

# Journal of the Senate

FIRST REGULAR SESSION

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FIFTY-SECOND DAY— WEDNESDAY, APRIL 13, 2005

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“We must obey God rather than any human authority.” (Acts 5:29)

Gracious God, help us to see Your power and might so that we may know our need of You and help us be diligent in our work and be faithful unto You. May Your grace provide us faith to see Your unseen presence and to deal with those times we believe but need help with our unbelief. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

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

The Journal of the previous day was read and approved.

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

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

Present—Senators

Bartle	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 Klindt offered Senate Resolution No. 1047, regarding Alison Whitney Faulkner, Princeton, which was adopted.

Senator Taylor offered Senate Resolution No. 1048, regarding Thornfield R-I Elementary School, which was adopted.

Senator Bartle offered Senate Resolution No. 1049, regarding Eric Curtis, Grain Valley, which was adopted.

Senator Bartle offered Senate Resolution No. 1050, regarding Cheyanne Cook, Blue Springs, which was adopted.

Senator Bartle offered Senate Resolution No. 1051, regarding Patricia Whitehead, Lee's Summit, which was adopted.

Senator Bartle offered Senate Resolution No. 1052, regarding Carolyne Thompson, Grain Valley, which was adopted.

Senator Bartle offered Senate Resolution No. 1053, regarding Jim Cook, Overland Park, which was adopted.

Senator Bartle offered Senate Resolution No. 1054, regarding Karleen Turner, Oak Grove, which was adopted.

Senator Stouffer offered Senate Resolution No. 1055, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Don Prindle, Sweet Springs, which was adopted.

Senator Stouffer offered Senate Resolution No. 1056, regarding Austin Daniel Kammerich, Boonville, which was adopted.

#### SENATE BILLS FOR PERFECTION

At the request of Senator Shields, **SB 481** with **SCS**, was placed on the Informal Calendar.

**SB 500**, with **SCS**, was placed on the Informal Calendar.

#### REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Education, to which was referred **HCS** for **HB 297**, 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 **HCS** for **HB 443**, 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 Dolan moved that **SB 316**, with **SCS**

(pending), be called from the Informal Calendar and taken up for perfection, which motion prevailed.

**SCS** for **SB 316** was again taken up.

Senator Dolan offered **SS** for **SCS** for **SB 316**, entitled:

#### SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 316

An Act to repeal section 197.121, RSMo, and to enact in lieu thereof one new section relating to specialty hospitals.

Senator Dolan moved that **SS** for **SCS** for **SB 316** be adopted.

Senator Bartle offered **SA 1**:

#### SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 316, Page 1, Section 197.121, Line 17, by inserting after all of said line the following:

“Section 1. The provisions of sections 197.300 to 197.366 shall not apply to any health care facility located in any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, any county of the first classification with more than seventy-three thousand seven hundred but fewer than seventy-three thousand eight hundred inhabitants, any county of the first classification with more than one hundred eighty-four thousand but fewer than one hundred eighty-eight thousand inhabitants, or any county of the first classification with more than eighty-two thousand but fewer than eighty-two thousand one hundred inhabitants.”; and

Further amend the title and enacting clause accordingly.

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

vote be taken. He was joined in his request by Senators Dolan, Ridgeway, Shields and Stouffer.

Senator Scott assumed the Chair.

Senator Gross assumed the Chair.

SA 1 failed of adoption by the following vote:

YEAS—Senators

Bartle	Crowell	Gross	Koster
Loudon	Nodler	Ridgeway	Scott
Shields	Stouffer	Taylor—11	

NAYS—Senators

Bray	Callahan	Cauthorn	Clemens
Coleman	Days	Dolan	Dougherty
Engler	Gibbons	Graham	Green
Griesheimer	Kennedy	Klindt	Mayer
Vogel	Wheeler	Wilson—19	

Absent—Senators

Champion	Purgason—2
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Absent with leave—Senators—None

Vacancies—2

Senator Bartle offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 316, Page 1, Section 197.121, Line 17, by inserting at the end of said line the following: **“The provisions of this section shall not apply to any entity located in any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, any county of the first classification with more than seventy-three thousand seven hundred but fewer than seventy-three thousand eight hundred inhabitants, any county of the first classification with more than one hundred eighty-four thousand but fewer than one hundred eighty-eight thousand inhabitants, or any county of the first classification with more than eighty-two thousand but fewer than eighty-two thousand one hundred inhabitants.”**

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

Senator Wheeler offered SA 3, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 316, Page 1, Section 197.121, Line 17, by striking the word “2008” and inserting in lieu thereof the following: **“2007”**.

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

Senator Coleman offered SA 4:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 316, Page 1, Section A, Line 3, by inserting immediately after said line the following:

**“191.717. 1. Sections 191.717 and 191.718 may be cited as the "Compassionate Assistance for Rape Emergencies (CARE) Act".**

**2. As used in sections 191.717 to 191.718, unless the context clearly indicates otherwise, the following terms shall mean:**

**(1) "Emergency care to sexual assault victims", medical examinations, procedures, or services provided at a hospital to a sexual assault victim following an alleged rape;**

**(2) "Emergency contraception", any drug or device approved by the Food and Drug Administration that prevents pregnancy after sexual intercourse;**

**(3) "Medically and factually accurate and objective", verified or supported by the weight of research conducted in compliance with accepted scientific methods and is published in peer-reviewed journals where applicable; or comprising information that leading professional organizations and agencies with relevant expertise in the field, such as the American College of Obstetricians and Gynecologists (ACOG), recognize as accurate and objective;**

(4) "Sexual assault", as defined in section 566.040, RSMo;

(5) "Sexual assault victim", a female who is alleged to have been raped and is presented as a patient.

191.718. 1. It shall be the standard of care for any hospital and any health care facility that provides emergency care to sexual assault victims to:

(1) Provide each sexual assault victim with medically and factually accurate and objective written and oral information about emergency contraception;

(2) Orally inform each sexual assault victim of her option to be provided emergency contraception at the hospital; and

(3) Provide the complete regimen of emergency contraception immediately at the hospital or health care facility to each sexual assault victim who requests it.

2. Hospitals and health care facilities shall ensure that each person who provides care to sexual assault victims is provided with medically and factually accurate and objective information about emergency contraception.

3. The department of health and senior services shall develop, prepare, and produce informational materials relating to emergency contraception for the prevention of pregnancy for distribution to use in any hospital or health care facility in the state in quantities sufficient to comply with the requirements of this section. The director, in collaboration with community sexual assault programs, may also approve informational materials from other sources.

4. The information materials must:

(1) Be medically and factually accurate and objective;

(2) Be clearly written and readily comprehensible in a culturally competent manner, as the department deems necessary to inform victims of sexual assault; and

(3) Explain the nature of emergency contraception, including its use, safety, efficacy, and availability, and that it does not cause abortion.

5. The department of health and senior services shall respond to complaints and shall periodically determine whether hospitals and health care facilities are complying with the provisions of this section. The department may use all investigative tools available to verify compliance. If the department determines that a hospital or health care facility is not in compliance, the department shall take action against such hospital or health care facility's license."; and

Further amend the title and enacting clause accordingly.

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

Senator Dolan moved that **SS** for **SCS** for **SB 316**, as amended, be adopted, which motion prevailed.

On motion of Senator Dolan, **SS** for **SCS** for **SB 316**, as amended, was declared perfected and ordered printed.

## REFERRALS

President Pro Tem Gibbons referred **SCR 14** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

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 Mayer.

## 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 **SS No. 2** for **SCS** for **SB 225**; and **SS** for **SB 362**, begs leave to report that it has considered the same and recommends that the bills do pass.

**THIRD READING OF SENATE BILLS**

**SCS** for **SBs 75** and **353**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 75 and 353**

An Act to repeal section 208.574, RSMo, and to enact in lieu thereof one new section relating to senior prescription drug coverage, with a termination date for a certain section.

Was taken up by Senator Champion.

On motion of Senator Champion, **SCS** for **SBs 75** and **353** was read the 3rd time and passed by the following vote:

**YEAS—Senators**

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Days
Dolan	Dougherty	Engler	Gibbons
Graham	Griesheimer	Gross	Kennedy
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Wheeler	Wilson—28

**NAYS—Senators—None**

**Absent—Senators**

Crowell	Green	Klindt	Vogel—4
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**Absent with leave—Senators—None**

**Vacancies—2**

The President declared the bill passed.

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

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

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

**SCS** for **SB 272**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 272**

An Act to repeal sections 137.073 and 313.820, RSMo, and to enact in lieu thereof two new sections relating to gaming boat admission fee revenue.

Was taken up by Senator Gross.

On motion of Senator Gross, **SCS** for **SB 272** was read the 3rd time and passed by the following vote:

**YEAS—Senators**

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Days
Dolan	Dougherty	Engler	Gibbons
Graham	Griesheimer	Gross	Kennedy
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Wheeler	Wilson—27	

**NAYS—Senators—None**

**Absent—Senators**

Crowell	Green	Klindt	Taylor
Vogel—5			

**Absent with leave—Senators—None**

**Vacancies—2**

The President declared the bill passed.

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

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

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

**SB 476**, introduced by Senator Scott, entitled:

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.

Was taken up.

On motion of Senator Scott, **SB 476** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Days
Dolan	Dougherty	Engler	Gibbons
Graham	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Wheeler
Wilson—29			

NAYS—Senators—None

Absent—Senators

Crowell	Green	Vogel—3
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Absent with leave—Senators—None

Vacancies—2

The President 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.

**SS No. 2 for SCS for SB 225**, introduced by Senator Cauthorn, entitled:

SENATE SUBSTITUTE NO. 2 FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 225

An Act to repeal sections 260.200, 260.262, 260.270, 260.272, 260.274, 260.275, 260.276, 260.278, 260.342, 260.375, 260.380, 260.391, 260.420, 260.446, 260.475, 260.479, 260.480, 260.481, 260.546, 260.569, 260.900, 260.905, 260.925, 260.935, 260.940, 260.945, 260.960, and 260.965, RSMo, and to enact in lieu thereof twenty-four new sections relating to hazardous waste, with penalty provisions and an emergency

clause.

Was taken up.

On motion of Senator Cauthorn, **SS No. 2 for SCS for SB 225** 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	Gross
Kennedy	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Wheeler
Wilson—29			

NAYS—Senator Griesheimer—1

Absent—Senators

Klindt	Vogel—2
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Absent with leave—Senators—None

Vacancies—2

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Bartle	Bray	Cauthorn	Champion
Clemens	Coleman	Crowell	Days
Dolan	Dougherty	Engler	Gibbons
Graham	Green	Gross	Kennedy
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Wheeler	Wilson—28

NAYS—Senators

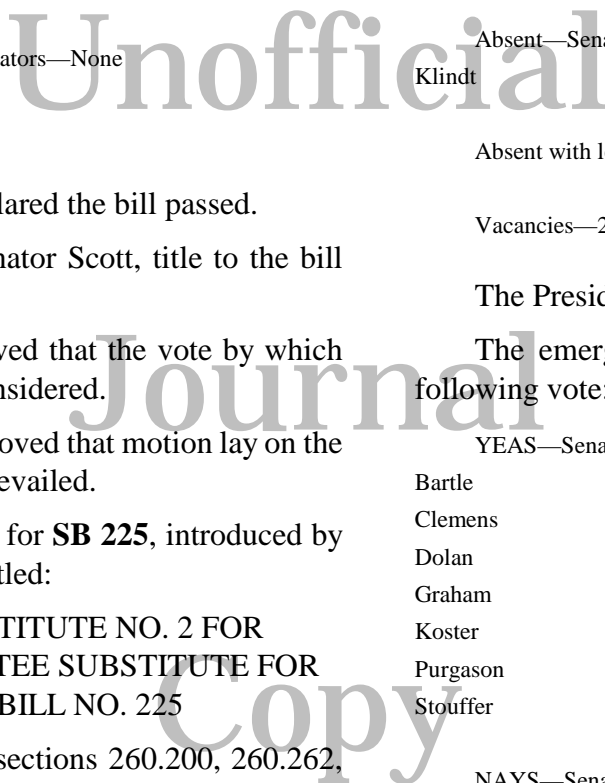
Callahan	Griesheimer—2
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Absent—Senators

Klindt	Vogel—2
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Absent with leave—Senators—None

Vacancies—2



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

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

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

**SB 232**, introduced by Senator Loudon, et al, entitled:

An Act to repeal section 537.528, RSMo, and to enact in lieu thereof one new section relating to strategic litigation against public participation.

Was taken up by Senator Loudon.

On motion of Senator Loudon, **SB 232** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dougherty	Engler	Gibbons
Graham	Green	Griesheimer	Gross
Kennedy	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Wheeler
Wilson—29			

NAYS—Senator Dolan—1

Absent—Senators

Klindt	Vogel—2
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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.

**SS for SB 95**, introduced by Senator Coleman, entitled:

SENATE SUBSTITUTE FOR SENATE BILL NO. 95

An Act to repeal sections 701.304, 701.306, 701.308, 701.309, 701.311, 701.312, 701.314, 701.320, 701.328, and 701.337, RSMo, and to enact in lieu thereof fourteen new sections relating to lead poisoning, with penalty provisions.

Was taken up.

On motion of Senator Coleman, **SS for SB 95** 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	Wilson—31	

NAYS—Senators—None

Absent—Senator Wheeler—1

Absent with leave—Senators—None

Vacancies—2

The President declared the bill passed.

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

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

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

**SS for SB 362**, introduced by Senator Stouffer, entitled:

SENATE SUBSTITUTE FOR SENATE BILL NO. 362

An Act to amend chapter 135, RSMo, by adding thereto three new sections relating to

residential treatment agency tax credits, with an expiration date for a certain section.

Was taken up.

On motion of Senator Stouffer, **SS** for **SB 362** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	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—31	

NAYS—Senator Bray—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—2

The President declared the bill passed.

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

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

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

**SS** for **SCS** for **SBs 74** and **49**, introduced by Senator Champion, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 74 and 49

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to administration of immunizations with mercury preservatives.

Was taken up.

On motion of Senator Champion, **SS** for **SCS**

for **SBs 74** and **49** 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 declared the bill passed.

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

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

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

**SENATE BILLS FOR PERFECTION**

Senator Gibbons moved that **SB 500**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

**SCS** for **SB 500**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 500

An Act to repeal section 162.700, RSMo, and to enact in lieu thereof nine new sections relating to family cost participation in the Missouri first steps program, with an emergency clause.

Was taken up.

Senator Gibbons moved that **SCS** for **SB 500** be adopted.



Senator Loudon offered SA 1, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 500, Pages 9-11, Section 376.1218, Lines 1-97, by striking all of said lines; and

Further amend said bill by amending the title and enacting clause accordingly.

Senator Loudon moved that the above amendment be adopted.

Senator Callahan requested a roll call vote be taken on the adoption of SA 1 and was joined in his request by Senators Bray, Days, Dolan and Green.

SA 1 failed of adoption by the following vote:

YEAS—Senators

Bartle	Champion	Crowell	Graham
Klindt	Loudon	Nodler	Purgason
Scott	Vogel—10		

NAYS—Senators

Bray	Callahan	Cauthorn	Clemens
Coleman	Days	Dolan	Dougherty
Engler	Gibbons	Green	Griesheimer
Gross	Kennedy	Koster	Mayer
Ridgeway	Shields	Stouffer	Taylor
Wheeler	Wilson—22		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—2

Senator Ridgeway offered SA 2, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 500, Page 9, Section 376.1218, Line 16, by inserting after the word “means” the following: “developmentally or”.

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

Senator Callahan offered SA 3, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 500, Page 4, Section 160.920, Line 5, by deleting from said line the word “may” and inserting in lieu thereof the following: “shall”; and

Further amend page 9, section 376.1218, line 14, by inserting immediately after all of said line the following: “2. In the event that any health carrier is found to not be required to provide coverage under subsection 1 of this section because of pre-emption by a federal law, including but not limited to the act commonly known as ERISA contained in Title 29 of the United States Code, or in the event that subsection 1 of this section is found to be unconstitutional, then the lead agency shall be responsible for payment and provision of any benefit required under subsection 1.”; and renumber subsequent subsections accordingly.

And further amend same page, same section, line 21, by deleting the word “and” and inserting in lieu thereof the following: “or”.

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, Dougherty and Wilson.

SA 3 was adopted by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senator Klindt—1

Absent with leave—Senators—None

Vacancies—2

Senator Nodler assumed the Chair.

Senator Koster offered **SA 4**:

**SENATE AMENDMENT NO. 4**

Amend Senate Committee Substitute for Senate Bill No. 500, Page 11, Section 376.1218, Line 97, by inserting after all of said line the following:

**“9. The department of insurance shall collect data related to the number of children receiving private insurance coverage under this section and the total amount of moneys paid on behalf of such children by private health insurance carriers. The department shall report to the general assembly regarding the department’s findings no later than January 30, 2007, and annually thereafter.”.**

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

Senator Gibbons moved that **SCS** for **SB 500**, as amended, be adopted, which motion prevailed.

On motion of Senator Gibbons, **SCS** for **SB 500**, as amended, was declared perfected and ordered printed.

**REPORTS OF STANDING COMMITTEES**

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SCS** for **SB 316**; and **SS** for **SCS** for **SB 287**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

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

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **HB 33**, 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 Agriculture, Conservation, Parks and Natural Resources, to which was referred **HB 455**, 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 Agriculture, Conservation, Parks and Natural Resources, to which was referred **HCS** for **HB 563**, 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 report:

Mr. President: Your Committee on Transportation, to which was referred **HCS** for **HB 513**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

**REFERRALS**

President Pro Tem Gibbons referred **SS** for **SCS** for **SB 287** to the Committee on Governmental Accountability and Fiscal Oversight.

**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 adopted **HCR 9**.

## HOUSE CONCURRENT RESOLUTION NO. 9

WHEREAS, the Government Pension Offset (GPO) and Windfall Elimination Provision (WEP) of the federal Social Security Act penalize people who have dedicated their lives to public and military service by taking away benefits they have earned; and

WHEREAS, nine out of ten public employees affected by the GPO lose their entire spousal benefit, even though their spouse paid Social Security taxes for many years; and

WHEREAS, the WEP causes hard-working people to lose up to sixty percent of the benefits they earned themselves; and

WHEREAS, many workers rely on misleading Social Security Administration statements that fail to take into account the GPO and WEP when projecting benefits; and

WHEREAS, the impact of the GPO and WEP is not just felt in those states in which public employees, including retired veterans, are not covered by Social Security, because people move from state to state and affected individuals are everywhere; and

WHEREAS, the GPO and WEP apply to Missouri retired veterans; and

WHEREAS, the number of people affected across the country is growing every day as more and more people reach retirement age; and

WHEREAS, some 300,000 individuals lose an average of \$3,600 a year due to the GPO which can make the difference between self-sufficiency and poverty; and

WHEREAS, these people have less money to spend in their local economy and sometimes have to turn to expensive government programs like food stamps to make ends meet; and

WHEREAS, the nation should respect, not penalize, public and military service; and

WHEREAS, the GPO and WEP are established in federal law and repeal of the GPO and WEP can only be enacted by the United States Congress:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-third General Assembly, First Regular Session, the Senate concurring therein, hereby urge the Congress of the United States to immediately repeal the Government Pension Offset and Windfall Elimination Provision of the Social Security Act; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the President of the United States Senate, the Speaker of the United States House of Representatives and the members of the Missouri Congressional delegation.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 15**.

## HOUSE CONCURRENT RESOLUTION NO. 15

WHEREAS, the United States has no integrated nationwide automated system for monitoring the safety history or violation records of Mexican companies and drivers, or a system to verify driver's licenses or drug testing for drivers, and it is therefore difficult for Missouri law enforcement personnel to obtain essential safety data; and

WHEREAS, if trucks from Mexico are allowed access to the State of Missouri, verification of foreign insurance policies and access to foreign judicial systems will be very difficult when accidents occur, possibly resulting in the delay of settlements and payments to the injured citizens of the State of Missouri; and

WHEREAS, Mexico does not have labeling of hazardous or toxic cargo which poses a clear and present danger to the security of the State of Missouri if trucks transporting such cargo enter territory of the state without prior inspection at the border of the United States; and

WHEREAS, large quantities of illegal drugs are smuggled into Missouri from foreign nations, including Mexico:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-third General Assembly, First Regular Session, the Senate concurring therein, hereby urge the Governor of the State of Missouri, the President of the United States, and the members of the United States Congress to oppose any effort to allow trucks to enter the State of Missouri without first being inspected at the border of the United States and Mexico; and

BE IT FURTHER RESOLVED that the members of the Missouri General Assembly memorializes the Missouri Congressional Delegation to restrict trucks from Mexico and other foreign nations from entering the United States until there is full compliance by the owners and drivers of those trucks with all highway safety, environmental, and drug enforcement laws; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for Governor Matt Blunt, the Speaker of the United States House of Representatives, and each member of the Missouri Congressional Delegation.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCS** for **HCR 24**.

HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE CONCURRENT RESOLUTION NO. 24

WHEREAS, the Missouri General Assembly during the Second Regular Session of the 91st General Assembly passed House Bill No. 1973 by a vote of 130-11 and 30-0 calling for a study (The Study) of steps to improve economic and financial education in Missouri schools; and

WHEREAS, the Governor of Missouri signed Executive Order 02-08 calling for the Missouri Council on Economic Education to conduct the same study; and

WHEREAS, The Study was financed by over \$90,000 of private contributions from Missouri organizations and was completed by the Missouri Council on Economic Education on behalf of and submitted to the Missouri Department of Elementary and Secondary Education; and

WHEREAS, the Missouri Commissioner of Education submitted The Study to the Governor and leaders of the Missouri General Assembly; and

WHEREAS, The Study listed five recommendations for improvement and expansion of economic and financial education for Missouri students from kindergarten through high school; and

WHEREAS, the need for implementation in Missouri of the five recommendations of The Study has continued to increase:

(1) In 2004, Missouri high school students scored a failing grade of 53.8% on a national survey of personal finance knowledge; and

(2) MAP tests of economic knowledge for Missouri middle and high school students consistently score 54% - 56% correct over the last five years; and

WHEREAS, nationally:

(1) Two-thirds of American adults and students did not know that inflation reduces the value of their money;

(2) Among parents with children five or older, only 26% feel well prepared to teach their children about basic personal finances;

(3) 64% of consumers ages 18 to 24 do not know the interest rates on their credit cards;

(4) In 2003, teens spent \$175 billion, averaging \$103 per week; and

(5) In 2004, the national household savings rate was 0.8%, the lowest since the Great Depression; and

WHEREAS, the Missouri Commissioner of Education has convened the Taskforce on the High School that may be recommending to the Missouri State Board of Education adoption of The Study's recommendation number 4 calling for a required course in personal finance economics for graduation:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-third General Assembly, First Regular Session, the Senate concurring therein, hereby commend the Missouri Department of Elementary and Secondary Education and the Missouri Taskforce on the High School for their work and are encouraged to complete the steps necessary to recommend coursework in personal finance economics to the Missouri State Board of Education; and

BE IT FURTHER RESOLVED that the Missouri State Board of Education be encouraged to accept the recommendation as prepared by the Missouri Commissioner of Education and the Missouri Taskforce on the High School for coursework in personal finance economics; and

BE IT FURTHER RESOLVED that the Missouri Department of Elementary and Secondary Education and the Missouri State Board of Education be encouraged to accept recommendations from The Study to:

(1) Recommend the extensive kindergarten through high school curriculum resources listed in The Study to school districts for use with teachers and students;

(2) Build grade-level objectives in grades leading up to high school coursework that reflects the new expectations for such coursework;

(3) Continue planning to incorporate into the social studies MAP test additional questions reflecting the new expectations for personal finance and economics;

(4) Continue working with teacher certification institutions in Missouri to require training to prepare teachers for the new grade-level objectives and the personal finance economics coursework; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the Missouri Commissioner of Education and the Missouri State Board of Education.

In which the concurrence of the Senate is respectfully requested.

### 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  
April 12, 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:

Jeffery Appleman, D.P.M., Republican, 444 Hilltop

Meadows, Jackson, Cape Girardeau County, Missouri 63755, as a member of the State Board of Podiatric Medicine, for a term ending July 1, 2006, and until his successor is duly appointed and qualified; vice, Akilis Theoharidis, withdrawn.

Respectfully submitted,  
MATT BLUNT  
Governor

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
65101  
April 13, 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:

Ervin Dock, 4890 South Wellington Drive, Springfield, Greene County, Missouri 65810, as a member of the Missouri Board of Examiners for Hearing Instrument Specialists, for a term ending January 11, 2009, and until his successor is duly appointed and qualified; vice, Carol Bergmann, term expired.

Respectfully submitted,  
MATT BLUNT  
Governor

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
65101  
April 13, 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:

Michael L. Kehoe, Republican, 1618 Paddlewheel Circle, Jefferson City, Cole County, Missouri 65109, as a member of the State Highways and Transportation Commission, for a term ending March 1, 2011, and until his successor is duly appointed and qualified; vice, Larry Webber, term expired.

Respectfully submitted,  
MATT BLUNT  
Governor

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

## COMMUNICATIONS

President Pro Tem Gibbons submitted the following:

April 11, 2005

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

**RE: Appointment to the Midwestern Interstate Passenger Rail Compact Commission**

Dear Terry:

Pursuant to Section 680.200 of the Revised Statutes of Missouri (RSMo 2002), I am appointing the following senator to the Midwestern Interstate Passenger Rail Compact Commission:

Senator John Griesheimer

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

## RESOLUTIONS

Senator Coleman offered Senate Resolution No. 1057, regarding Rebecca L. Briggs, which was adopted.

Senator Coleman offered Senate Resolution No. 1058, regarding Grace Haukap, which was adopted.

Senator Coleman offered Senate Resolution No. 1059, regarding Nichole Runge, which was adopted.

Senator Coleman offered Senate Resolution No. 1060, regarding Jennifer Sander, which was adopted.

Senator Coleman offered Senate Resolution No. 1061, regarding Katie Mueller, which was adopted.

Senator Coleman offered Senate Resolution No. 1062, regarding Jennifer R. Stewart, which was adopted.

Senator Coleman offered Senate Resolution

No. 1063, regarding Brooke Erinn Black, which was adopted.

Senator Coleman offered Senate Resolution No. 1064, regarding Jamie Williams, which was adopted.

Senator Crowell offered Senate Resolution No. 1065, regarding Larry Clair, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 1066, regarding Pete Frazier, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 1067, regarding David Fuemmeler, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 1068, regarding Mary Mims, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 1069, regarding Dr. Adelaide Parsons, Cape Girardeau, which was adopted.

Senator Klindt offered Senate Resolution No. 1070, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Ronnie Kerns, Savannah, which was adopted.

Senator Klindt offered Senate Resolution No. 1071, regarding Deborah Loucks, which was adopted.

Senator Klindt offered Senate Resolution No. 1072, regarding the Mound City R-II School District, which was adopted.

Senator Griesheimer offered Senate Resolution No. 1073, regarding Ronald James, Wildwood, which was adopted.

Senator Scott offered Senate Resolution No. 1074, regarding William J. Friend, Garden City, which was adopted.

Senator Vogel offered Senate Resolution No.

1075, regarding Malissa Hoehn, Jefferson City, which was adopted.

Senator Graham offered Senate Resolution No. 1076, regarding Duke Kidwell, Columbia, which was adopted.

## INTRODUCTIONS OF GUESTS

Senator Engler introduced to the Senate, Dennis Diehl and Douglas Dodson, Hillsboro.

Senator Champion introduced to the Senate, Tammy Aime and twelve eighth grade students from St. Joseph Catholic School, Springfield.

Senator Coleman introduced to the Senate, Donna K. Martin, St. Louis.

Senator Loudon introduced to the Senate, Ann Wagner and sixty fourth grade students from St. Clare of Assisi School, Ballwin; and Mary Ruth Wagner, Alex Ripper, John Conlon and Brian Suhre were made honorary pages.

Senator Loudon introduced to the Senate, the Physician of the Day, Dr. Enrico Stazzone, M.D., Chesterfield; and Michael Ladevich, St. Louis.

Senator Nodler introduced to the Senate, fifty fifth grade students, parents and teachers from Seneca Elementary School.

Senator Scott introduced to the Senate, Leon Watson, Clinton; and Ashleigh Mitchell, Ballard.

Senator Cauthorn introduced to the Senate, Basil and Mary Lu Hildebrand and Joe and Barbara Shelby, Osceola; Alan Haverland, Robert and Susan Salmon and Bill Creek, St. Clair County; Richard and Jackie Thomas, Randolph County; Amy and Holly Bellis, Ray County; Luke Burbank, Columbia; and David Geier, Moniteau County.

Senator Stouffer introduced to the Senate, Ed and Pat Richards, Marshall; representatives of

Saline County Pachyderms.

Senator Gibbons introduced to the Senate, representatives of the Grand Order of Pachyderms.

Senator Clemens introduced to the Senate, representatives of the Missouri Federation of Pachyderms.

Senator Bartle introduced to the Senate, Michael J. Chesser, Mark R. Jorgenson, W. Terrence Kilroy, Robert A. Kipp, William C. Nelson, David F. Oliver, Jewel D. Scott, James E. Stowers, Allen R. Strain and David A. Welte, representatives of the Civic Council of Greater Kansas City.

Senator Dolan introduced to the Senate, Chris and Cheryl Bates, Jim and Penny Bennett, Ron Freund, Bernice Funderburk, Barbara Grimm, Mike, Jen Jen and Jenicka Hazelbaker, Penny Henke, Bob Osborn, Richard Vieth and Vicki White, representatives of St. Charles Pachyderms.

Senator Loudon introduced to the Senate, former State Representatives Mike Reid, Hazelwood; Jon Bennett, St. Charles; Bill Linton, Ballwin; and David Knes and Laura Kinder, Chesterfield.

Senator Loudon introduced to the Senate, Ann Lo Piccolo and eighty-two fourth grade students from Bellerive Elementary School, Creve Coeur.

Senator Scott introduced to the Senate, his uncle, David Scott, Springfield.

Senator Nodler introduced to the Senate, his wife, Joncee, Joplin; and his sister and brother-in-law, Sue and Najj Hamideh, Ft. Worth, Texas.

Senator Champion introduced to the Senate, Josha McQueen, St. Louis.

Senator Bartle introduced to the Senate, Mayor Brad Knight, Lauralyn Sullivan, Kara Marshall and representatives of North Central Business and Professional Women, Grain Valley.

Senator Days introduced to the Senate, Virginia McDowell, St. Louis.

Senator Kennedy introduced to the Senate, Lauren M. Lewandowski and William K. Perkinson, St. Louis; and Lauren and William were made honorary pages.

Senator Loudon introduced to the Senate, Molly Glascock and Rachel Kent, Town and Country; and Madison Beckmann, Ballwin.

Senator Days introduced to the Senate, Sean Rempe, St. Louis.

Senator Bray introduced to the Senate, Hayley Mercer, Frontenac; Addie Harris, Ladue; Derek Wohlfarth, Creve Coeur; Emma Hanson, Maplewood; and Sean Shannon, Des Peres.

Senator Loudon introduced to the Senate, John King, Clayton.

Senator Greisheimer introduced to the Senate, Tod and Maddison Hicks, Warrenton.

On behalf of Senators Gibbons, Bray and herself, Senator Coleman introduced to the Senate, Sienna Sears, Webster Groves; Adam Kopp, Ladue; and Zach Kruger, St. Louis.

Senator Loudon introduced to the Senate, his wife, Gina, and Greg Kramer, Chesterfield; and Wendy Buehler, Doug Rubenstein and Char Wasserman, St. Louis.

Senator Kennedy introduced to the Senate, Greg and Debbie Meitz and their children, Sam and Emily, St. Louis; and Albert and Rosemary Lauber, Manchester; and Sam and Emily were made honorary pages.

Senator Koster introduced to the Senate, Kimberly and Onnie Bigg, Belton; and Penny and Grace Willis, Cleveland.

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

## SENATE CALENDAR

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 FIFTY-THIRD DAY—THURSDAY, APRIL 14, 2005
 

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## FORMAL CALENDAR

## HOUSE BILLS ON SECOND READING

HB 738-Behnen  
 HCS for HJR 16  
 HCS for HB 394  
 HCS for HB 388

HCS for HB 64  
 HB 700-Moore, et al  
 HCS for HBs 518, 288, 418 & 635

## THIRD READING OF SENATE BILLS

SS for SCS for SB 316-Dolan

SS for SCS for SB 287-Shields  
 (In Fiscal Oversight)

## SENATE BILLS FOR PERFECTION

SB 199-Gross

SB 402-Gibbons, et al

## HOUSE BILLS ON THIRD READING

HCS for HB 365 (Crowell)

## INFORMAL CALENDAR

## SENATE BILLS FOR PERFECTION

SB 2-Loudon and Gross, with SCS  
 SB 5-Klindt, with SCS & SS for SCS  
 (pending)  
 SB 12-Cauthorn and Klindt  
 SB 29-Dolan, with SCS & SA 1 (pending)  
 SBs 37, 322, 78, 351 & 424-Nodler, with  
 SCS

SB 50-Taylor and Nodler, with SCS & SS  
 for SCS (pending)  
 SB 55-Klindt, with SCS  
 SB 64-Kennedy, with SCS  
 SB 90-Dougherty, with SCS  
 SB 93-Cauthorn, with SCS  
 SB 152-Wilson, with SCS



SB 160-Bartle, et al, with SS (pending)	SB 291-Mayer, et al, with SCS & SS for
SB 185-Loudon, et al, with SA 1	SCS (pending)
(pending)	SB 321-Shields
SB 194-Engler	SB 324-Scott, with SCS
SB 214-Scott, et al, with SCS	SB 339-Gross, with SCS
SB 220-Dolan	SB 348-Clemens
SB 236-Klindt and Clemens	SBs 365 & 204-Mayer, et al, with SCS
SB 240-Scott	SB 373-Bartle
SB 241-Scott	SB 376-Loudon
SB 253-Koster, with SCS	SB 434-Cauthorn
SB 254-Engler	SB 470-Engler
SB 284-Cauthorn and Clemens, with SCS	SB 481-Shields, with SCS

CONSENT CALENDAR

House Bills  
 Unofficial  
 Reported 4/11

HB 707-Cunningham (145) and Byrd, with SCS (Scott)	HB 345-Baker (123) (Koster)
HB 678-Byrd, with SCS (Bartle)	HB 395-Wood (Taylor)
HB 402-Schaaf, et al	HCS for HB 422 (Crowell)
HB 280-Walsh, et al (Green)	HB 431-Wright (137) (Champion)
HB 524-May, et al (Scott)	HB 445-Guest and Whorton (Klindt)
HB 248-Pearce (Dolan)	HCS for HB 448 (Coleman)
HB 342-Baker (123) (Koster)	HB 453-May, et al (Crowell)
HB 600-Cooper (155), et al	HB 479-Ervin (Ridgeway)
HCS for HB 379 (Crowell)	HCS for HB 515, with SCS (Taylor)
HB 40-Tilley (Engler)	HCS for HB 531 (Champion)
HCS for HB 47, with SCS (Shields)	HCS for HB 577 (Purgason)
HB 127-Bivins (Griesheimer)	HCS for HB 631 (Gibbons)
HCS for HB 215 (Koster)	HB 638-Cunningham (86), with SCS (Wheeler)
HB 260-Deeken (Vogel)	HB 685-Franz, with SCS (Purgason)
HB 343-Baker (123), with SCS (Koster)	HB 743-Kingery, et al (Engler)

Reported 4/12

HBs 361 & 684-Lipke, with SCS (Bartle)	HB 269-Bruns
HB 688-Byrd, et al, with SCS	HCS for HB 630 (Purgason)

HB 567-Stevenson, et al  
 HB 486-Bruns (Vogel)  
 HCS for HB 362, with SCS (Bartle)  
 HB 456-Kuessner, et al, with SCS (Engler)  
 HB 450-Meiners, with SCS (Griesheimer)  
 HB 43-Wallace (Taylor)  
 HB 53-Swinger and Bean, with SCS (Mayer)  
 HB 155-Ruestman (Taylor)  
 HB 243-May, et al (Dolan)  
 HB 423-Kuessner, with SCS (Engler)  
 HB 528-Cunningham (145), with SCS  
 (Clemens)

HB 618-Bearden, et al, with SCS (Gross)  
 HCS for HB 119 (Stouffer)  
 HCS for HBs 163, 213 & 216 (Gross)  
 HB 180-Johnson (47), et al (Shields)  
 HB 219-Salva and Johnson (47) (Wheeler)  
 HB 236-Goodman (Taylor)  
 HB 261-Deeken (Griesheimer)  
 HB 323-Johnson (47) (Shields)  
 HCS for HB 348 (Koster)  
 HB 473-Yates (Bartle)  
 HB 258-Cunningham (86)

Reported 4/13

HCS for HB 297, with SCS  
 HCS for HB 443, with SCS (Mayer)  
 HB 33-Phillips

HB 455-Quinn, et al (Klindt)  
 HCS for HB 563  
 HCS for HB 513 (Loudon)

RESOLUTIONS

To be Referred

HCR 9-Bivins, et al  
 HCR 15-Baker (123)

HCS for HCR 24

Reported from Committee

SCR 5-Mayer, et al  
 SCR 10-Scott

SCR 12-Koster  
 SCR 7-Loudon