bray introduced to the Senate, Tom Noble, Chris Curtis and forty-five fourth grade students from Briarcrest Elementary School, St. Louis.

Senator Cauthorn introduced to the Senate, Randy and Ruth Hager and their children, Nick, Alex and Ryan, Chillicothe.

Senator Champion introduced to the Senate, Professor Troy Smith and fifteen students from Drury University, Springfield.

Senator Dougherty introduced to the Senate, Dr. Keith Beauchamp and his wife, Kathy, Macon; and Dr. John Follis, Moberly.

Senator Taylor introduced to the Senate, Kristi and Wyatt Stephens and Karen Stewart, Stone County.

Senator Ridgeway introduced to the Senate, her husband, Dr. Richard D. Ridgeway, Smithville.

Senator Dolan introduced to the Senate, Jerry Callahan, Elsberry.

Senator Kennedy introduced to the Senate, Tom Hunt, St. Louis.

Senator Engler introduced to the Senate, Ron Hopkins, Ironton; Vason La France, Farmington; and students, sponsors and parents from Bismark School.

Senator Scott introduced to the Senate, Dr. Jim Spring and his wife, Paula, Warsaw.

Senator Mayer introduced to the Senate, Mrs. Wolverton, Ms. Smith and twenty fourth grade students from Gideon School; and Louis Beck, Zach Ingram, Chelsey Ogden, Sierra Irons and Lisa Chappell were made honorary pages.

Senator Dougherty introduced to the Senate, Alderman Tom Bauer, St. Louis.

Senator Kennedy introduced to the Senate, Tom Diehl and his son, Adam Diehl, Oakville; and

Adam was made an honorary page.

Senator Bray introduced to the Senate, Jan Caimi, Beckie Faintich, Carol Perrin, Jim Boland, Mark Williams and seventy-five fourth grade students from Spoede Elementary School, St. Louis.

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

SENATE CALENDAR

FORTIETH DAY-WEDNESDAY, MARCH 16, 2005

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 441
HCS for HB 347
HCS for HB 468
HB 248-Pearce
HCS for HB 297
HCS for HB 135
HB 229-Portwood
HB 230-Portwood
HCS for HB 379
HCS#2 for HBs 94 & 185
HCS for HB 365
HB 100-Cunningham, et al

HCS for HB 186
HB 48-Dougherty
HB 114-Johnson (47)
HCS for HB 174
HB 40-Tilley
HCS for HB 56
HB 127-Bivins
HCS for HB 47
HCS for HBs 163, 213 & 216
HB 592-Cooper (120)
HB 269-Bruns
HB 361-Lipke

THIRD READING OF SENATE BILLS

SCS for SBs 221, 250 & 256-Dolan
(In Fiscal Oversight)
SS for SCS for SB 32-Bartle
(In Fiscal Oversight)

SB 187-Cauthorn and
Clemens

SENATE BILLS FOR PERFECTION

SB 348-Clemens	SBs 23 & 51-Griesheimer and Kennedy, with SCS
SBs 74 & 49-Champion, with SCS	
SB 95-Coleman	SB 232-Loudon, et al
SB 12-Cauthorn and Klindt	SB 319-Koster, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 14, with SCS (Gross)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 2-Loudon and Gross, with SCS	SB 185-Loudon, et al, with SA 1 (pending)
SB 5-Klindt, with SCS	SB 225-Cauthorn, with SCS & SS#2 for SCS (pending)
SB 29-Dolan, with SCS & SA 1 (pending)	
SB 50-Taylor and Nodler, with SCS	SB 269-Shields and Callahan, with SCS
SB 152-Wilson, with SCS	SB 291-Mayer, et al, with SCS
SB 160-Bartle, et al	SB 324-Scott, with SCS
SB 168-Dolan, et al, with SCS	

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CONSENT CALENDAR

Senate Bills

Reported 2/28

SB 318-Crowell (In Fiscal Oversight)

Reported 3/7

SB 367-Cauthorn	SB 364-Purgason
SB 265-Taylor	SB 133-Loudon and Gross, with SCS
SB 288-Klindt	SB 308-Purgason
SB 289-Engler, with SCS	SB 28-Dolan, with SCS
SB 307-Purgason	

Reported 3/8

SB 423-Bartle, with SCS	SB 306-Purgason
SB 279-Taylor	SB 155-Mayer, with SCS#2
SB 422-Bartle	SB 302-Coleman, with SCS
SB 68-Shields, with SCS	SB 501-Gibbons, with SCS
SB 298-Coleman	SB 182-Scott, with SCS
SB 299-Coleman	SB 261-Loudon

Reported 3/14

SB 374-Loudon and Bray, with SCS	SB 526-Scott
SB 323-Bartle	SB 516-Griesheimer
SB 347-Clemens and Taylor	SB 468-Griesheimer, with SCS
SB 518-Kennedy and Graham	SB 507-Graham
SBs 75 & 353-Champion and Wheeler, with SCS	SB 502-Gibbons, with SCS
SB 170-Gross, with SCS	SB 490-Koster
SB 401-Kennedy	SB 450-Dolan, with SCS
SB 480-Shields	SB 453-Loudon
SB 496-Mayer, with SCS	SB 431-Callahan
SB 84-Bray, with SCS	SB 392-Coleman, with SCS
SB 394-Nodler	SB 380-Wheeler
SB 476-Scott	SB 372-Engler, et al, with SCS
SB 479-Scott	SB 361-Stouffer
SB 358-Taylor	SB 343-Bartle, et al

Reported 3/15

SB 464-Vogel	SB 418-Mayer
SB 295-Dolan	SB 159-Cauthorn
SB 310-Champion, with SCS	SBs 420 & 344-Mayer, with SCS
SB 355-Griesheimer, et al, with SCS	SB 407-Mayer, with SCS
SB 216-Champion	SB 521-Crowell
SB 378-Coleman	SB 357-Shields
SB 534-Bartle	SB 488-Engler
SB 320-Koster	SB 396-Crowell
SB 404-Koster	SB 390-Taylor, with SCS
SB 405-Koster	SB 354-Griesheimer, with SCS

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

SS for SCS for SBs 1 & 130-Loudon,
with HCS, as amended
(Senate adopted CCR
and passed CCS)

HCS for HB 393, with SS for SCS, as
amended (Scott)

RESOLUTIONS

To be Referred

SCR 9-Bray, et al
SCR 10-Scott

SCR 11-Green

Unofficial

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