

Journal of the Senate

FIRST REGULAR SESSION

FORTY-THIRD DAY—TUESDAY, MARCH 29, 2005

The Senate met pursuant to adjournment.

Senator Nodler in the Chair.

Reverend Carl Gauck offered the following prayer:

“Let days speak, and many years teach wisdom. But it is the spirit in a man, the breath of the Almighty, that makes him understand.” (Job 32:7-8)

Lord, we thank You for this time of rest and re-creation. We return here ready for what lies ahead, knowing we have learned from You during our break. Let us always be open to Your teachings and make ourselves available to learn of Your Word. And Father, we pray for Senator Green at the death of his mother this past weekend and pray that You will comfort and be present with him and his family during this time of grief. 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 Journals for Thursday, March 17, 2005 and Thursday, March 24, 2005, were 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 Shields offered Senate Resolution No. 830, regarding Billy D. Cole, St. Joseph, which was adopted.

Senator Shields offered Senate Resolution No. 831, regarding the birth of Jenna Lia Wood, Parkville, which was adopted.

Senator Stouffer offered Senate Resolution No. 832, regarding Mike Stevens, Marshall, which was adopted.

Senator Stouffer offered Senate Resolution No. 833, regarding the birth of Gavin Joseph Burkhart, Paducah, Kentucky, which was adopted.

Senator Stouffer offered Senate Resolution No. 834, regarding Mr. and Mrs. Jason D. Willis, Lee's Summit, which was adopted.

Senator Stouffer offered Senate Resolution No. 835, regarding the birth of Saige Nicole Butler, Bolivar, which was adopted.

Senator Green offered Senate Resolution No. 836, regarding Michael S. Swank, which was adopted.

Senator Gross offered Senate Resolution No. 837, regarding Sue Batisto, Saint Charles, which was adopted.

Senator Mayer offered Senate Resolution No. 838, regarding Jean Chervenak, Poplar Bluff, which was adopted.

Senator Mayer offered Senate Resolution No. 839, regarding Tori Ratliff, Kennett, which was adopted.

Senator Mayer offered Senate Resolution No. 840, regarding Britney Bagby, Dexter, which was adopted.

Senator Stouffer offered Senate Resolution No. 841, regarding Anthony D. Quick, Marshall, which was adopted.

Senator Stouffer offered Senate Resolution No. 842, regarding Grant Pfizenmaier, Marshall, which was adopted.

Senator Stouffer offered Senate Resolution No. 843, regarding William Boyd, Marshall, which was adopted.

Senator Stouffer offered Senate Resolution No. 844, regarding Larry Littrell, Glasgow, which was adopted.

Senator Stouffer offered Senate Resolution No. 845, regarding the birth of Kaidence Rianne Kent, Higginsville, which was adopted.

Senator Stouffer offered Senate Resolution No. 846, regarding the birth of Myranda Louise Lefman, Higginsville, which was adopted.

Senator Stouffer offered Senate Resolution No. 847, regarding the birth of Noah Scott Sanders, Gilliam, which was adopted.

Senator Stouffer offered Senate Resolution No. 848, regarding the birth of Colton Dale Boss,

Glasgow, which was adopted.

Senator Stouffer offered Senate Resolution No. 849, regarding the death of Jessie Marie Spencer Lingle, Marshall, which was adopted.

Senator Stouffer offered Senate Resolution No. 850, regarding the death of Ida A. Seals, Triplett, which was adopted.

Senator Stouffer offered Senate Resolution No. 851, regarding the death of James Michael Baker, Richmond, which was adopted.

Senator Bartle offered Senate Resolution No. 852, regarding Bradley Carl Enke, Lee's Summit, which was adopted.

Senator Bartle offered Senate Resolution No. 853, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Melvin "John" Forrester, Independence, which was adopted.

Senator Graham offered Senate Resolution No. 854, regarding Lloyd W. Gittemeier, Cairo, which was adopted.

Senator Gross offered Senate Resolution No. 855, regarding Susan Weich, St. Charles, which was adopted.

THIRD READING OF SENATE BILLS

Senator Cauthorn moved that **SB 187** be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

Senator Cauthorn moved that **SB 187** be read the 3rd time and finally passed, which motion failed to receive a constitutional majority by the following vote:

YEAS—Senators

| | | | |
|----------|----------|-------------|---------|
| Bartle | Cauthorn | Champion | Clemens |
| Dolan | Engler | Griesheimer | Gross |
| Klindt | Koster | Loudon | Mayer |
| Purgason | Stouffer | Vogel—15 | |

NAYS—Senators

| | | | |
|-----------|----------|---------|--------|
| Bray | Callahan | Coleman | Days |
| Dougherty | Graham | Kennedy | Nodler |

Shields Taylor Wheeler Wilson—12

Absent—Senators

Crowell Gibbons Ridgeway Scott—4

Absent with leave—Senator Green—1

Vacancies—2

SS for **SCS** for **SB 32**, introduced by Senator Bartle, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 32

An Act to repeal sections 567.080 and 573.503, RSMo, and to enact in lieu thereof ten new sections relating to sexually-oriented businesses, with penalty provisions and a severability clause.

Was called from the Informal Calendar and taken up.

On motion of Senator Bartle, **SS** for **SCS** for **SB 32** was read the 3rd time and passed by the following vote:

YEAS—Senators

| | | | |
|-------------|----------|----------|----------|
| Bartle | Callahan | Cauthorn | Champion |
| Clemens | Dolan | Engler | Gibbons |
| Griesheimer | Gross | Kennedy | Klindt |
| Koster | Loudon | Mayer | Nodler |
| Purgason | Ridgeway | Scott | Shields |
| Stouffer | Taylor | Vogel—23 | |

NAYS—Senators

| | | | |
|--------|---------|----------|-----------|
| Bray | Coleman | Days | Dougherty |
| Graham | Wheeler | Wilson—7 | |

Absent—Senator Crowell—1

Absent with leave—Senator Green—1

Vacancies—2

President Kinder assumed the Chair.

The President declared the bill passed.

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

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

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

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 **SCS** for **HCS** for **HB 14**, as amended. Representatives: Lager, Icet, Sutherland, LeVota and Shoemyer.

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

65101

March 22, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

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

John W. Buckner, III, M.D., Republican, 4391 South Farm Road, Springfield, Greene County, Missouri 65810, 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, Tommy MacDonnell, M.D., term expired.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

March 24, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

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

Thomas A. Deuschle, 611 Cottonwood Lane, Liberty, Clay

County, Missouri 64068, as the Director of the Department of Labor and Industrial Relations, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified; vice, Catherine B. Leapheart.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
March 23, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

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

Robert C. Fulp, Republican, 2436 East Michelle Place, Springfield, Greene County, Missouri 65804, as a member of the Missouri Housing Development Commission, for a term ending October 13, 2008, and until his successor is duly appointed and qualified; vice, Dr. Ronald Bobo, term expired.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
March 24, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

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

Glen Richard Hastings, Republican, 2612 Northwest Ashurst Lane, Lee's Summit, Jackson County, Missouri 64081, as a member of the Jackson County Sports Complex Authority, for a term ending July 15, 2009, and until his successor is duly appointed and qualified; vice, William Carson, withdrawn.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
March 22, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF

THE STATE OF MISSOURI:

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

Sandra J. Jones, Republican, 610 West Summit, Bolivar, Polk County, Missouri 65613, 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, Jane Klieve, term expired.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
March 24, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

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

Barbara H. Pickering, 525 Lakeview Road, Mexico, Audrain County, Missouri 65265, as a member of the State Lottery Commission, for a term ending September 9, 2005, and until her successor is duly appointed and qualified; vice, Barbara H. Pickering, reappointed to a full term.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
March 22, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

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

Toni R. Smith, D.O., Republican, 230 South First Street, Kirksville, Adair County, Missouri 63501, as a member of the State Board of Registration for the Healing Arts, for a term ending September 3, 2006, and until her successor is duly appointed and qualified; vice, Barry Dean Spoon, term expired.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

March 15, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

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

Paul C. Vescovo III, 4 Carver Place, Smithville, Clay County, Missouri 64089, as a member of the Peace Officer Standards and Training Commission, for a term ending October 3, 2007, and until his successor is duly appointed and qualified; vice, Dennis Martin, term expired.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

March 22, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

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

Richard J. Wilson, Republican, 811 Harvest, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Development Finance Board, for a term ending September 14, 2008, and until his successor is duly appointed and qualified; vice, Richard J. Wilson, reappointed to full term.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

March 22, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

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

Anita T. Yeckel, Republican, 8819 Gladlea Drive, Saint Louis, Saint Louis County, Missouri 63127, as a member of the Missouri Investment Trust Board of Trustees, for a term ending February 24, 2008, and until her successor is duly appointed and

qualified; vice, Joseph Rechter, term expired.

Respectfully submitted,
MATT BLUNT
Governor

President Pro Tem Gibbons referred the above appointments to the Committee on gubernatorial appointments.

SENATE BILLS FOR PERFECTION

Senator Shields moved that **SB 269**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 269**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 269

An Act to repeal section 143.183, RSMo, and to enact in lieu thereof one new section relating to athletes and entertainer tax.

Was taken up.

Senator Shields moved that **SCS** for **SB 269** be adopted.

Senator Shields offered **SS** for **SCS** for **SB 269**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 269

An Act to repeal section 143.183, RSMo, and to enact in lieu thereof one new section relating to athletes and entertainer tax.

Senator Shields moved that **SS** for **SCS** for **SB 269** be adopted.

Senator Bartle assumed the Chair.

Senator Nodler offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 269, Page 7, Section 143.183, Lines 24-25, by striking the words "available amount of the"; and further amend said page, lines 27-28 of said page, by striking all of said lines; and

Further amend said section, page 8, lines 1-25 of said page, by striking all of said lines and inserting in lieu thereof the following: "shall be

allocated annually to the Missouri sports authority subaccount established under subsection 14 of this section. The funds in the subaccount shall be allocated in the following manner:

(1) Twenty-three percent to the Springfield sports commission;

(2) Seventeen percent to the Joplin sports authority; and

(3) Eight percent to the Branson sports authority; and

(4) Twenty-three percent to the St. Charles County convention and sports facility authority created in section 67.1150, RSMo; and

(5) All remaining funds in the subaccount shall be allocated to convention and visitor bureaus operating sports marketing programs in any home rule city with more than eighty-four thousand five hundred but fewer than eighty-four thousand six hundred inhabitants, any home rule city with more than thirty-five thousand three hundred forty but fewer than thirty-five thousand seven hundred inhabitants, any home rule city with more than seventy-three thousand but fewer than seventy-five thousand inhabitants, any home rule city with more than thirty-nine thousand six hundred but fewer than thirty-nine thousand seven hundred inhabitants and partially located in any county of the first classification with more than seventy-one thousand three hundred but fewer than seventy-one thousand four hundred inhabitants, and any home rule city with more than sixty thousand three hundred but fewer than sixty thousand four hundred inhabitants.

In order for any entity to receive allocations of funds under this subsection, such entity shall provide a local match equal to one hundred percent of the allocation. For fiscal year 2007, the percentage allocated to the Joplin sports authority shall be supplanted by a grant from the subaccount in an amount equal to four

hundred thousand dollars to the Joplin sports authority with no requirement of a local match for the grant. In addition to the above percentage, twenty percent of the funds authorized under subdivision 3 of subsection 10 of this section shall be allocated to a home rule city with more than one hundred fifty-one thousand five hundred but fewer than one hundred fifty-one thousand six hundred inhabitants, subject to the award of a grant and procedures established by the office of administration for the acquisition of land, design construction or debt service of new regional sports and recreational facilities, provided at least fifty percent of the cost of each facility is paid for by the city.”; and

Further amend said bill and section, page 12, line 2 of said page, by inserting at the end of said line the following: “**The provisions of this subsection shall not apply to allocations made under subsection 9 of this section.**”; and further amend said page, line 15 of said page, by inserting after all of said line the following:

“**14. There is hereby created within the nonresident entertainer and athlete fund a subaccount known as the “Missouri Sports Authority Subaccount”. All funds received from the allocation provided in subsection 9 of this section shall be deposited to the credit of the Missouri sports authority subaccount.**”.

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

Senator Griesheimer offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 269, Page 10, Section 143.183, Lines 13-16, by striking all of said lines and inserting in lieu thereof the following: “**retaining jobs in Missouri; or any other expense that helps realize the policy**”; and further amend said section and page, line 19, by inserting immediately after “RSMo” the following: “**. Under no circumstances shall such**

investments be used for the repair, maintenance, renovation or replacement of existing sports facilities” and further amend said section and page, line 26 by striking the word “for” as it appears the first time in said line; and further amend said section and page, line 27 by striking the word “professional”: and further amend said section and page, line 28 by striking the following: “sports or”; and further amend said section and page line 28 by striking the following: “that is used for the”; and further amend said section, page 11, lines 1-5, by striking all of said lines and inserting in lieu thereof the following: **“or for any other public purpose consistent with this section, but under no circumstances shall such investments be used for the repair, maintenance, renovation or replacement of the existing sports facility used for the playing of professional hockey, which is owned or is on land that is owned, by a city not within a county or any political subdivision, agency, or instrumentality thereof;”**.

Senator Griesheimer moved that the above amendment be adopted.

Senator Bray offered **SSA 1 for SA 2**:

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

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 269, Page 3, Section 143.183, Lines 26-27, by striking all of said lines and inserting in lieu thereof the following: **“athlete fund. For fiscal year 2000, and for each subsequent fiscal year for a period of sixteen years, sixty percent of the”**; and further amend said section, page 4, line 7 by striking the opening bracket “[”]; and further amend line 9 by striking the closing bracket “]”; and further amend line 24 by striking all of the opening brackets “[”]; and further amend said line by striking the closing bracket “]”; and further amend said line by striking “2007”; and further amend line 25 by striking all of the opening and closing brackets and all of the underlined words; and further amend line 26 by striking all of the underlined words; and further

amend said section, page 5, lines 17-19 by striking all of the opening and closing brackets and all of the underlined words; and further amend said section, page 6, line 3 by striking the opening and closing brackets; and further amend lines 11-13 by striking all of the opening and closing brackets and all of the underlined words; and further amend said section, page 7, line 15 by striking the opening and closing brackets; and further amend lines 23-25 by striking all of the opening and closing brackets and all of the underlined words; and further amend said section, page 8, lines 6-15 by striking all of the underlined words; and further amend lines 26-28 by striking all of said lines; and further amend said section, pages 9-11 by striking all of said pages, and further amend said section, page 12, lines 1-2 by striking all of said lines; and further renumber the remaining subsection accordingly.

Senator Bray moved that the above amendment be adopted.

Senator Days offered **SA 1 to SSA 1 for SA 2**, which was read:

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

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 2 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 269, Page 2, Line 5, by inserting after the second use of the word “lines” the following: “and inserting in lieu thereof the following:

‘10. If the number of Medicaid eligibles falls below the level established as of March 15, 2005, then no allocation shall be made under this section.’”.

Senator Days moved that the above amendment be adopted.

At the request of Senator Days, **SA 1 to SSA 1 for SA 2** was withdrawn.

SSA 1 for SA 2 was again taken up.

At the request of Senator Bray, the above substitute amendment was withdrawn.

Senator Bray offered **SSA 2** for **SA 2**:

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

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 269, Page 3, Section 143.183, Lines 26-27, by striking all of said lines and inserting in lieu thereof the following: **“athlete fund. For fiscal year 2000, and for each subsequent fiscal year for a period of sixteen years, sixty percent of the”**; and further amend said section, page 4, line 7 by striking the opening bracket “[”]; and further amend line 9 by striking the closing bracket “]”]; and further amend line 24 by striking all of the opening brackets “[”]; and further amend said line by striking the closing bracket “]”]; and further amend said line by striking “2007”; and further amend line 25 by striking all of the opening and closing brackets and all of the underlined words; and further amend line 26 by striking all of the underlined words; and further amend said section, page 5, lines 17-19 by striking all of the opening and closing brackets and all of the underlined words; and further amend said section, page 6, line 3 by striking the opening and closing brackets; and further amend lines 11-13 by striking all of the opening and closing brackets and all of the underlined words; and further amend said section, page 7, line 15 by striking the opening and closing brackets; and further amend lines 26-28 by striking all of said lines; and further amend said section, pages 9-11 by striking all of said pages, and further amend said section, page 12, lines 1-2 by striking all of said lines; and further renumber the remaining subsection accordingly.

Senator Bray moved that the above substitute amendment be adopted.

Senator Days offered **SA 1** to **SSA 2** for **SA 2**, which was read:

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

Amend Senate Substitute Amendment No. 2 for Senate Amendment No. 2 to Senate Substitute

for Senate Committee Substitute for Senate Bill No. 269, Page 2, Line 5, by inserting after the second use of the word “lines” the following: “and inserting in lieu thereof the following:

‘10. If the number of Medicaid eligibles falls below the level established as of March 15, 2005, then no allocation shall be made under this section.’”.

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, Kennedy and Wilson.

SA 1 to **SSA 2** for **SA 2** failed of adoption by the following vote:

YEAS—Senators

| | | | |
|--------|---------|---------|-----------|
| Bray | Coleman | Days | Dougherty |
| Engler | Graham | Kennedy | Wilson—8 |

NAYS—Senators

| | | | |
|----------|----------|-------------|------------|
| Bartle | Callahan | Cauthorn | Champion |
| Clemens | Gibbons | Griesheimer | Gross |
| Klindt | Loudon | Mayer | Nodler |
| Purgason | Ridgeway | Scott | Shields |
| Stouffer | Taylor | Vogel | Wheeler—20 |

Absent—Senators

| | | |
|---------|-------|----------|
| Crowell | Dolan | Koster—3 |
|---------|-------|----------|

Absent with leave—Senator Green—1

Vacancies—2

SSA 2 for **SA 2** was again taken up.

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

SA 2 was again taken up.

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

Senator Shields moved that **SS** for **SCS** for **SB 269**, as amended, be adopted, which motion prevailed.

On motion of Senator Shields, **SS** for **SCS** for **SB 269**, as amended, was declared perfected and

ordered printed.

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 119**, entitled:

An Act to amend chapter 105, RSMo, by adding thereto one new section relating to life insurance benefits for government employees during military deployments, 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 343**, entitled:

An Act to repeal section 50.530, RSMo, and to enact in lieu thereof one new section relating to county officials.

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 345**, entitled:

An Act to repeal section 64.215, RSMo, and to enact in lieu thereof one new section relating to county planning boards.

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 413**, entitled:

An Act to amend chapter 190, RSMo, by adding thereto one new section relating to a bioterrorism vaccination program for first responders deployed to disaster locations, 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 445**, entitled:

An Act to repeal section 71.943, RSMo, and to enact in lieu thereof one new section relating to codification of municipal ordinances.

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 479**, entitled:

An Act to repeal section 67.792, RSMo, and to enact in lieu thereof one new section relating to regional recreational districts.

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 524**, entitled:

An Act to repeal section 105.473, RSMo, and to enact in lieu thereof one new section relating to lobbyist duties.

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 69**, entitled:

An Act to repeal sections 375.532 and 376.300, RSMo, and to enact in lieu thereof two new sections relating to investments of insurers.

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 402**, entitled:

An Act to repeal sections 330.010, 330.020, 330.030, 330.040, 330.045, 330.050, 330.065, 330.070, 330.080, 330.090, 330.100, 330.110, 330.160, 330.180, 330.200, and 330.210, RSMo, and to enact in lieu thereof sixteen new sections relating to podiatrists, 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 456**, entitled:

An Act to repeal section 540.031, RSMo, and to enact in lieu thereof one new section relating to duties of grand juries.

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 486**, entitled:

An Act to repeal section 566.140, RSMo, and to enact in lieu thereof one new section relating to service providers for sexual offender treatment for probationers.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REFERRALS

President Pro Tem Gibbons referred **SB 323** to the Committee on Governmental Accountability and Fiscal Oversight.

President Pro Tem Gibbons referred **SCR 12** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

President Pro Tem Gibbons assumed the Chair.

REPORTS OF STANDING COMMITTEES

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 272**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

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 to the Small Business Regulatory Fairness Board

Dear Terry:

Pursuant to Section 536.305 of the Revised Statutes of Missouri (RSMo 2002), I am appointing the following senator to the Small Business Regulatory Fairness Board:

Senator Gary Nodler

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

earliest convenience.

Yours truly,
/s/ Michael R. Gibbons
MICHAEL R. GIBBONS
President Pro Tem

Yours truly,
/s/ Michael R. Gibbons
MICHAEL R. GIBBONS
President Pro Tem

Also,

March 23, 2005

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

RE: Appointment to the Second State Capitol Commission

Dear Terry:

Pursuant to Section 8.03 of the Revised Statutes of Missouri (RSMo 2002), I am appointing Jim Howerton, Senate Administrator, to the Second State Capitol Commission to replace Michael Keathley as the Senate employee member.

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

Senator Engler introduced to the Senate, Stephanie Schenck, Jill Roth and Mary DeGenova, Ste. Genevieve.

Senator Griesheimer introduced to the Senate, Charlotte Fuchs, Wildwood; and Janie Tobias and Mary Knollhoff, St. Louis.

Senator Gibbons introduced to the Senate, Lee and Kailynn Kneibert, Victoria Landis, and Kelsey Kotanski, Fenton; Ester McGowen, Wildwood; Hanna and Abigail Smith, Crestwood; and Kailynn, Ester, Hanna, Victoria, Kelsey and Abigail were made honorary pages.

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

SENATE CALENDAR

Journal
FORTY-FOURTH DAY—WEDNESDAY, MARCH 30, 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
 HCS for HB 348
 HB 564-Boykins, et al
 HCS for HB 437
 HB 243-May, et al
 HB 423-Kuessner
 HB 431-Wright (137)
 HB 567-Stevenson, et al
 HCS for HB 58

HCS for HB 119
 HB 343-Baker (123)
 HB 345-Baker (123)
 HB 413-Hubbard, et al
 HB 445-Guest and Whorton
 HB 479-Ervin
 HB 524-May, et al
 HB 69-Rupp
 HB 402-Schaaf, et al
 HB 456-Kuessner, et al
 HB 486-Bruns

SENATE BILLS FOR PERFECTION

- | | |
|---|--|
| 1. SB 348-Clemens | 10. SB 476-Scott |
| 2. SBs 74 & 49-Champion, with SCS | 11. SB 362-Stouffer |
| 3. SB 95-Coleman | 12. SB 343-Bartle, et al |
| 4. SB 12-Cauthorn and Klindt | 13. SB 468-Griesheimer, with SCS |
| 5. SBs 23 & 51-Griesheimer and Kennedy, with SCS | 14. SB 316-Dolan, with SCS |
| 6. SB 232-Loudon, et al | 15. SBs 75 & 353-Champion and Wheeler, with SCS |
| 7. SB 319-Koster, with SCS | 16. SB 346-Clemens, with SCS |
| 8. SB 274-Taylor | 17. SB 284-Cauthorn and Clemens, with SCS |
| 9. SB 462-Klindt, with SCS | 18. SB 272-Gross, with SCS |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

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

CONSENT CALENDAR

Senate Bills

Reported 2/28

SB 318-Crowell (In Fiscal Oversight)

Reported 3/8

SB 68-Shields, with SCS

Reported 3/14

SB 374-Loudon and Bray, with SCS

SB 323-Bartle (In Fiscal Oversight)

SB 347-Clemens and Taylor

SB 518-Kennedy and Graham

SB 170-Gross, with SCS

SB 401-Kennedy

SB 480-Shields

SB 496-Mayer, with SCS

SB 84-Bray, with SCS

SB 394-Nodler

SB 479-Scott

SB 358-Taylor

SB 526-Scott

SB 516-Griesheimer

SB 507-Graham

SB 502-Gibbons, with SCS

SB 490-Koster

SB 450-Dolan, with SCS

SB 453-Loudon

SB 431-Callahan

SB 392-Coleman, with SCS

SB 380-Wheeler

SB 372-Engler, et al, with SCS

SB 361-Stouffer

Reported 3/15

SB 464-Vogel

SB 310-Champion, with SCS

SB 355-Griesheimer, et al, with SCS

SB 216-Champion

SB 378-Coleman

SB 534-Bartle

SB 320-Koster

SB 404-Koster

SB 405-Koster

SB 418-Mayer

SBs 420 & 344-Mayer, with SCS

SB 407-Mayer, with SCS

SB 521-Crowell

SB 357-Shields

SB 488-Engler

SB 396-Crowell

SB 390-Taylor, with SCS

SB 354-Griesheimer, with SCS

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

HCS for HB 14, with SCS, as amended
(Gross)

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Unofficial

Journal

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