

Journal of the Senate

FIRST REGULAR SESSION

THIRTY-THIRD DAY—THURSDAY, MARCH 3, 2005

The Senate met pursuant to adjournment.

Senator Crowell in the Chair.

Reverend Carl Gauck offered the following prayer:

“The Lord...declares: “Those who honor me I will honor, and those who despise me shall be treated with contempt.”” (1 Samuel 2:30)

Almighty God, help us to live each day honoring You our God and may we find ways of expressing our thankfulness in the way we act and the things we accomplish, the way we treat others and the way we express love to those You have given us to love. And may we find joy in Your presence this day and weekend as we find ourselves in our communities of faith, singing Your praise and commending our prayers before You. 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

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 Bray offered Senate Resolution No. 512, regarding Mentor St. Louis, which was adopted.

Senator Crowell offered Senate Resolution No. 513, regarding William “Bill” and Xander Sonderman, Fredericktown, which was adopted.

Senator Crowell offered Senate Resolution No. 514, regarding Gifford Lumber Company, Fredericktown, which was adopted.

Senator Crowell offered Senate Resolution No. 515, regarding Raymond Skaggs, Fredericktown, which was adopted.

Senator Crowell offered Senate Resolution No. 516, regarding Don Firebaugh, Fredericktown, which was adopted.

Senator Crowell offered Senate Resolution No. 517, regarding Penney Gifford, Fredericktown,

which was adopted.

Senator Crowell offered Senate Resolution No. 518, regarding Irene Settle, Fredericktown, which was adopted.

Senator Crowell offered Senate Resolution No. 519, regarding Joan Whitener, Fredericktown, which was adopted.

Senator Vogel offered the following resolution:

SENATE RESOLUTION NO. 520

WHEREAS, the General Assembly fully recognizes the importance of preparing our youth to become active and productive citizens through worthwhile governmental or citizenship projects; and

WHEREAS, the General Assembly has a long tradition of rendering assistance to those organizations who sponsor these projects in the interest of our young people; and

WHEREAS, one clear example of such an organization is the Missouri YMCA, which has become widely recognized for its sponsorship of the Youth in Government program; and

WHEREAS, the Missouri YMCA Youth in Government program provides its participants with a unique insight into the day to day operation of our state government;

NOW, THEREFORE, BE IT RESOLVED by the Missouri Senate that the Missouri YMCA be hereby granted permission to use the Senate Chamber for the purposes of its Youth in Government program on November 19, 2005, and again December 1 through December 3, 2005.

Senator Vogel requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 520** up for adoption, which request was granted.

On motion of Senator Vogel, **SR 520** was adopted.

Senator Champion offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 521

WHEREAS, the members of the Missouri Senate hold in high esteem those Show-Me State residents who have proven down through the years to be exemplary citizens in local communities and neighborhoods; and

WHEREAS, Jacques Sachs of Springfield has attained considerable distinction as a volunteer since 1953 with TelComm

Credit Union, which was formerly known as Springfield Telephone Employees Credit Union; and

WHEREAS, elected to the Supervisory Committee in October 1953, Jacques Sachs was elected to the Board of Directors in October 1959, as Vice Chairman in October 1978, and as Chairman in February 1981; and

WHEREAS, Jacques Sachs served as Chairman of the TelComm Credit Union Board of Directors until 1993 when he brought that leadership role to a close and returned to being a member of the Board; and

WHEREAS, during his tenure as Chairman, Jacques Sachs helped pave the way for the Credit Union's merger with Hoffman Taft Credit Union in 1983 and Springday Credit Union in 1987, and as a Board member he assisted in the merger with News Leader Credit Union in 1996; and

WHEREAS, Jacques Sachs was on the Board of Directors in 1971 when the Credit Union assets reached the \$1 million mark and in 2004 when assets topped \$59 million; and

WHEREAS, in addition to his outstanding leadership with TelComm Credit Union, Jacques Sachs proved influential in organizing the Missouri Telephone Credit Union Council twenty-eight years ago, since which time the concept of inter-lending between Telephone affiliated credit unions evolved into the creation of the Missouri Corporate Credit Union to provide lending to any credit union in the Missouri Credit League; and

WHEREAS, in 2000, Jacques Sachs compiled the 60 year history of TelComm Credit Union into a publication entitled "Your Connection", which truly expressed the philosophy of "People Helping People"; and

WHEREAS, Jacques Sachs also helped what is now known as TelComm Credit Union become the first freestanding credit union in southern Missouri to have its own facility separate from the sponsoring employee group:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-third General Assembly, join unanimously to applaud the more than five decades of leadership so generously contributed by Jacques Sachs to TelComm Credit Union and to convey to him this legislative body's most heartfelt best wishes as he partakes of the special opportunities and pleasures traditionally associated with the golden years of retirement; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution in honor of Jacques Sachs of Springfield, Missouri.

CONCURRENT RESOLUTIONS

Senators Ridgeway and Wheeler offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 8

WHEREAS, good health is important to every citizen of the world and access to the highest standards of health information and services is necessary to improve the public health; and

WHEREAS, direct and unobstructed participation in international health cooperation forums and programs is beneficial for all parts of the world, especially with today's greater potential for the cross-border spread of various infectious diseases; and

WHEREAS, Taiwan's population of 23,500,000 people is greater than three-fourths of the member states already in the World Health Organization; and

WHEREAS, Taiwan's achievements in the field of health are substantial, including achieving one of the highest life expectancy levels in Asia; lowering maternal and infant mortality rates to a level comparable to those of western countries; eradicating such infectious diseases as cholera, smallpox, the plague, and polio; and providing children with hepatitis B vaccinations; and

WHEREAS, the United States Centers for Disease Control and Prevention and its Taiwan counterpart agencies have enjoyed close collaboration on a wide range of public health issues; and

WHEREAS, in recent years Taiwan has expressed a willingness to assist financially and technically in international aid and health activities supported by the World Health Organization; and

WHEREAS, the World Health Assembly has allowed observers to participate in the activities of the organization, including the Palestine Liberation Organization in 1974, the Order of Malta, and the Holy See in the early 1950s; and

WHEREAS, the United States, in the 1994 Taiwan Policy Review, declared its intention to support Taiwan's participation in appropriate international organizations:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Third General Assembly, First Regular Session, the House of Representatives concurring therein, hereby support observer status for Taiwan in the World Health Organization; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the World Health Organization.

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, after

examination of **SB 241**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 240**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 155**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

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

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SCS** for **SB 147**, begs leave to report that it has considered the same and recommends that the bill do pass.

SENATE BILLS ON THIRD READING

SCS for **SB 147**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 147

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

Was taken up by Senator Cauthorn.

On motion of Senator Cauthorn, **SCS** for **SB 147** 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

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—2

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—2

The President declared the bill passed.

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.

SCS for SB 312, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 312**

An Act to repeal section 226.030, RSMo, and to enact in lieu thereof one new section relating to expanding the membership of the highways and transportation commission.

Was taken up by Senator Dolan.

On motion of Senator Dolan, **SCS for SB 312** 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	Green	Griesheimer	Gross
Kennedy	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel	Wheeler	Wilson—31	

NAYS—Senator Crowell—1

The President declared the bill passed.

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

Senator Dolan 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 SB 210, introduced by Senator Griesheimer, entitled:

**SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 210**

An Act to repeal sections 44.090, 50.530, 50.757, 55.160, 64.215, 64.940, 67.1775, 67.1850, 110.130, 110.150, 115.019, 137.115, 205.010, 210.860, 210.861, 233.295, 263.245, and 488.426, RSMo, section 137.130 as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 701, ninetieth general assembly, first regular session, and section 137.130 as enacted by conference committee substitute for house substitute for house committee substitute for senate bill no. 827, eighty-ninth general assembly, second regular session, and section 488.429, RSMo, as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill nos. 795, 972, 1128 & 1161, ninety-second general assembly, second regular session, and section 488.429, RSMo, as enacted by senate committee substitute for house committee substitute for house bill no. 798 merged with house committee substitute for senate bill no. 1211, ninety-second general assembly, second regular session, and to enact in lieu thereof twenty-seven new sections relating to county government.

Was taken up.

On motion of Senator Griesheimer, **SS** for **SCS** for **SB 210** 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	Griesheimer	Gross
Kennedy	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel	Wheeler	Wilson—31	

NAYS—Senator Green—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—2

The President declared the bill passed.

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

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

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

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Barbara Hayden, as a member of the State Fair Commission;

Also,

Donna J. English, as a member of the Missouri Head Injury Advisory Council;

Also,

Danny Joe Patterson, as a member of the Corrections Officer Certification Commission;

Also,

Donald D. Landon, as a member of the Seismic Safety Commission;

Also,

Peggy Tuter Pearl, C.H.E., as a member of the Child Abuse and Neglect Review Board;

Also,

Julia M. Eckstein, as the Director of the Department of Health and Senior Services;

Also,

Mark James, as the Director of the Department of Public Safety;

Also,

Alice Ann Bartlett, as the Employer Representative of the Labor and Industrial Relations Commission;

Also,

Hillred Kay Thurston, R.N., as a member of the Missouri State Board of Nursing;

Also,

Bernadette A. Miller, as a member of the Missouri Veterans' Commission.

Senator Gibbons requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Gibbons moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

President Pro Tem Gibbons assumed the Chair.

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

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 88**, begs leave to report that it has considered the same and recommends that the bill do pass.

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

Mr. President: Your Committee on Transportation, to which were referred **SB 221**, **SB 250** and **SB 256**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Crowell assumed the Chair.

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 **SS** for **SCS** for **SB 179**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Gibbons referred **SS** for **SCS** for **SB 179** to the Committee on Governmental Accountability and Fiscal Oversight.

MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SCS** for **SBs 1** and **130**, entitled:

An Act to repeal sections 286.020, 287.020, 287.040, 287.063, 287.067, 287.110, 287.120, 287.127, 287.128, 287.129, 287.140, 287.143,

287.150, 287.170, 287.190, 287.197, 287.203, 287.215, 287.390, 287.420, 287.510, 287.550, 287.610, 287.615, 287.616, 287.640, 287.710, 287.715, 287.800, 287.812, 287.865, 287.894, 287.957, and 287.972, RSMo, and to enact in lieu thereof thirty-nine new sections relating to workers' compensation law, with penalty provisions.

With House Amendments Nos. 1, 2, 3, House Amendment No. 1 to House Amendment No. 4, House Amendment No. 4, as amended, House Amendments Nos. 5, 8, 9, 10, 11 and 12.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1 & 130, Page 1, In the Title, Line 6, by inserting after the word "provisions" the following: ", and an effective date for certain sections"; and

Further amend said bill, Page 6, Section 287.067, Lines 18 and 19, by deleting the phrase "**recognized as an occupational disease for the purposes of this chapter**"; and

Further amend said bill, Page 7, Section 287.067, Line 37, by inserting after the phrase "oxygen, **of**" the following:

"**paid**"; and

Further amend said bill, Page 7, Section 287.067, Line 37, by inserting at the end of said line the following:

"**paid**"; and

Further amend said bill, Page 7, Section 287.067, Line 46, by deleting "with a prior" and inserting in lieu thereof the following: "with [a] **the immediate prior**"; and

Further amend said bill, Section 287.128, Pages 11-13, Lines 1-78, by deleting all of said section and inserting in lieu thereof the following:

"287.128.1. It shall be unlawful for any person to [:

(1)] knowingly present or cause to be

presented any false or fraudulent claim for the payment of benefits pursuant to a workers' compensation claim[.].

[(2)] **2. It shall be unlawful for any insurance company or self-insurer in this state to knowingly and intentionally refuse to comply with known and legally indisputable compensation obligations with intent to defraud.**

3. It shall be unlawful for any person to:

(1) Knowingly present multiple claims for the same occurrence with intent to defraud;

[(3)] Purposefully prepare, make or subscribe to any writing with intent to present or use the same, or to allow it to be presented in support of any false or fraudulent claim;

[(4)] (2) Knowingly assist, abet, solicit or conspire with:

(a) Any person who knowingly presents any false or fraudulent claim for the payment of benefits;

(b) Any person who knowingly presents multiple claims for the same occurrence with an intent to defraud; or

(c) Any person who purposefully prepares, makes or subscribes to any writing with the intent to present or use the same, or to allow it to be presented in support of any such claim;

[(5)] (3) Knowingly make or cause to be made any false or fraudulent claim for payment of a health care benefit;

[(6)] (4) Knowingly submit a claim for a health care benefit which was not used by, or on behalf of, the claimant;

[(7)] (5) Knowingly present multiple claims for payment of the same health care benefit with an intent to defraud;

[(8)] (6) Knowingly make or cause to be made any false or fraudulent material statement or material representation for the purpose of obtaining or denying any benefit;

[(9)] (7) Knowingly make or cause to be made any false or fraudulent statements with regard to entitlement to benefits with the intent to discourage an injured worker from making a legitimate claim;

(8) **Knowingly make or cause to be made a false or fraudulent material statement to an investigator of the division in the course of the investigation of fraud or noncompliance.** For the purposes of subdivisions (6), (7), and (8) [and (9)] of this subsection, the term "statement" includes any notice, proof of injury, bill for services, payment for services, hospital or doctor records, X ray or test results.

[2. It shall be unlawful for any insurance company or self-insurer in this state to:

(1) Intentionally refuse to comply with known and legally indisputable compensation obligations;

(2) Discharge or administer compensation obligations in a dishonest manner; and

(3) Discharge or administer compensation obligations in such a manner as to cause injury to the public or those persons dealing with the employer or insurer.

3.] **4. Any person violating any of the provisions of subsections 1 [and] or 2 of this section [or section 287.129,] shall be guilty of a class [A misdemeanor and,] D felony.** In addition, **the person shall be liable to the state of Missouri for a fine [not to exceed] up to ten thousand dollars or double the value of the fraud whichever is greater. Any person violating any of the provisions of subsection 3 of this section shall be guilty of a class A misdemeanor and the person shall be liable to the state of Missouri for a fine up to ten thousand dollars.** Any person who has previously pled guilty to or has been found guilty of violating any of the provisions of subsections 1, [and] 2 **or 3** of this section [or the provisions of section 287.129] and who subsequently violates any of the provisions of subsections 1 [and], 2 **or 3** of this section [or the provisions of section 287.129] shall be guilty of a class [D] C felony.

[4.] **5. It shall be unlawful for any person,**

company, or other entity to prepare or provide an invalid certificate of insurance as proof of workers' compensation insurance. Any person violating any of the provisions of this subsection shall be guilty of a class D felony and, in addition, shall be liable to the state of Missouri for a fine up to ten thousand dollars or double the value of the fraud, whichever is greater.

6. Any person who knowingly misrepresents any fact in order to obtain workers' compensation insurance at less than the proper rate for that insurance shall be guilty of a class A misdemeanor. Any person who has previously pled guilty to or has been found guilty of violating any of the provisions of this section [or the provisions of section 287.129] and who subsequently violates any of the provisions of this section [or the provisions of section 287.129] shall be guilty of a class D felony.

[5.] 7. Any employer [failing] **who knowingly fails to insure his liability pursuant to this chapter with intent to defraud** shall be guilty of a class A misdemeanor and, in addition, shall be liable to the state of Missouri for a penalty in an amount equal to twice the annual premium the employer would have paid had such employer been insured or twenty-five thousand dollars, whichever amount is greater. **After January 1, 2006**, any person who has previously pled guilty to or has been found guilty of violating any of the provisions of this section [or the provisions of section 287.129] and who subsequently violates any of the provisions of this section [or the provisions of section 287.129] shall be guilty of a class D felony.

[6.] 8. Any person may file a complaint alleging fraud or noncompliance with this chapter with a legal advisor in the division of workers' compensation. The legal advisor shall refer the complaint to the fraud and noncompliance unit within the division. The unit shall investigate all complaints and present any finding of fraud or noncompliance to the director, who may refer the file to the attorney general. The attorney general may prosecute any fraud or noncompliance associated with this chapter. All costs incurred by

the attorney general associated with any investigation and prosecution pursuant to this subsection shall be paid out of the workers' compensation fund. Any fines or penalties levied and received as a result of any prosecution under this section shall be paid to the workers' compensation fund. Any restitution ordered as a part of the judgment shall be paid to the person or persons who were defrauded.

9. **Any and all reports, records, tapes, photographs, and similar materials or documentation submitted by any person, including the department of insurance, to the fraud and noncompliance unit or otherwise obtained by the unit pursuant to this section, used to conduct an investigation for any violation under chapter 287, shall be considered confidential and not subject to the requirements of chapter 610, RSMo. Nothing in this subsection prohibits the fraud and noncompliance unit from releasing records used to conduct an investigation to the local, state, or federal law enforcement authority or federal or state agency conducting an investigation, upon written request.**

[7.] 10. There is hereby established in the division of workers' compensation a fraud and noncompliance administrative unit responsible for investigating incidences of fraud and failure to comply with the provisions of this chapter.

11. **Any prosecution for a violation of the provisions of this section or section 287.129 shall be commenced within three years after discovery of the offense by an aggrieved party of by a person who has a legal duty to represent an aggrieved party and who is himself or herself not a party to the offense. As used in this subsection, the term "person who has a legal duty to represent an aggrieved party" shall mean the attorney general or the prosecuting attorney having jurisdiction to prosecute the action.**

12. **By January 1, 2006, the attorney general shall forward to the division and the members of the general assembly, the first**

edition of an annual report of the costs of prosecuting fraud and noncompliance under this chapter. The report shall include the number of cases filed with the attorney general by county by the fraud and noncompliance unit, the number of cases prosecuted by county by the attorney general and county prosecutor, fines and penalties levied and received, and all incidental costs.”; and

Further amend said bill, Section 287.640, Page 32, Lines 1-22, by deleting all of said lines; and

Further amend said bill, Section 287.715, Page 35, Line 31, by deleting the word “ensuing” and inserting in lieu thereof the following:

“following”; and

Further amend said bill, Section 287.715, Page 35, Line 55, by deleting the word “ensuing” and inserting in lieu thereof the following: **“following”;** and

Further amend said bill, Section 287.808, Page 37, Lines 5 to 8, by deleting all of said lines and inserting in lieu thereof the following: **“is more likely to be true than not true.”;** and

Further amend said bill, Section 287.616, Page 45, Line 9, by inserting after all of said line the following:

“287.642. The division of workers’ compensation shall create in each of its area offices a public information program to assist all parties involved with an injury or claim under this chapter. [In providing assistance under this section, all of the division’s legal advisors shall also act as public information persons and shall, upon request, meet with or otherwise provide information to employees, employers, insurers and health care providers and shall investigate complaints of possible violations of the provisions of this chapter. The division shall employ two additional legal advisors, one to be located in the St. Louis office and one to be located in the Jefferson City office. Assistance provided under this section shall not include representing the claimant in a compensation hearing provided for in section

287.470.]

Section B. The repeal and reenactment of sections 287.615 and 287.612, and the repeal of section 287.616 of Section A of this act shall become effective on January 1, 2006.”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 1 & 130, Section 287.610, Pages 28-31, Lines 1-121, by deleting all of said section and inserting in lieu thereof the following:

“287.610. 1. [The division may appoint such number of administrative law judges as it may find necessary, but not exceeding twenty-five in number beginning January 1, 1999, with one additional appointment authorized as of July 1, 2000, and one additional appointment authorized in each succeeding year thereafter until and including the year 2004, for a maximum of thirty authorized administrative law judges.] **After August 28, 2005, the governor may appoint additional administrative law judges for a maximum of forty authorized administrative law judges.** Appropriations [for any additional appointment] shall be based upon necessity, measured by the requirements and needs of each division office. Administrative law judges shall be duly licensed lawyers under the laws of this state. Administrative law judges shall not practice law or do law business and shall devote their whole time to the duties of their office. [Any administrative law judge may be discharged or removed only by the governor pursuant to an evaluation and recommendation by the administrative law judge review committee, hereinafter referred to as “the committee”, of the judge’s conduct, performance and productivity.] **The director of the division of workers’ compensation shall publish and maintain on the division’s web site the appointment dates or initial dates of service for all administrative law judges.**

2. The division **director, as a member of the committee** shall [require and] perform, **in conjunction with the committee, an annual [evaluations] performance audit** of [an] **all current and future** administrative law [judge, associate administrative law judge and legal advisor's conduct, performance and productivity based upon written standards established by rule] **judges by August 28, 2006**. The division[, by rule] **director, in conjunction with the committee**, shall establish the written **performance audit** standards on or before [January 1, 1999] **October 1, 2005**.

[(1) After an evaluation by the division, any administrative law judge, associate administrative law judge or legal advisor who has received an unsatisfactory evaluation in any of the three categories of conduct, performance or productivity, may appeal the evaluation to the committee.]

(2) The division director shall refer an unsatisfactory evaluation of any administrative law judge, associate administrative law judge or legal advisor to the committee.

(3) When a written, signed complaint is made against an administrative law judge, associate administrative law judge or legal advisor, it shall be referred to the director of the division for a determination of merit. When the director finds the complaint has merit, it shall be referred to the committee for investigation and review.]

3. **The thirteen administrative law judges with the most years of service shall have a term of service which expires on August 28, 2008. The next thirteen administrative law judges with the most years of service in descending order shall have a term of service which expires on August 28, 2012. Administrative law judges appointed and not previously referenced in this subsection shall have a term of service which expires on August 28, 2016. Each subsequent term shall be twelve years. Administrative law judges may be eligible for reappointment. Any administrative law judge may be discharged or removed only by the governor pursuant to a**

performance audit by the administrative law judge review committee, hereinafter referred to as "the committee".

4. The administrative law judge review committee **members** shall [be composed of one administrative law judge, who shall act as a peer judge on the committee and shall be domiciled in a division office other than that of the judge being reviewed, one employee representative and one employer representative, neither of whom shall] **not** have any direct or indirect employment or financial connection with a workers' compensation insurance company, claims adjustment company, health care provider nor be a practicing workers' compensation attorney. [The employee representative and employer representative] **All members of the committee** shall have a working knowledge of workers' compensation. [The employee and employer representative shall serve for four-year staggered terms and they shall be appointed by the governor. The initial employee representative shall be appointed for a two-year term. The administrative law judge who acts as a peer judge shall be appointed by the chairman of the labor and industrial relations commission and shall not serve on any two consecutive reviews conducted by the committee. Chairmanship of the committee shall rotate between the employee representative and the employer representative every other year. Staffing for the administrative review committee shall be provided, as needed, by the director of the department of labor and industrial relations and shall be funded from the workers' compensation fund. The committee shall conduct a hearing as part of any review of a referral or appeal made according to subsection 2 of this section.]

4.] **5.** The committee shall [determine] within thirty days [whether an investigation shall be conducted for a referral made pursuant to subdivision (3) of subsection 2 of this section. The committee shall make a final referral to the governor pursuant to subsection 1 of this section within two hundred seventy days of the receipt of a referral or appeal] **of completing each**

performance audit make a recommendation to the governor. The performance audit shall carry a recommendation of confidence or no-confidence for each administrative law judge.

[5.] **6.** The administrative law judges appointed by the division shall only have jurisdiction to hear and determine claims upon original hearing and shall have no jurisdiction upon any review hearing, either in the way of an appeal from an original hearing or by way of reopening any prior award, except to correct a clerical error in an award or settlement if the correction is made by the administrative law judge within twenty days of the original award or settlement. The labor and industrial relations commission may remand any decision of an administrative law judge for a more complete finding of facts. The commission may also correct a clerical error in awards or settlements within thirty days of its final award. With respect to original hearings, the administrative law judges shall have such jurisdiction and powers as are vested in the division of workers' compensation under other sections of this chapter, and wherever in this chapter the word "commission", "commissioners" or "division" is used in respect to any original hearing, those terms shall mean the administrative law judges appointed under this section. When a hearing is necessary upon any claim, the division shall assign an administrative law judge to such hearing. Any administrative law judge shall have power to approve contracts of settlement, as provided by section 287.390, between the parties to any compensation claim or dispute under this chapter pending before the division of workers' compensation. Any award by an administrative law judge upon an original hearing shall have the same force and effect, shall be enforceable in the same manner as provided elsewhere in this chapter for awards by the labor and industrial relations commission, and shall be subject to review as provided by section 287.480.

[6.] **7.** Any of the administrative law judges employed pursuant to this section may be assigned on a temporary basis to the branch offices as

necessary in order to ensure the proper administration of this chapter.

[7.] **8.** All administrative law judges [and legal advisors] shall be required to participate in, on a continuing basis, specific training that shall pertain to those elements of knowledge and procedure necessary for the efficient and competent performance of the administrative law judges' [and legal advisors'] required duties and responsibilities. Such training requirements shall be established by the division subject to appropriations and shall include training in medical determinations and records, mediation and legal issues pertaining to workers' compensation adjudication. Such training may be credited toward any continuing legal education requirements.

[8.] **9. (1)** **The director of the division, in conjunction with the administrative law judge review committee appointed by the governor, shall conduct an annual performance audit of all administrative law judges. The audit results, stating the committee's decision of confidence or no confidence of each administrative law judge shall be annually sent to the governor and the members of the general assembly no later than the first week of each legislative session. A review of no confidence following an annual audit allows the governor to withdraw the appointment of the administrative law judge. The governor shall not consider for reappointment any administrative law judge with an annual performance audit of no confidence.**

(2) **The review committee shall consist of the division director, the public member of the commission, who is an attorney, two members who represent employees and two members who represent employers. The division director and the public member of commission shall serve as co-chairpersons of the committee, and shall serve on the committee during their time of employment in their respective positions. The term of service for all other members of the review committee shall be two years, with eligibility for one additional appointment for**

two years by the governor. However, the first review committee shall have one employee representative and one employer representative appointed for a three-year term, with eligibility for one additional appointment of two years by the governor. The review committee members shall all serve without compensation. Necessary expenses for review committee members and all necessary support services to the review committee shall be provided by the division.

10. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.

Further amend title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1 & 130, Page 6, Section 287.042, Line 1, by deleting all of said section.

HOUSE AMENDMENT NO. 1 TO HOUSE AMENDMENT NO. 4

Amend House Amendment No. 4 for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1 & 130, Page 1, Line 29, of said amendment by inserting after said line the following:

“(5) Objective medical findings as used in subdivision 2 of subsection 6 of this section are those findings demonstrable on physical examination or by appropriate tests and/or diagnostic procedures.”; and

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

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1 & 130, Page 23-24, Section 287.190, Lines 85-110 by deleting all of said lines and inserting in lieu thereof the following:

6. (1) “Permanent partial disability” means a disability that is permanent in nature and partial in degree, and when payment therefore has been made in accordance with a settlement approved either by an administrative law judge or by the labor and industrial relations commission, a rating established by medical finding, certified by a physician licensed under chapter 334, RSMo, and approved by an administrative law judge [or legal advisor], or an award by administrative law judge or the commission, the percentage of disability shall be conclusively presumed to continue undiminished whenever a subsequent injury to the same member or same part of the body also results in permanent partial disability for which compensation under this chapter may be due; provided, however, the presumption shall apply only to compensable injuries which may occur after August 29, 1959.

(2) **Permanent partial disability or permanent total disability shall be demonstrated and certified by a physician. When determining disability, a physician, administrative law judge, the division, the commission, or a reviewing court shall not consider subjective complaints of pain which are not certified by a physician. Medical opinions addressing compensability and permanent impairment shall be stated within a reasonable degree of medical certainty. In determining compensability and disability, where inconsistent or conflicting medical opinions exist, objective medical findings shall prevail over subjective medical findings.**

(3) **Except where otherwise addressed in this chapter the fifth edition of the “Guide to the Evaluation of Permanent Impairment”, published by the American Medical Association, shall be applied in determining the level of disability under this section.**

(4) **Any award of compensation shall be reduced by an amount proportional to the permanent partial disability determined to be a preexisting disease or condition or attributed to the natural process of aging sufficient to cause**

or prolong the disability or need of treatment.

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1 & 130, Section 287.390, Pages 26-27, Lines 1-39, by deleting all of said section and inserting in lieu thereof the following:

“287.390. 1. [Nothing in this chapter shall be construed as preventing the] Parties to claims hereunder [from entering] **may enter** into voluntary agreements in settlement thereof, but no agreement by an employee or his **or her** dependents to waive his **or her** rights under this chapter shall be valid, nor shall any agreement of settlement or compromise of any dispute or claim for compensation under this chapter be valid until approved by an administrative law judge or the commission, nor shall an administrative law judge or the commission approve any settlement which is not in accordance with the rights of the parties as given in this chapter. No such agreement shall be valid unless made after seven days from the date of the injury or death. **An administrative law judge or the commission shall approve an agreement entered into more than forty-five days after the date of injury as valid and enforceable unless the administrative law judge or the commission makes a specific finding of fact that the agreement is manifestly unjust. Parties to claims under this chapter may enter into voluntary agreements in settlement of those claims and such agreements shall be approved, valid, and not subject to the requirements under subsection 6 of section 287.190.**

2. A compromise settlement approved by an administrative law judge or the commission during the employee's lifetime shall extinguish and bar all claims for compensation for the employee's death if the settlement compromises a dispute on any question or issue other than the extent of disability or the rate of compensation.

3. Notwithstanding the provisions of section 287.190, an employee shall be afforded the option of receiving a compromise settlement as a one-time lump sum payment. A compromise settlement approved by an administrative law judge or the commission shall indicate the manner of payment chosen by the employee.

4. A minor dependent, by parent or conservator, may compromise disputes and may enter into a compromise settlement agreement, and upon approval by an administrative law judge or the commission the settlement agreement shall have the same force and effect as though the minor had been an adult. The payment of compensation by the employer in accordance with the settlement agreement shall discharge the employer from all further obligation.

5. In any claim under this chapter where an offer of settlement is made in writing by the employer within one hundred fifty days of the date of injury, an employee is entitled to one hundred percent of the amount offered, provided such employee is not represented by counsel at the time the offer is tendered. Where such offer of settlement is not accepted and where additional proceedings occur with regard to the employee's claim, the employee is entitled to one hundred percent of the amount initially offered plus seventy-five percent of any amount in dispute. Legal counsel representing the employee shall receive reasonable fees plus actual expenses for services rendered, not to exceed twenty-five percent of the amount in dispute.

6. As used in this chapter, “amount in dispute” means the dollar amount in excess of the dollar amount offered by, agreed to, or paid by the employer pursuant to subsection 5 of this section. **An offer of settlement shall not be construed as an admission of liability.”; and**

Further amend title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1 & 130, Page 4, Section 287.020, Line 70, by inserting after all of said line the following:

“This subsection shall not apply when the employer is a law enforcement agency that has a policy allowing its law enforcement officers to take agency vehicles to their homes but which requires officers using those vehicles to respond to accidents or calls and engage in pursuits while in those vehicles and in route to their homes from the place where they are employed as a law enforcement officer, or in route from their homes to the place where they are employed as a law enforcement officer.”; and

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

HOUSE AMENDMENT NO. 9

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1 & 130, Page 6, Section 287.042, Line 2, by inserting after all of said line the following:

“287.043. In applying the provisions of subsection 1 of section 287.020 and subsection 4 of section 287.040, it is the intent of the legislature to reject and abrogate earlier case law interpretations on the meaning of or definition of “owner”, as extended in the following cases: *Owner Operator Independent Drivers Ass'n, Inc. v. New Prime, Inc.*, 133 S.W.3d 162 (Mo.App. S.D.,2004); *Nunn v. C.C. Midwest*, 151 S.W.3d 388 (Mo.App. W.D.,2004).”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 10

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute

for Senate Bills Nos. 1 & 130, Page 9, Section 287.120, Line 53, by inserting after “7.” the following:

“An employee's refusal to take a test for alcohol or a nonprescribed controlled substance, as defined by section 195.010, RSMo, at the request of the employer shall result in forfeiture of benefits under this chapter if the employer had sufficient cause to suspect use of alcohol or a nonprescribed controlled substance by the claimant or if the employer's policy clearly authorizes post-injury testing.

8.”; and

Further amend said bill, Page 9, Section 287.120, Line 66, by deleting “8.” and inserting in lieu thereof: “[8.] **9.**”; and

Further amend said bill, Page 10, Section 287.120, Line 70, by deleting “9.” and inserting in lieu thereof: “[9.] **10.**”; and

Further amend said bill, Page 10, Section 287.120, Line 73, by deleting “10.” and inserting in lieu thereof: “[10.] **11.**”; and

Further amend said bill, Page 10, Section 287.120, Line 75, by deleting “11.” and inserting in lieu thereof: “**12.**”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 11

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1 & 130, Page 10, Section 287.120, lines 75 thru 84, by deleting all of said lines and inserting in lieu thereof the following:

“11. An employee shall forfeit compensation for an injury or occupational disease under the provisions of this chapter, including compensation from the second injury fund created under section 287.220, and this state shall have no jurisdiction over any workers' compensation claim of an employee, when the employee:

(1) Files a claim or application for a hearing in another state or commonwealth of competent jurisdiction requesting workers' compensation benefits for the injury or occupational disease; or

(2) Has affirmatively requested and accepted benefits for the injury from another state or commonwealth of competent jurisdiction.”; and

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

HOUSE AMENDMENT NO. 12

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1 & 130, Page 39, Section 287.865, Line 46, by deleting said line and inserting in lieu thereof the following:

“member filing bankruptcy, liquidation or dissolution, shall notify in writing any employee of the self-insured”; and

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

In which the concurrence of the Senate is respectfully requested.

President Kinder assumed the Chair.

PRIVILEGED MOTIONS

Senator Loudon moved that the Senate refuse to concur in HCS for SS for SCS for SBs 1 and 130, as amended, and requests the House to recede from its position or failing to do so grant the Senate a conference thereon, which motion prevailed.

THIRD READING OF SENATE BILLS

SB 252, with SCS, introduced by Senators Koster, Scott and Stouffer, entitled:

An Act to amend chapter 41, RSMo, by adding thereto three new sections relating to the protection of military facilities and personnel.

Was called from the Consent Calendar and taken up.

SCS for SB 252, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 252

An Act to amend chapter 41, RSMo, by adding thereto three new sections relating to the protection of military facilities and personnel, with an emergency clause.

Was taken up.

Senator Koster moved that SCS for SB 252 be adopted, which motion prevailed.

On motion of Senator Koster, SCS for SB 252 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.

The emergency clause 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	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

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

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

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

SB 177, introduced by Senator Shields, entitled:

An Act to repeal section 105.712, RSMo, and to enact in lieu thereof one new section relating to dental care.

Was called from the Consent Calendar and taken up.

On motion of Senator Shields, **SB 177** 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 Shields, title to the bill

was agreed to.

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

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

SB 342, introduced by Senator Bartle, entitled:

An Act to repeal section 559.607, RSMo, and to enact in lieu thereof one new section relating to probation services for municipal ordinance violations.

Was called from the Consent Calendar and taken up.

On motion of Senator Bartle, **SB 342** 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	Griesheimer	Gross
Kennedy	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senators—None

Vacancies—2

The President declared the bill passed.

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

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

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

Senator Griesheimer assumed the Chair.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 248**, entitled:

An Act to repeal section 365.130, RSMo, and to enact in lieu thereof one new section relating to the motor vehicle time sales law.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 297**, entitled:

An Act to repeal section 160.522, RSMo, and to enact in lieu thereof one new section relating to school accountability report cards.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

SENATE BILLS FOR PERFECTION

Senator Cauthorn moved that **SB 187** be taken up for perfection, which motion prevailed.

Senator Nodler assumed the Chair.

At the request of Senator Cauthorn, **SB 187** was placed on the Informal Calendar.

Senator Crowell assumed the Chair.

SECOND READING OF SENATE BILLS

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

SB 484—Economic Development, Tourism and Local Government.

SB 485—Ways and Means.

SB 486—Pensions, Veterans' Affairs and General Laws.

SB 487—Judiciary and Civil and Criminal Jurisprudence.

SB 488—Transportation.

SB 489—Agriculture, Conservation, Parks and Natural Resources.

SB 490—Economic Development, Tourism and Local Government.

SB 491—Judiciary and Civil and Criminal Jurisprudence.

SB 492—Small Business, Insurance and Industrial Relations.

SB 493—Financial and Governmental Organizations and Elections.

SB 494—Judiciary and Civil and Criminal Jurisprudence.

SB 495—Judiciary and Civil and Criminal Jurisprudence.

SB 496—Financial and Governmental Organizations and Elections.

SB 497—Transportation.

SB 498—Ways and Means.

SB 499—Judiciary and Civil and Criminal Jurisprudence.

SB 500—Pensions, Veterans' Affairs and General Laws.

SB 501—Pensions, Veterans' Affairs and General Laws.

SB 502—Economic Development, Tourism and Local Government.

SB 503—Agriculture, Conservation, Parks and Natural Resources.

SB 504—Governmental Accountability and Fiscal Oversight.

SB 505—Judiciary and Civil and Criminal Jurisprudence.

SB 506—Judiciary and Civil and Criminal

Jurisprudence.

SB 507—Economic Development, Tourism and Local Government.

SB 508—Economic Development, Tourism and Local Government.

SB 509—Ways and Means.

SB 510—Small Business, Insurance and Industrial Relations.

SB 511—Judiciary and Civil and Criminal Jurisprudence.

SB 512—Judiciary and Civil and Criminal Jurisprudence.

SB 513—Judiciary and Civil and Criminal Jurisprudence.

SB 514—Judiciary and Civil and Criminal Jurisprudence.

SB 515—Education.

SB 516—Economic Development, Tourism and Local Government.

SB 517—Judiciary and Civil and Criminal Jurisprudence.

SB 518—Aging, Families, Mental and Public Health.

SB 519—Economic Development, Tourism and Local Government.

SB 520—Judiciary and Civil and Criminal Jurisprudence.

SB 521—Pensions, Veterans' Affairs and General Laws.

SB 522—Aging, Families, Mental and Public Health.

SB 523—Aging, Families, Mental and Public Health.

SB 524—Financial and Governmental Organizations and Elections.

SB 525—Small Business, Insurance and Industrial Relations.

SB 526—Financial and Governmental Organizations and Elections.

SB 527—Aging, Families, Mental and Public Health.

SB 528—Pensions, Veterans' Affairs and General Laws.

SB 529—Ways and Means.

SB 530—Transportation.

SB 531—Pensions, Veterans' Affairs and General Laws.

SB 532—Pensions, Veterans' Affairs and General Laws.

SB 533—Small Business, Insurance and Industrial Relations.

SB 534—Judiciary and Civil and Criminal Jurisprudence.

SB 535—Ways and Means.

SB 536—Judiciary and Civil and Criminal Jurisprudence.

SB 537—Judiciary and Civil and Criminal Jurisprudence.

SB 538—Judiciary and Civil and Criminal Jurisprudence.

SB 539—Pensions, Veterans' Affairs and General Laws.

SB 540—Ways and Means.

SB 541—Judiciary and Civil and Criminal Jurisprudence.

SB 542—Judiciary and Civil and Criminal Jurisprudence.

SB 543—Economic Development, Tourism and Local Government.

SB 544—Economic Development, Tourism and Local Government.

SB 545—Economic Development, Tourism and Local Government.

SB 546—Ways and Means.

SB 547—Aging, Families, Mental and Public Health.

SB 548—Governmental Accountability and Fiscal Oversight.

SB 549—Financial and Governmental Organizations and Elections.

SB 550—Ways and Means.

SB 551—Aging, Families, Mental and Public Health.

SB 552—Small Business, Insurance and Industrial Relations.

SB 553—Agriculture, Conservation, Parks and Natural Resources.

SB 554—Financial and Governmental Organizations and Elections.

SB 555—Aging, Families, Mental and Public Health.

SB 556—Pensions, Veterans’ Affairs and General Laws.

COMMUNICATIONS

Senator Shields submitted the following:

March 3, 2005

Ms. Terry Spieler
Secretary of the Senate
State Capitol, Office 325
Jefferson City, MO 65101

Dear Ms. Spieler

The Rules, Joint Rules, Resolutions and Ethics Committee met today in the Senate Lounge. All members present voted to unanimously approve the 93rd General Assembly’s Eastern Jackson County Caucus.

A list of the members is attached.

Sincerely,

/s/ Charlie

Charlie Shields

Eastern Jackson County Caucus:

Matt Bartle Kate Meiners
Robert Thane Johnson Paul Lavota

Bryan Yates
Terry Young
Bryan Pratt

Will Krauss
Curt Dougherty
Gary Dusenburg

Also,

March 3, 2005

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

I am respectfully requesting that SB 236 be removed from the Consent Calendar in accordance with the provisions of Senate Rule 45.

I feel this bill to be of a controversial nature.

Respectfully,

/s/ Luann Ridgeway
Luann Ridgeway

INTRODUCTIONS OF GUESTS

Senator Champion introduced to the Senate, Paul Baker, Mary Magnus and twenty seventh grade students from Springfield Lutheran School.

Senator Champion introduced to the Senate, Jacques Sachs, Springfield; and members of his family and co-workers from across the country.

Senator Wheeler introduced to the Senate, forty students from Conn-West Elementary School, Grandview.

Senator Scott introduced to the Senate, the Physician of the Day, Dr. Jeff Tedrow, M.D., and his daughter, Emily, Bolivar.

On behalf of Senator Kennedy and himself, Senator Gibbons introduced to the Senate, Karen Papin, and forty fourth grade students from Crestwood Elementary School, Crestwood.

Senator Shields introduced to the Senate, Michael Short, Platte City.

On motion of Senator Shields, the Senate adjourned until 4:00 p.m., Monday, March 7, 2005.

SENATE CALENDAR

THIRTY-FOURTH DAY—MONDAY, MARCH 7, 2005

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 478-Scott

HOUSE BILLS ON SECOND READING

HCS for HB 441
HCS for HB 347
HCS for HB 468

HB 248-Pearce
HCS for HB 297

Unofficial

THIRD READING OF SENATE BILLS

SB 173-Scott
(In Fiscal Oversight)

SS for SCS for SB 179-Griesheimer
(In Fiscal Oversight)

Journal
SENATE BILLS FOR PERFECTION

SB 237-Klindt, et al, with SCS
SB 88-Klindt

SBs 221, 250 & 256-Dolan, with SCS

Copy
INFORMAL CALENDAR
SENATE BILLS FOR PERFECTION

SB 29-Dolan, with SCS & SA 1 (pending)
SB 32-Bartle, with SCS & SS for SCS
(pending)
SB 185-Loudon, et al, with SA 1 (pending)

SB 187-Cauthorn and Clemens
SB 225-Cauthorn, with SCS & SS#2 for SCS
(pending)
SB 269-Shields and Callahan, with SCS

CONSENT CALENDAR

Senate Bills

Reported 2/28

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

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

Reported 3/1

SB 192-Engler
 SB 267-Gibbons, with SCS
 SB 238-Gross, with SCS
 SB 268-Gibbons and Coleman
 SB 304-Ridgeway and Shields
 SB 317-Mayer, et al
 SB 161-Gross, with SCS
 SB 266-Gibbons, with SCS

SB 286-Nodler
 SB 38-Nodler and Taylor
 SB 156-Shields
 SB 209-Koster
 SB 227-Engler, with SCS
 SB 233-Stouffer, with SCS
 SB 247-Dolan, with SCS

BILLS IN CONFERENCE AND BILLS
 CARRYING REQUEST MESSAGES

Requests to Recede or Grant Conference

SS for SCS for SBs 1 & 130-Loudon, with
 HCS, as amended
 (Senate requests House
 recede or grant conference)

RESOLUTIONS

To be Referred

SCR 8-Ridgeway