

Journal of the Senate

FIRST REGULAR SESSION

FIFTY-SIXTH DAY— WEDNESDAY, APRIL 20, 2005

The Senate met pursuant to adjournment.

Senator Crowell in the Chair.

Reverend Carl Gauck offered the following prayer:

“Is not the Lord among us?” (Micah 3:11b)

Gracious God, we seek Your presence among us and ask that we might hear Your word and live our lives in harmony with You so we will live today as You direct us and be the better for it. Help us to hear each other clearly and make effective decisions that makes today better than yesterday. And Lord, we pray for the new Pope of the Roman Catholic Church that Your Spirit may guide him and dialogue among the religious leaders throughout this world may improve. 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.

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

Present—Senators

Alter	Barnitz	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—34		

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

SENATE BILLS FOR PERFECTION

Senator Clemens moved that **SB 348** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Clemens offered **SS** for **SB 348**, entitled:

SENATE SUBSTITUTE FOR SENATE BILL NO. 348

An Act to repeal section 324.484, RSMo, and to enact in lieu thereof one new section relating to exemption of dentists from acupuncture licensing requirements.

Senator Clemens moved that **SS** for **SB 348** be adopted.

Senator Graham offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 348, Section A, Page 1, Line 3, by inserting after all of said line the following:

26.350. 1. There is hereby established within the department of health and senior services the position of the Missouri surgeon general. The Missouri surgeon general shall be appointed by the governor with the advice and consent of the senate, and shall be a physician of good standing in the community who is licensed under chapter 334, RSMo, with a masters degree in public health or a masters degree in health management training, or commensurate experience in public policy.

2. The duties of the Missouri surgeon general shall include but not be limited to the following:

(1) Serving as chairperson of the state board of health;

(2) Advise the director of the department of health and senior services on developing strategies to improve the following health indicators:

- (a) Tobacco use;**
- (b) Incidence of obesity;**
- (c) Health disparities;**
- (d) Hypertension;**
- (e) Nutrition;**
- (f) Immunizations;**
- (g) Disease and injury prevalence;**
- (h) Substance abuse prevalence;**
- (i) Workplace injuries; and**
- (j) Disability prevention;**

(3) Providing health information through public appearances at Missouri schools, places of employment, and other private and public institutions and organizations upon request;

(4) Attendance at health promotion events;

(5) Creation of an Internet web site to promote healthy lifestyles for Missourians;

(6) Public health promotion, health literacy, health promotion, and prevention of disease efforts; and

(13) An examination of Missouri's participation in Health People 2010.

3. The Missouri surgeon general shall hold office for a term of four years.

4. The Missouri surgeon general shall act independently of the department of health and senior services, the department of social services, and the department of mental health in the performance of his or her duties. The office of administration shall provide administrative support and staff as deemed necessary.

5. The Missouri surgeon general shall submit an annual report to the speaker of the house of representatives, the president pro tempore of the senate and the governor before January thirty-first of each year. The surgeon general's report shall include information on the current overall health of the citizens of Missouri and any recommendations for improvements.”; and

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

Senator Graham moved that the above amendment be adopted.

Senator Bartle raised the point of order that **SA 1** is out of order as it is not germane to the subject matter of the bill.

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

Senator Clemens moved that **SS** for **SB 348** be adopted, which motion prevailed.

On motion of Senator Clemens, **SS** for **SB 348** was declared perfected and ordered printed.

Senator Ridgeway moved that **SB 196**, with **SCS**, be called from the Informal Calendar and

taken up for perfection, which motion prevailed.

SCS for **SB 196**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 196

An Act to repeal section 144.030, RSMo, and to enact in lieu thereof one new section relating to material recovery operations.

Was taken up.

Senator Ridgeway moved that **SCS** for **SB 196** be adopted.

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

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 196, Page 9, Section 144.030, Line 265, by deleting the following: “, **any spent carbon products**”.

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

President Kinder assumed the Chair.

Senator Ridgeway moved that **SCS** for **SB 196**, as amended, be adopted, which motion prevailed.

On motion of Senator Ridgeway, **SCS** for **SB 196**, as amended, was declared perfected and ordered printed.

Senator Engler moved that **SB 194** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

On motion of Senator Engler, **SB 194** was declared perfected and ordered printed.

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 were referred **SCS** for **SB 500**; **HB 618**, with **SCS**; and **HCS** for **HB 379**, begs

leave to report that it has considered the same and recommends that the bills do pass.

THIRD READING OF SENATE BILLS

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 by Senator Gibbons.

On motion of Senator Gibbons, **SCS** for **SB 500** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Callahan
Cauthorn	Champion	Clemens	Crowell
Days	Dolan	Engler	Gibbons
Graham	Green	Griesheimer	Gross
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel—28

NAYS—Senators

Bray	Coleman	Dougherty	Kennedy
Wheeler	Wilson—6		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Callahan
Cauthorn	Champion	Clemens	Crowell
Days	Dolan	Engler	Gibbons
Green	Griesheimer	Gross	Klindt

Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel—27	

Vacancies—None

The President declared the bill passed.

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

Senator Engler 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 Loudon moved that **SB 185**, with **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 was again taken up.

Senator Scott assumed the Chair.

Senator Callahan offered **SA 1** to **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Bill No. 185, Page 1, Section 34.209, Line 4 by inserting immediately after “non-union” the following: “**contractors or**”; and

Further amend same page, same section, line 6, by inserting immediately after said line the following: “And further amend same section, page 2, line 29 by inserting immediately after said line the following: ‘**Any bidder, offeror, contractor or subcontractor subject to the provisions of sections 34.203 to 34.215 shall certify to the state or political subdivision, agency or instrumentality thereof that the bidder, offeror, contractor or subcontractor qualifies to do business with the state or political subdivision, agency or instrumentality thereof. In order to qualify, the bidder, offeror, contractor or subcontractor must:**

(1) have an ERISA-qualified medical welfare benefit plan;

(2) have an apprenticeship program

NAYS—Senators

Bray	Coleman	Dougherty	Graham
Kennedy	Wheeler	Wilson—7	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

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

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

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

SB 254, introduced by Senator Engler, entitled:

An Act to amend chapter 577, RSMo, by adding thereto two new sections relating to prescription medication at school, with penalty provisions.

Was taken up.

On motion of Senator Engler, **SB 254** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	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—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

approved by and registered with the United States department of labor’s bureau of apprenticeship and training;

(3) have an ERISA-qualified pension or retirement benefit program;

(4) provide a premium cost or contribution rate, as well as a benefit configuration of each of the programs mentioned in subparagraphs (1) through (3) of this subsection 2, no less than that required section 290.210 through 290.340 RSMo.

3. Under no circumstances shall a contractor who fails to qualify to do business with the state or a political subdivision, agency or instrumentality thereof be awarded any contract for public works projects.’’.

Senator Callahan moved that the above amendment be adopted.

A quorum was established by the following vote:

Present—Senators			
Alter	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—33			

Absent—Senator Barnitz—1

Absent with leave—Senators—None

Vacancies—None

A quorum was established by the following vote:

Present—Senators			
Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Days	Dolan	Dougherty	Engler

Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel	Wheeler	Wilson—31	

Absent—Senators

Coleman	Crowell	Klindt—3
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Absent with leave—Senators—None

Vacancies—None

At the request of Senator Loudon, SB 185, with SA 1 and SA 1 to SA 1 (pending), was placed on the Informal Calendar.

The Senate observed a moment of silence in memory of Trouper Ralph Tatoian.

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 19, 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:

Bernal J. Bailey, Republican, 28025 Oak Leaf Road, Oregon, Holt County, Missouri 64473, as a member of the Missouri Ethanol and Other Renewable Fuel Sources Commission, for a term ending March 25, 2007, and until his successor is duly appointed and qualified; vice, Donald Wilson, term expired.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 19, 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:

Silvey J. Barker, Republican, 503 West Main, East Prairie, Mississippi County, Missouri 63845, as a member of the Mississippi River Parkway Commission, for a term ending September 15, 2008, and until her successor is duly appointed and qualified; vice, Susan Musgrave, term expired.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 19, 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:

Patrick J. Barrett, 669 Wyndham Crossings Circle, Des Peres, Saint Louis County, Missouri 63131, as a member of the Missouri Horse Racing Commission, for a term ending March 15, 2008, and until his successor is duly appointed and qualified; vice, Robert Cox, term expired.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 19, 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:

Daniel P. Card II, 9 Taylor Woods Drive, Kirkwood, Saint Louis County, Missouri 63122, as Chairman of the Governor's Council on Disability, for a term ending October 1, 2007, and until his successor is duly appointed and qualified; vice, RSMo 286.200.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 19, 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:

Gloria J. Carter-Hicks, 16811 Sunset Circle Drive, Wildwood, Saint Louis County, Missouri 63640, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2005, and until her successor is duly appointed and qualified; vice, Elaine West, term expired.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 19, 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:

Debra L. Cochran, 2215 Kehrglen Court, Chesterfield, Saint Louis County, Missouri 63005, as a member of the State Board of Senior Services, for a term ending August 30, 2008, and until her successor is duly appointed and qualified; vice, C. Lillian Metzger, term expired.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 19, 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 Fordyce, Republican, 31888 East 240th Avenue, Bethany, Harrison County, Missouri 64424, as a member of the State Soil and Water Districts Commission, for a term ending August 15, 2007, and until his successor is duly appointed and qualified; vice, Larry Furbeck, term expired.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 19, 2005

Greene, resigned.

Respectfully submitted,
MATT BLUNT
Governor

Also,

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:

David L. Gourley, D.V.M., Republican, 3432 Coke Road, Mountain Grove, Wright County, Missouri 65711, as a member of the Missouri Veterinary Medical Board, for a term ending August 29, 2006, and until his successor is duly appointed and qualified; vice, Dan Brown, term expired.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 19, 2005

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State of Missouri
Jefferson City
65101
April 19, 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:

Gary L. Heldt, 1097 Highway 94, Hermann, Montgomery County, Missouri 65041, as a member of the Citizens' Advisory Commission for Marketing Missouri Agricultural Products, for a term ending April 10, 2009, and until his successor is duly appointed and qualified; vice, Theodore Beaty, term expired.

Respectfully submitted,
MATT BLUNT
Governor

Also,

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:

Nelson C. Grumney, Jr., Republican, 2 Saint Andrews Drive, Saint Louis, Saint Louis County, Missouri 63124, 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, Nelson C. Grumney, Jr., reappointed to a full term.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 19, 2005

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 19, 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:

Patrice O'Neil Mugg, 626 North Geyer Road, Kirkwood, Saint Louis County, Missouri 63122, as a member of the Children's Trust Fund Board, for a term ending September 15, 2007, and until her successor is duly appointed and qualified; vice, Kaye Steinmetz, term expired.

Respectfully submitted,
MATT BLUNT
Governor

Also,

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:

Ronald G. Hardecke, Republican, 3944 Blocks Branch Road, Owensville, Gasconade County, Missouri 65066, as a member of the Clean Water Commission, for a term ending April 12, 2006, and until his successor is duly appointed and qualified; vice, Janice

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 19, 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:

James E. Ricks, 3242 Bordeau, Cape Girardeau, Cape Girardeau County, Missouri 63701, as a member of the Missouri Higher Education Loan Authority, for a term ending October 22, 2009, and until his successor is duly appointed and qualified; vice, Dr. David B. Henson, withdrawn.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 19, 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:

Cathy E. Stroud, Republican, 5957 South Brightwater Trail, Springfield, Greene County, Missouri 65810, as a member of the Credit Union Commission, for a term ending January 1, 2007, and until her successor is duly appointed and qualified; vice, Cathy Stroud, reappointed to a full term.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 19, 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 Dennis Voisey, Republican, 5767 Lilac Trails Drive, Saint Louis, Saint Louis County, Missouri 63128, as a member of the Air Conservation Commission, for a term ending October 13, 2008, and until his successor is duly appointed and qualified; vice, Joanne Collins, term expired.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 19, 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:

Bruce V. Work, 2280 Highway DD, Cuba, Crawford County, Missouri 65453, as a member of the Petroleum Storage Tank Insurance Fund Board of Trustees, for a term ending February 6, 2007, and until his successor is duly appointed and qualified; vice Judy Baker, resigned.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 20, 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:

Peter W. Goode, 7231 Winchester, Pasadena Hills, Saint Louis County, Missouri 63121, as a member of the Second State Capitol Commission, for a term ending April 18, 2008, and until his successor is duly appointed and qualified; vice, Burton Boxerman, resigned.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 19, 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:

Gerald W. Jones, Republican, 206 County Road 601, Jackson, Cape Girardeau County, Missouri 63755, as a member of the Missouri Emergency Response Commission, for a term ending December 15, 2007, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

April 20, 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:

Andrew K. Kapp, Democrat, 22750 County Road 272, Clarksdale, Andrew County, Missouri 64430, as a member Missouri Ethanol and Other Renewable Fuel Sources Commission, for a term ending March 25, 2009, and until his successor is duly appointed and qualified; vice, Scott E Ramshaw, term expired.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

April 20, 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:

Gary L. Mallory, 519 London Way, Belton, Cass County, Missouri 64012, as a member of the Kansas City Area Transportation Authority, for a term ending October 13, 2008, and until his successor is duly appointed and qualified; vice, Jerry Duvall, term expired.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

April 20, 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:

David H. Pikka, 15 Burgher Drive, Rolla, Phelps County, Missouri 65401, 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, James D.

Corwin, withdrawn.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

April 19, 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:

Melvin F. Schebaum, 308 Old Gibler Road, Jefferson City, Cole County, Missouri 65109, as a member of the Petroleum Storage Tank Insurance Fund Board of Trustees, for a term ending February 6, 2009, and until his successor is duly appointed and qualified; vice, Robert Abernathy, term expired.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

April 15, 2005

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

The following addendum should be made to the appointment of Jeffrey P. Appleman to the State Board of Podiatric Medicine, submitted on April 13, 2005. Line 1 should be amended as follows:

“Jeffrey Appleman, D.P.M., Republican, 444 Hilltop Meadows, Jackson,”

Respectfully submitted,
MATT BLUNT
Governor

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

COMMUNICATIONS

President Pro Tem Gibbons submitted the following:

April 20, 2005

The Honorable Michael Gibbons
 President Pro Tem
 Missouri State Capitol, Room 326
 Jefferson City, MO 65101

Dear President Pro Tem Gibbons:

Effective immediately, I resign from the Aging, Families, Mental and Public Health Committee. I do so to make room for the appointment of Senator Alter to this committee.

Thank you for your consideration of this matter.

Respectfully,

/s/Jon

Jon Dolan

Also,

April 20, 2005

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

Dear Terry:

Due to the resignation of Senator Jon Dolan, I am hereby appointing Senator Bill Alter to the Senate Aging, Families, Mental and Public Health Committee.

Yours truly,

/s/Michael R. Gibbons

MICHAEL R. GIBBONS

President Pro Tem

Also,

April 19, 2005

President Pro Tem Michael R. Gibbons
 State Capitol, Room 326
 Jefferson City, MO 65101

Dear Senator Gibbons:

Effective immediately, I respectively resign as a member of the Senate Judiciary and Civil and Criminal Jurisprudence Committee in order to accommodate the request of newly elected Senator Bill Alter to serve on the Committee.

Yours truly,

/s/Carl M. Vogel

Senator Carl M. Vogel

Also,

April 20, 2005

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

Dear Terry:

Due to the resignation of Senator Carl Vogel, I am hereby appointing Senator Bill Alter to the Senate Judiciary and Civil and Criminal Jurisprudence Committee.

Yours truly,

/s/Michael R. Gibbons

MICHAEL R. GIBBONS

President Pro Tem

Also,

April 19, 2005

Senate President Pro Tem Mike Gibbons
 State Capitol, Room 326
 Jefferson City, MO 65101

Dear Sen. Gibbons:

This is official notice that I have resigned my membership on the Senate Agriculture, Conservation, Parks & Natural Resources Committee. I am doing this in order for newly-elected Sen. Frank Barnitz to have a position on the committee.

Thank you for your attention to this matter.

Sincerely,

/s/Chuck Graham

Sen. Chuck Graham

District 19

Also,

April 20, 2005

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

Dear Terry:

Due to the resignation of Senator Chuck Graham, I am hereby appointing Senator Frank Barnitz to the Senate Agriculture, Conservation, Parks & Natural Resources Committee.

Yours truly,

/s/Michael R. Gibbons

MICHAEL R. GIBBONS

President Pro Tem

Also,

April 19, 2005
The Honorable Mike Gibbons
President Pro - Tem
Missouri State Senate
Room 326
Jefferson City, Missouri 65101

Dear Mike,
Effective immediately, I am resigning my position on the Senate Transportation Committee.

If you have any questions, please let me know.

Sincerely yours,
/s/Victor E. Callahan
Victor E. Callahan
State Senator - 11th District

Also,

April 20, 2005

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

Dear Terry:
Due to the resignation of Senator Victor Callahan, I am hereby appointing Senator Frank Barnitz to the Senate Transportation Committee.

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

On motion of Senator Shields, the Senate recessed until 2:30 p.m.

RECESS

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

RESOLUTIONS

Senator Klindt offered Senate Resolution No. 1141, regarding the One Hundredth Birthday of Jessie May Mavity, Tarkio, which was adopted.

Senator Klindt offered Senate Resolution No. 1142, regarding Jared Scott Lee, Weatherby, which was adopted.

Senator Klindt offered Senate Resolution No. 1143, regarding Daniel Ray “Danny” Benedict, Winston, which was adopted.

Senator Green offered Senate Resolution No. 1144, regarding the late Deborah Wallace, Bellefontaine Neighbors, which was adopted.

Senator Stouffer offered Senate Resolution No. 1145, regarding the Fortieth Wedding Anniversary of Mr. and Mrs. John Dee Shirley, Bogard, which was adopted.

Senator Stouffer offered Senate Resolution No. 1146, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Richard “Dick” Butterfield, Marshall, which was adopted.

Senator Stouffer offered Senate Resolution No. 1147, regarding Range Line Presbyterian Church, Houstonia, which was adopted.

Senator Ridgeway offered Senate Resolution No. 1148, regarding Dwight Jackson Bowlin, Kansas City, which was adopted.

Senator Ridgeway offered Senate Resolution No. 1149, regarding Aaron Thomas Bennett, North Kansas City, which was adopted.

Senator Ridgeway offered Senate Resolution No. 1150, regarding Tyler Wilson Park, Kansas City, which was adopted.

Senator Ridgeway offered Senate Resolution No. 1151, regarding Bryan Lucas Moorefield, Kansas City, which was adopted.

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 **SB 348**; **SCS** for **SB 196**; **SB 194**; and **SS** for **SCS** for **SB 2**, 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.

SENATE BILLS FOR PERFECTION

Senator Loudon moved that **SB 185**, with **SA 1** and **SA 1** to **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 to **SA 1** was again taken up.

A quorum was established by the following vote:

Present—Senators

Alter	Bartle	Bray	Callahan
Cauthorn	Champion	Clemens	Coleman
Days	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—30		

Absent—Senators

Barnitz	Crowell	Dolan	Dougherty—4
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Absent with leave—Senators—None

Vacancies—None

At the request of Senator Loudon, **SB 185**, with **SA 1** and **SA 1** to **SA 1** (pending), was placed on the Informal Calendar.

On motion of Senator Shields, the Senate recessed until 4:30 p.m.

RECESS

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

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor:

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
April 20, 2005

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

I hereby withdraw from your consideration the following appointments to office submitted to you on March 15, 2005 for your advice and consent:

Judith G. Haggard, 300 West Washington, Kennett, Dunklin County, Missouri 63857, as a member of the Life Sciences Research Committee, for a term ending April 8, 2008 and until her successor is duly appointed and qualified; vice, William J Longmore, withdrawn.

Respectfully submitted,

MATT BLUNT

Governor

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

REFERRALS

President Pro Tem Gibbons referred **SS** for **SCS** for **SB 144**; **SS** for **SB 220**; **SS** for **SB 402**; **SCS** for **SB 196**; and **SS** for **SCS** for **SB 2** to the Committee on Governmental Accountability and Fiscal Oversight.

REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 13**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

COMMUNICATIONS

President Pro Tem Gibbons submitted the following:

April 20, 2005

President Pro Tem Michael Gibbons

State Capitol Building

Jefferson City, MO 65101

Dear Senator Gibbons,

Effective at the end of the day, I hereby resign my position on the Senate Education Committee.

Sincerely,

/s/Kevin Engler

Senator Kevin Engler

3rd Senate District

Also,

April 20, 2005

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

Dear Terry:

Due to the resignation of Senator Kevin Engler, I am hereby appointing Senator Bill Alter to the Senate Education Committee.

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

Also,

April 20, 2005

The Honorable Michael R. Gibbons
President Pro-Tem
Missouri Senate
Room 326, State Capitol
Jefferson City, MO 65101

Dear Mike:

I respectfully request that you remove me from the Senate Small Business, Insurance and Industrial Relations Committee. I have been named Chairman of the Joint Committee on Corrections making me unable to give quality time to all of the committees I currently serve.

I appreciate your indulgence.

Thank you.

Sincerely,
/s/ David G. Klindt
David G. Klindt
State Senator - District 12

Also,

April 20, 2005

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

Dear Terry:

Due to the resignation of Senator David Klindt, I am hereby appointing Senator Bill Alter to the Senate Small Business, Insurance and Industrial Relations Committee.

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

Also,

April 20, 2005

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

RE: Appointment to the Missouri Advisory Council on Pain and Symptom Management

Dear Terry:

Pursuant to Section 192.350 of the Revised Statutes of Missouri (RSMo 2004), I am appointing the following senator to the Missouri Advisory Council on Pain and Symptom Management:

Senator Bill Alter

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

Unofficial RESOLUTIONS

Senator Koster offered Senate Resolution No. 1152, regarding Zoe Kushner, Warrensburg, which was adopted.

Senator Dolan offered Senate Resolution No. 1153, regarding the Freedom of the Road Riders, Incorporated, which was adopted.

Journal

INTRODUCTIONS OF GUESTS

Senator Kennedy introduced to the Senate, Frank J. Ziegler, Jr., Lemay.

Senator Griesheimer introduced to the Senate, Tiffany Tocco, Wildwood; and Tiffany was made an honorary page.

Copy

Senator Engler introduced to the Senate, Debbie Lee and Sandra Skaggs, Farmington; Nicki Johnson, Fredericktown; Tina Tough, Pilot Knob; and Chris Warren, Desloge; representatives of Mineral Area College Student Government.

On behalf of Senator Scott and herself, Senator Bray introduced to the Senate, Dusty Taylor, Kim Fullerton and her son, Logan, and

Pam and Rich Meyer, Hermitage; and Dusty and Logan were made honorary pages.

Senator Mayer introduced to the Senate, eighteen students from South Pemiscot Learning Experience Advanced Pupils, Steele; and Anna and Caleb Martin, Abbie Burnett and Dawn Leathers were made honorary pages.

Senator Mayer introduced to the Senate, Rachel Woolard, Miss Missouri Teen USA, her parents, Alisa and Gary Woolard, and her brother and sister, Matthew and Kathryn, Naylor.

Senator Wheeler introduced to the Senate, former State Senator Jack Gant, Independence.

Senator Purgason introduced to the Senate, Susie Johnson, Cathy and Johanna Humeniak, Jody Greenway, Linda Hale and Peggy Bull, Sunrise Beach; Jim and Barbara Jauert, Climax Springs; Ed Crawford, Anna Lippert, Jarrett Tyler and Gordon and Duey Buchanan, Camdenton; and Harold Hudson, Four Seasons; representatives of Camden County Republican Club.

Senator Taylor introduced to the Senate, Justin Stephan and thirty students from College of the Ozarks, Point Lookout.

Senator Koster introduced to the Senate, Rhonda Miller, Gina Moulton, Jeanette Bachmann, Cindy Johnson, Christine Bartholomew, Suzanne Taylor, Dawn Kirts, Deb Borg, Angie Basham, Paulette Underwood, Ruby Gaster, Joyce Petrek, Jennifer Justice, Allison Long and Carol Matson,

wives of Whiteman Air Force Base military personnel; and Cindy Gabel, Denise Markworth, Jeanne Page, Marie Robison, Marion Ulrich, Nancy Kenepp, Rachel Carey, Sandy Russell, Tammy Long, Towanda Gelbach and Teresa Pearce, wives of Warrensburg Chamber of Commerce Military Affairs Council.

Senator Callahan introduced to the Senate, Norman Marvel, Blue Springs.

Senator Purgason introduced to the Senate, Brian and Veronica Busse, Camdenton; and Vonda Wallace, Laclede County.

On behalf of Senator Dougherty and himself, Senator Gibbons introduced to the Senate, Chris Goodson and teachers, parents and forty-six fourth grade students from Forsyth School, St. Louis; and Ben and Emily Claytor and Anna Goodson were made honorary pages.

Senator Taylor introduced to the Senate, his daughter, Jamie; and David Bolton, Jennifer Johnson, Diana Cope, Casey Squires, Heather Coberley, Britney Howerton, Mitch Alcala, Kenan Couch, Carolyn Tucker, Brandy Bruton, Brandon Banks, Charlie Holder, Lindy Paul, Shelby Hollingsworth, Blake Westpheling, Tosha Holder, Billy Jack England, Kayla Coones, Tracy Cope, Jeff Blankenship and Phillip Cooper; representatives of Cassville High School-Future Farmers of America.

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

SENATE CALENDAR

FIFTY-SEVENTH DAY—THURSDAY, APRIL 21, 2005

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SB 402-Gibbons
(In Fiscal Oversight)

SS for SCS for SB 144-Gross
(In Fiscal Oversight)

SCS for SB 481-Shields
(In Fiscal Oversight)
SS for SB 220-Dolan
(In Fiscal Oversight)
SS for SB 348-Clemens

SS for SB 196-Ridgeway and Stouffer
(In Fiscal Oversight)
SB 194-Engler
SS for SCS for SB 2-Loudon
(In Fiscal Oversight)

HOUSE BILLS ON THIRD READING

HCS for HB 365 (Crowell)
HCS for HB 347, with SCS (Dolan)

HCS for HB 441, with SCS (Cauthorn)

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SCS for SB 316-Dolan (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 3-Loudon, 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 44-Wheeler and Bray, 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 159-Cauthorn
SB 160-Bartle, et al, with SS (pending)
SB 185-Loudon, et al, with SA 1 & SA 1
to SA 1 (pending)

SB 199-Gross
SB 214-Scott, et al, with SCS
SB 236-Klindt and Clemens
SB 240-Scott
SB 241-Scott
SB 253-Koster, with SCS
SB 284-Cauthorn and Clemens, with SCS
SB 291-Mayer, et al, with SCS & SS for
SCS (pending)
SB 321-Shields
SB 324-Scott, with SCS
SB 339-Gross, with SCS
SBs 365 & 204-Mayer, et al, with SCS
(pending)
SB 373-Bartle
SB 376-Loudon
SB 434-Cauthorn
SB 470-Engler
SB 548-Loudon

CONSENT CALENDAR

House Bills

Reported 4/11

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

Reported 4/12

HBs 361 & 684-Lipke, with SCS (Bartle)	HB 528-Cunningham (145), with SCS (Clemens)
HB 688-Byrd, et al, with SCS (Bartle)	HB 618-Bearden, et al, with SCS (Gross)
HCS for HB 630 (Purgason)	HCS for HB 119 (Stouffer)
HB 567-Stevenson, et al (Crowell)	HCS for HBs 163, 213 & 216 (Gross)
HB 486-Bruns (Vogel)	HB 219-Salva and Johnson (47) (Wheeler)
HCS for HB 362, with SCS (Bartle)	HB 236-Goodman (Taylor)
HB 456-Kuessner, et al, with SCS (Engler)	HB 261-Deeken (Griesheimer)
HB 450-Meiners, with SCS (Griesheimer)	HB 323-Johnson (47) (Shields)
HB 43-Wallace (Taylor)	HCS for HB 348 (Koster)
HB 53-Swinger and Bean, with SCS (Mayer)	HB 473-Yates (Bartle)
HB 155-Ruestman (Taylor)	HB 258-Cunningham (86) (Nodler)
HB 243-May, et al (Dolan)	
HB 423-Kuessner, with SCS (Engler)	

Reported 4/13

HCS for HB 297, with SCS	HB 455-Quinn, et al (Klindt)
HCS for HB 443, with SCS (Mayer)	HCS for HB 563 (Shields)
HB 33-Phillips (Shields)	HCS for HB 513 (Loudon)

Reported 4/14

HB 69-Rupp (Loudon)
HCS for HB 56 (Dolan)
HCS#2 for HB 232, with SCS (Ridgeway)
HB 413-Hubbard, et al (Coleman)

HCS for HBs 462 & 463 (Shields)
HB 681-Chappelle-Nadal (Days)
HB 321-Yates (Bartle)
HB 229-Portwood, with SCS (Gross)

RESOLUTIONS

Reported from Committee

SCR 5-Mayer, et al
SCR 10-Scott
SCR 12-Koster

SCR 7-Loudon
SCR 13-Griesheimer

Unofficial

Journal

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