

# Journal of the Senate

FIRST REGULAR SESSION

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FIFTY-FIFTH DAY— TUESDAY, APRIL 19, 2005

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The Senate met pursuant to adjournment.

Senator Griesheimer in the Chair.

Reverend Carl Gauck offered the following prayer:

“Man cannot fulfill his destiny alone...” (Elizabeth Cady Stanton)

Almighty God, we acknowledge that if we try to do everything ourselves we will fail. But You have given us others here to help us as we struggle together to produce the best budget we can and if we can acknowledge our weakness and dependency on You, You will guide and aid our hearts and minds to do what must be accomplished. Amen.

The Pledge of Allegiance to the Flag was recited.

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

The Journal of the previous day was read and approved.

Senator Shields announced that photographers from Fox News Channel were given permission to take pictures in the Senate Chamber today.

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.

## RESOLUTIONS

Senator Gross offered Senate Resolution No. 1135, regarding the 2004 Lutheran High School Cougars volleyball team, which was adopted.

Senator Wilson offered Senate Resolution No. 1136, regarding Gloria Joseph, Kansas City, which was adopted.

## SENATE BILLS FOR PERFECTION

Senator Dolan moved that **SB 220** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Dolan offered **SS** for **SB 220**, entitled:

## SENATE SUBSTITUTE FOR SENATE BILL NO. 220

An Act to repeal sections 105.726, 537.600, and 537.610, RSMo, and to enact in lieu thereof

four new sections relating to civil liability of state agencies, public entities, and the employees thereof, with an emergency clause for certain sections.

Senator Dolan moved that **SS** for **SB 220** be adopted.

Senator Scott offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 220, Page 3, Section 105.705, Line 12, by inserting immediately after said line the following:

“105.711. 1. There is hereby created a “State Legal Expense Fund” which shall consist of moneys appropriated to the fund by the general assembly and moneys otherwise credited to such fund pursuant to section 105.716.

2. Moneys in the state legal expense fund shall be available for the payment of any claim or any amount required by any final judgment rendered by a court of competent jurisdiction against:

(1) The state of Missouri, or any agency of the state, pursuant to section 536.050 or 536.087, RSMo, or section 537.600, RSMo;

(2) Any officer or employee of the state of Missouri or any agency of the state, including, without limitation, elected officials, appointees, members of state boards or commissions, and members of the Missouri national guard upon conduct of such officer or employee arising out of and performed in connection with his or her official duties on behalf of the state, or any agency of the state, provided that moneys in this fund shall not be available for payment of claims made under chapter 287, RSMo; or

(3) (a) Any physician, psychiatrist, pharmacist, podiatrist, dentist, nurse, or other health care provider licensed to practice in Missouri under the provisions of chapter 330, 332, 334, 335, 336, 337 or 338, RSMo, who is employed by the state of Missouri or any agency of the state, under formal contract to conduct disability reviews on behalf of the department of

elementary and secondary education or provide services to patients or inmates of state correctional facilities [or county jails] on a part-time basis, **and any physician, psychiatrist, pharmacist, podiatrist, dentist, nurse, or other health care provider licensed to practice in Missouri under the provisions of chapter 330, 332, 334, 335, 336, 337, or 338, RSMo, who is under formal contract to provide services to patients or inmates at a county jail on a part-time basis;**

(b) Any physician licensed to practice medicine in Missouri under the provisions of chapter 334, RSMo, and his professional corporation organized pursuant to chapter 356, RSMo, who is employed by or under contract with a city or county health department organized under chapter 192, RSMo, or chapter 205, RSMo, or a city health department operating under a city charter, or a combined city-county health department to provide services to patients for medical care caused by pregnancy, delivery, and child care, if such medical services are provided by the physician pursuant to the contract without compensation or the physician is paid from no other source than a governmental agency except for patient co-payments required by federal or state law or local ordinance;

(c) Any physician licensed to practice medicine in Missouri under the provisions of chapter 334, RSMo, who is employed by or under contract with a federally funded community health center organized under Section 315, 329, 330 or 340 of the Public Health Services Act (42 U.S.C. 216, 254c) to provide services to patients for medical care caused by pregnancy, delivery, and child care, if such medical services are provided by the physician pursuant to the contract or employment agreement without compensation or the physician is paid from no other source than a governmental agency or such a federally funded community health center except for patient co-payments required by federal or state law or local ordinance. In the case of any claim or judgment that arises under this paragraph, the aggregate of payments from the state legal expense

fund shall be limited to a maximum of one million dollars for all claims arising out of and judgments based upon the same act or acts alleged in a single cause against any such physician, and shall not exceed one million dollars for any one claimant;

(d) Any physician licensed pursuant to chapter 334, RSMo, who is affiliated with and receives no compensation from a nonprofit entity qualified as exempt from federal taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, which offers a free health screening in any setting or any physician, nurse, physician assistant, dental hygienist, or dentist licensed or registered pursuant to chapter 332, RSMo, chapter 334, RSMo, or chapter 335, RSMo, who provides medical, dental, or nursing treatment within the scope of his license or registration at a city or county health department organized under chapter 192, RSMo, or chapter 205, RSMo, a city health department operating under a city charter, or a combined city-county health department, or a nonprofit community health center qualified as exempt from federal taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, if such treatment is restricted to primary care and preventive health services, provided that such treatment shall not include the performance of an abortion, and if such medical, dental, or nursing services are provided by the physician, dentist, physician assistant, dental hygienist, or nurse without compensation. Medicaid or medicare payments for primary care and preventive health services provided by a physician, dentist, physician assistant, dental hygienist, or nurse who volunteers at a free health clinic is not compensation for the purpose of this section if the total payment is assigned to the free health clinic. For the purposes of the section, "free health clinic" means a nonprofit community health center qualified as exempt from federal taxation under Section 501(c)(3) of the Internal Revenue Code of 1987, as amended, that provides primary care and preventive health services to people without health insurance coverage for the services provided without charge. In the case of any claim or judgment that arises under this paragraph, the

aggregate of payments from the state legal expense fund shall be limited to a maximum of five hundred thousand dollars, for all claims arising out of and judgments based upon the same act or acts alleged in a single cause and shall not exceed five hundred thousand dollars for any one claimant, and insurance policies purchased pursuant to the provisions of section 105.721 shall be limited to five hundred thousand dollars. Liability or malpractice insurance obtained and maintained in force by or on behalf of any physician, dentist, physician assistant, dental hygienist, or nurse shall not be considered available to pay that portion of a judgment or claim for which the state legal expense fund is liable under this paragraph; or

(e) Any physician, nurse, physician assistant, dental hygienist, or dentist licensed or registered to practice medicine, nursing, or dentistry or to act as a physician assistant or dental hygienist in Missouri under the provisions of chapter 332, RSMo, chapter 334, RSMo, or chapter 335, RSMo, who provides medical, nursing, or dental treatment within the scope of his license or registration to students of a school whether a public, private, or parochial elementary or secondary school, if such physician's treatment is restricted to primary care and preventive health services and if such medical, dental, or nursing services are provided by the physician, dentist, physician assistant, dental hygienist, or nurse without compensation. In the case of any claim or judgment that arises under this paragraph, the aggregate of payments from the state legal expense fund shall be limited to a maximum of five hundred thousand dollars, for all claims arising out of and judgments based upon the same act or acts alleged in a single cause and shall not exceed five hundred thousand dollars for any one claimant, and insurance policies purchased pursuant to the provisions of section 105.721 shall be limited to five hundred thousand dollars; or

(4) Staff employed by the juvenile division of any judicial circuit; or

(5) Any attorney licensed to practice law in the state of Missouri who practices law at or through a nonprofit community social services

center qualified as exempt from federal taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, or through any agency of any federal, state, or local government, if such legal practice is provided by the attorney without compensation. In the case of any claim or judgment that arises under this subdivision, the aggregate of payments from the state legal expense fund shall be limited to a maximum of five hundred thousand dollars for all claims arising out of and judgments based upon the same act or acts alleged in a single cause and shall not exceed five hundred thousand dollars for any one claimant, and insurance policies purchased pursuant to the provisions of section 105.721 shall be limited to five hundred thousand dollars.

3. The department of health and senior services shall promulgate rules regarding contract procedures and the documentation of care provided under paragraphs (b), (c), (d), and (e) of subdivision (3) of subsection 2 of this section. The limitation on payments from the state legal expense fund or any policy of insurance procured pursuant to the provisions of section 105.721, provided in subsection 6 of this section, shall not apply to any claim or judgment arising under paragraph (a), (b), (c), (d), or (e) of subdivision (3) of subsection 2 of this section. Any claim or judgment arising under paragraph (a), (b), (c), (d), or (e) of subdivision (3) of subsection 2 of this section shall be paid by the state legal expense fund or any policy of insurance procured pursuant to section 105.721, to the extent damages are allowed under sections 538.205 to 538.235, RSMo. Liability or malpractice insurance obtained and maintained in force by any physician, dentist, physician assistant, dental hygienist, or nurse for coverage concerning his or her private practice and assets shall not be considered available under subsection 6 of this section to pay that portion of a judgment or claim for which the state legal expense fund is liable under paragraph (a), (b), (c), (d), or (e) of subdivision (3) of subsection 2 of this section. However, a physician, nurse, dentist, physician assistant, or dental hygienist may purchase liability or malpractice insurance for

coverage of liability claims or judgments based upon care rendered under paragraphs (c), (d), and (e) of subdivision (3) of subsection 2 of this section which exceed the amount of liability coverage provided by the state legal expense fund under those paragraphs. Even if paragraph (a), (b), (c), (d), or (e) of subdivision (3) of subsection 2 of this section is repealed or modified, the state legal expense fund shall be available for damages which occur while the pertinent paragraph (a), (b), (c), (d), or (e) of subdivision (3) of subsection 2 of this section is in effect.

4. The attorney general shall promulgate rules regarding contract procedures and the documentation of legal practice provided under subdivision (5) of subsection 2 of this section. The limitation on payments from the state legal expense fund or any policy of insurance procured pursuant to section 105.721 as provided in subsection 6 of this section shall not apply to any claim or judgment arising under subdivision (5) of subsection 2 of this section. Any claim or judgment arising under subdivision (5) of subsection 2 of this section shall be paid by the state legal expense fund or any policy of insurance procured pursuant to section 105.721 to the extent damages are allowed under sections 538.205 to 538.235, RSMo. Liability or malpractice insurance otherwise obtained and maintained in force shall not be considered available under subsection 6 of this section to pay that portion of a judgment or claim for which the state legal expense fund is liable under subdivision (5) of subsection 2 of this section. However, an attorney may obtain liability or malpractice insurance for coverage of liability claims or judgments based upon legal practice rendered under subdivision (5) of subsection 2 of this section that exceed the amount of liability coverage provided by the state legal expense fund under subdivision (5) of subsection 2 of this section. Even if subdivision (5) of subsection 2 of this section is repealed or amended, the state legal expense fund shall be available for damages that occur while the pertinent subdivision (5) of subsection 2 of this section is in effect.

5. All payments shall be made from the state legal expense fund by the commissioner of administration with the approval of the attorney general. Payment from the state legal expense fund of a claim or final judgment award against a physician, dentist, physician assistant, dental hygienist, or nurse described in paragraph (a), (b), (c), (d), or (e) of subdivision (3) of subsection 2 of this section, or against an attorney in subdivision (5) of subsection 2 of this section, shall only be made for services rendered in accordance with the conditions of such paragraphs.

6. Except as provided in subsection 3 of this section, in the case of any claim or judgment that arises under sections 537.600 and 537.610, RSMo, against the state of Missouri, or an agency of the state, the aggregate of payments from the state legal expense fund and from any policy of insurance procured pursuant to the provisions of section 105.721 shall not exceed the limits of liability as provided in sections 537.600 to 537.610, RSMo. No payment shall be made from the state legal expense fund or any policy of insurance procured with state funds pursuant to section 105.721 unless and until the benefits provided to pay the claim by any other policy of liability insurance have been exhausted.

7. The provisions of section 33.080, RSMo, notwithstanding, any moneys remaining to the credit of the state legal expense fund at the end of an appropriation period shall not be transferred to general revenue.

8. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated under the authority delegated in sections 105.711 to 105.726 shall become effective only if it has been promulgated pursuant to the provisions of chapter 536, RSMo. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with the provisions of chapter 536, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the

effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

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

Senator Dougherty offered SA 2:

#### SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 220, Page 1, Section A, Line 4, by inserting immediately after said line the following:

“84.030. [Beginning on January 9, 1989, the governor of the state of Missouri] **The mayor of any city subject to sections 84.010 to 84.340**, by and with the advice and consent of the [senate] **board of aldermen or similar governing body**, shall appoint the four commissioners provided for in section 84.020, and one commissioner shall be appointed for a term of one year; one commissioner shall be appointed for a term of two years; one commissioner shall be appointed for a term of three years; one commissioner shall be appointed for a term of four years. Their successors shall each be appointed for a term of four years, and said commissioners shall hold office for their term of appointment and until their successors shall have been appointed and qualified. In case of a vacancy in said board for any cause whatsoever, it shall be filled by appointment for the unexpired term, in the same manner as in the case of original appointments. The [governor] **mayor** shall issue commissions to the persons so appointed, designating the time for which they are appointed in case the appointment is to fill an unexpired term occasioned by death, resignation or any other cause, and whenever the term of office of any commissioner expires, the appointment of his successor shall be for four years. The commissioners now holding offices under existing laws in any city of this state to which sections 84.010 to 84.340 apply are to hold their offices

until the expiration of their terms, and their successors are duly appointed and qualified.

84.080. Any one of said commissioners, who, during his term of office, shall accept any other place of public trust or emolument, or who, during the same period, shall knowingly receive any nomination for an office elective by the people, without publicly declining same within twenty days succeeding such nomination, or shall become a candidate for the nomination for any office at the hands of any political party, shall be deemed to thereby forfeit or vacate his office. Any of said commissioners may be removed by the [governor of the state of Missouri] **mayor of a city subject to sections 84.010 to 84.340** upon his being fully satisfied that the commissioner is guilty of any official misconduct.”; and

Further amend the title and enacting clause accordingly.

Senator Dougherty moved that the above amendment be adopted.

Senator Dolan raised the point of order that **SA 2** is out of order in that it goes beyond the scope of the bill.

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

Senator Loudon offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Bill No. 220, Page 4, Section 105.726, Line 19, by inserting immediately after said line the following:

**“210.114. Except as otherwise provided in section 207.085, RSMo, a private contractor, as defined in subdivision (4) of section 210.110, with the children's division that receives state moneys from the division or the department for providing services to children and their families shall be immune from criminal and civil liability for providing such services to the same extent that the children's division has immunity from criminal or civil liability when the division or department directly provides such services.”;**

and

Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above amendment be adopted.

Senator Callahan raised the point of order that **SA 3** is out of order as it goes beyond the scope of the bill.

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

Senator Dolan moved that **SS** for **SB 220**, as amended, be adopted, which motion prevailed.

On motion of Senator Dolan, **SS** for **SB 220**, as amended, was declared perfected and ordered printed.

Senator Shields moved that **SB 481**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

**SCS** for **SB 481**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 481

An Act to repeal sections 162.675, 162.725, 162.735, and 162.740, RSMo, and to enact in lieu thereof three new sections relating to special education services.

Was taken up.

Senator Shields moved that **SCS** for **SB 481** be adopted.

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

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 481, Page 2, Section 162.974, Line 4, by inserting after the word “current” the following: “**state average**”; and

Further amend line 5 by striking the words “on the district”; and

Further amend line 6 by striking the words “annual secretary of the board report”.

Senator Bray moved that the above

amendment be adopted.

At the request of Senator Bray, **SA 1** was withdrawn.

Senator Shields moved that **SCS** for **SB 481** be adopted, which motion prevailed.

On motion of Senator Shields, **SCS** for **SB 481** was declared perfected and ordered printed.

President Pro Tem Gibbons assumed the Chair.

**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 **SCS** for **SB 69**, begs leave to report that it has examined the same and finds that the bill has been duly enrolled and that the printed copies furnished the Senators are correct.

**SIGNING OF BILLS**

The President Pro Tem announced that all other business would be suspended and **SCS** for **SB 69**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

Senator Ridgeway assumed the Chair.

**HOUSE BILLS ON SECOND READING**

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

**HCS** for **HB 11**—Appropriations.

**HB 12**—Appropriations.

**HB 13**—Appropriations.

**REFERRALS**

President Pro Tem Gibbons referred **HB 618**

to the Committee on Governmental Accountability and Fiscal Oversight.

President Pro Tem Gibbons referred **SCR 15** and **SCR 16** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

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

**RECESS**

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

**CONCURRENT RESOLUTIONS**

Senator Ridgeway moved that **SCR 6**, with **SCS**, be taken up for adoption, which motion prevailed.

**SCS** for **SCR 6** was taken up.

Senator Nodler assumed the Chair.

Senator Ridgeway moved that **SCS** for **SCR 6** be adopted, which motion prevailed.

On motion of Senator Ridgeway, **SCR 6**, as amended by the **SCS**, was adopted by the following vote:

YEAS—Senators

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

Wilson—29

NAYS—Senator Bray—1

Absent—Senators

Dougherty	Green	Vogel	Wheeler—4
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Absent with leave—Senators—None

Vacancies—None

Senator Ridgeway moved that **SCR 8**, with

**SCS**, be taken up for adoption, which motion prevailed.

**SCS** for **SCR 8** was taken up.

Senator Ridgeway moved that **SCS** for **SCR 8** be adopted, which motion prevailed.

On motion of Senator Ridgeway, **SCR 8**, as amended by the **SCS**, was adopted by the following vote:

YEAS—Senators

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

NAYS—Senators

Bray Green—2

Absent—Senators

Crowell Wheeler—2

Absent with leave—Senators—None

Vacancies—None

## SENATE BILLS FOR PERFECTION

**SB 199** was placed on the Informal Calendar.

Senator Gibbons moved that **SB 402** be taken up for perfection, which motion prevailed.

Senator Gibbons offered **SS** for **SB 402**, entitled:

### SENATE SUBSTITUTE FOR SENATE BILL NO. 402

An Act to repeal sections 302.178, 311.310, 311.325, 570.223, and 577.500, RSMo, and to enact in lieu thereof six new sections relating to underage drinking, with penalty provisions.

Senator Gibbons moved that **SS** for **SB 402** be adopted.

Senator Graham offered **SA 1**:

## SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 402, Page 9, Section 311.325, Line 1, by inserting after all of said line the following:

**“311.722. 1. The supervisor of alcohol and tobacco control shall not use minors, to enforce the laws of this chapter or chapter 312, RSMo, unless the supervisor promulgates rules and regulations that establish standards for the use of minors. The standards shall include those in subsection 2 of this section.**

**2. The supervisor shall establish permissive guidelines for the use of minors in investigations by any state, county, municipal or other local law enforcement authority, and which shall, at a minimum, provide for the following:**

**(1) The minor shall be eighteen or nineteen years of age;**

**(2) The minor shall have a youthful appearance, and the minor if a male, shall not have facial hair or a receding hairline, and the minor, if a female, must not wear excessive makeup or excessive jewelry;**

**(3) The state, county, municipal, or other local law enforcement agency shall obtain the consent of the minor's parent or legal guardian before the use of such minor;**

**(4) The state, county, municipal, or other local law enforcement agency shall make a photocopy of the minor's valid identification, showing the minor's correct date of birth;**

**(5) Any attempt by such minor to purchase intoxicating liquor or nonintoxicating beer shall be videotaped or audiotaped with equipment sufficient to record all statements made by the minor and the seller of the intoxicating liquor or nonintoxicating beer at the licensed establishment;**

**(6) The minor shall carry his or her own identification showing the minor's correct date of birth and shall, upon request, produce such identification to the seller of the intoxicating**

liquor or nonintoxicating beer at the licensed establishment;

(7) The minor shall answer truthfully any questions about his or her age and shall not remain silent when asked questions regarding his or her age;

(8) The minor shall not lie to the seller of intoxicating liquor or nonintoxicating beer at the licensed establishment in order to induce a sale of intoxicating liquor or nonintoxicating beer;

(9) The minor shall not be employed by the state, county, municipal, or other local law enforcement agency on an incentive or quota basis;

(10) The state, county, municipal, or other local law enforcement agency shall, within forty-eight hours, contact, or take all reasonable steps to contact the owner or manager of a licensed establishment, if a violation occurs;

(11) The minor associated with a state, county, municipal, or other local law enforcement agency shall not visit a licensed establishment for the purpose of enforcement, during shift changes of the establishment;

(12) The state, county, municipal, or other local law enforcement agency shall, maintain records of each visit to a licensed establishment where a minor is used by the state, county, municipal or other local law enforcement agency for a period of at least one year following the incident, regardless of whether a violation occurs at each visit, and such records shall, at a minimum, include the following information:

(a) The signed consent form of the minor's parent or legal guardian;

(b) A polaroid or other photograph of the minor taken before the visit;

(c) The photocopy of the minor's valid identification, showing the minor's correct date of birth;

(d) An information sheet, which is completed by the minor; and

(e) The name of each licensed establishment visited by the minor, and the date and time of each visit.

3. The supervisor of alcohol and tobacco control shall not participate with any state, county, municipal, or other local law enforcement agency, nor discipline any licensed establishment when any state, county, municipal, or other local law enforcement agency chooses not to follow the supervisor's permissive standards.

4. Any minors used in investigations under this section shall be exempt from any violations under chapter 311 and chapter 312, during the time they are under the direct control of the state, county, municipal, or other law enforcement authorities.”;and

Further amend the title and enacting clause accordingly.

Senator Graham moved that the above amendment be adopted.

Senator Griesheimer offered SSA 1 for SA 1, which was read:

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

Amend Senate Substitute for Senate Bill No. 402, Page 9, Section 311.325, Line 1, by inserting after all of said line the following:

“311.722. 1. The supervisor of alcohol and tobacco control shall not use minors, to enforce the laws of this chapter or chapter 312, RSMo, unless the supervisor promulgates rules and regulations that establish standards for the use of minors. The standards shall include those in subsection 2 of this section.

2. The supervisor shall establish permissive guidelines for the use of minors in investigations by any state, county, municipal or other local law enforcement authority, and which shall, at a minimum, provide that the minor shall be

**eighteen or nineteen years of age.”; and**

Further amend the title and enacting clause accordingly.

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

Senator Kennedy offered SA 2:

**SENATE AMENDMENT NO. 2**

Amend Senate Substitute for Senate Bill No. 402, Page 1, In the Title, Line 3, by striking “underage drinking” and inserting in lieu thereof the following: “substance abuse”; and

Further amend said bill page 1, section 160.069, line 8, by inserting after all of said line the following:

**“160.782. 1. Any person who provides construction services under contract within two thousand feet of a public or private elementary or secondary school, public vocational school, or public or private junior college, college, or university or any land grant university shall submit to a chemical test for the purpose of determining the drug content of that person's blood prior to working in such area. The provision of this subsection shall not apply to any person who has submitted to a chemical test for the employer within six months of commencement of the construction and the results of such test were negative.**

**2. A “verified positive test result” means a test result that was positive on an initial Food and Drug Administration approved immunoassay test, confirmed by a gas chromatography/mass spectrometry assay, or other confirmatory tests approved by the department of health and human services and reviewed and verified by the medical review officer.**

**3. “Medical review officer” means a licensed physician responsible for receiving laboratory results who has knowledge of substance abuse disorders and appropriate**

**medical training to interpret and evaluate all positive test results together with a tested individual's medical history and any other relevant biomedical information.**

**4. Any individual subject to testing under this plan shall be permitted to provide urine specimens in private, in a restroom stall or similar enclosure so that the employee is not observed while providing the sample. Collection site personnel of the same gender as the individual tested, however, may observe the individual providing the urine specimen when such personnel have reason to believe the individual may alter or substitute the specimen to be provided. Collection site personnel may have reason to believe that a particular individual may alter or substitute the specimen to be provided when the individual:**

**(1) Previously has been found to have tested positive for an illegal drug; or**

**(2) Previously has tampered with a sample.**

**5. After an individual yields a verified positive test, a contractor shall not allow such a person to work on the school project and may:**

**(1) Take appropriate personnel action against such employee up to and including termination; and**

**(2) If the employee is not terminated, require such employee to satisfactorily participate in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency.”; and**

Further amend the title and enacting clause accordingly.

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

Senator Wilson offered SA 3:

**SENATE AMENDMENT NO. 3**

Amend Senate Substitute for Senate Bill No. 402, Page 7, Section 311.310, Lines 7-9, by

striking the words “, unless such person allowing the person under the age of twenty-one to drink or possess alcohol is his or her parent or guardian”.

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

Senator Griesheimer assumed the Chair.

Senator Ridgeway offered SA 4:

#### SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Bill No. 402, Page 7, Section 311.310, Line 11, by inserting immediately following all of said line the following: **“3. Any owner, occupant, or other person or legal entity with a lawful right to the use and enjoyment of any property is prohibited from recklessly allowing a person under the age of twenty-one to drink or possess alcohol or recklessly failing to stop a person under the age of twenty-one from drinking or possessing alcohol on such property, unless such person allowing the person under the age of twenty-one to drink or possess alcohol is his or her parent or guardian. A person who violates the provisions of this subsection is guilty of a class B misdemeanor.”**

Further amend the title and enacting clause accordingly.

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

Senator Shields offered SA 5:

#### SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Bill No. 402, Page 5, Section 302.178, Lines 21-22, by striking “sixteen and one-half” and inserting in lieu thereof the following: **“eighteen”**; and

Further amend line 22 by striking the words “sixteen and one-half” and inserting in lieu thereof the word **“eighteen”**; and

Further amend line 28 by striking the words “sixteen and one-half” and inserting in lieu thereof the word **“eighteen”**; and

Further amend said bill, section 577.500, page 15, line 10, by inserting after “5.” the following: **“Except as provided in subsection 6 of this section,”**; and

Further amend line 13 by inserting after all of said line the following:

**“6. For a person between the ages of sixteen and twenty-one, the period of suspension for a first offense under subdivisions 1 and 2 of subsection 1 shall be two years. For a person between the ages of sixteen and twenty-one, any second or subsequent offense under subdivisions 1 and 2 of subsection 1 shall result in revocation of the offender’s driving privileges for four years.”**

Senator Shields moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator Gibbons moved that **SS** for **SB 402**, as amended, be adopted, which motion prevailed.

On motion of Senator Gibbons, **SS** for **SB 402**, as amended, was declared perfected and ordered printed.

At the request of Senator Loudon, **SB 548** was placed on the Informal Calendar.

At the request of Senator Ridgeway, **SB 196**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Loudon, **SB 3**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Wheeler, **SB 44**, with **SCS**, was placed on the Informal Calendar.

**SB 159** was placed on the Informal Calendar.

Senator Gross moved that **SB 144**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 144**, entitled:

#### SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 144

An Act to repeal section 478.600, RSMo, and to enact in lieu thereof one new section relating to the eleventh judicial circuit.

Was taken up.

Senator Gross moved that **SCS** for **SB 144** be adopted.

Senator Gross offered **SS** for **SCS** for **SB 144**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 144

An Act to repeal sections 478.570 and 478.600, RSMo, and to enact in lieu thereof two new sections relating to judicial circuits.

Senator Gross moved that **SS** for **SCS** for **SB 144** be adopted, which motion prevailed.

On motion of Senator Gross, **SS** for **SCS** for **SB 144**, was declared perfected and ordered printed.

Senator Loudon moved that **SB 2**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

**SCS** for **SB 2**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 2

An Act to repeal sections 188.015, 188.075, 188.080, and 197.200, RSMo, and to enact in lieu thereof six new sections relating to abortion, with penalty provisions.

Was taken up.

Senator Loudon offered **SS** for **SCS** for **SB 2**, entitled:

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

An Act to repeal sections 188.010, 188.015, 188.025, 188.052, 188.055, 188.070, 188.075, 188.080, and 197.200, RSMo, and to enact in lieu thereof eighteen new sections relating to abortion and alternatives to abortion services, with penalty provisions.

Senator Loudon moved that **SS** for **SCS** for

**SB 2** be adopted.

President Kinder assumed the Chair.

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

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 2, Page 10, Section 160.068, Line 16 of said page, by striking the word “subsection” and inserting in lieu thereof the word “**section**”; and further amend line 18 of said page, by striking the word “subsection” and inserting in lieu thereof the word “**section**”.

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

Senator Days offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 2, Page 19, Section 188.250, Line 13 of said page, by inserting immediately after said line the following:

**“6. The provisions of this section shall not apply to any grandparent, sibling, aunt, or uncle of a minor.”**

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

Senator Koster assumed the Chair.

Senator Wheeler offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 2, Page 18, Section 188.080, Lines 5-7, by deleting the following: “located within thirty miles of the location at which the abortion is performed or induced”.

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

Senator Bray offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate

Committee Substitute for Senate Bill No. 2, Page 19, Section 188.250, Line 13 of said page, by inserting immediately after said line the following:

“6. The provisions of this section shall not apply in the case to save the life of the minor.”.

Senator Bray moved that the above amendment be adopted.

At the request of Senator Loudon, **SB 2**, with **SCS**, **SS** for **SCS** and **SA 4** (pending), was placed on the Informal Calendar.

**BILLS DELIVERED TO THE GOVERNOR**

**SCS** for **SB 69**, after having been duly signed by the Speaker of the House of Representatives in open session, was delivered to the Governor by the Secretary of the Senate.

**RESOLUTIONS**

Senator Stouffer offered Senate Resolution No. 1137, regarding the Sixty-Second Wedding Anniversary of Mr. and Mrs. Wallace Mallory, Carrollton, which was adopted.

Senator Wheeler offered Senate Resolution No. 1138, regarding the Ninetieth Birthday of Allen J. Block, which was adopted.

Senator Ridgeway offered Senate Resolution No. 1139, regarding Robert Smith, Lathrop, which was adopted.

Senator Mayer offered Senate Resolution No. 1140, regarding Rachel Joy Wollard, Naylor, which was adopted.

On motion of Senator Shields, the Senate recessed until 8:00 p.m.

**RECESS**

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

**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 402**; **SS** for **SCS** for **SB 144**; **SCS** for **SB 481**; and **SS** for **SB 220**, 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 2**, with **SCS**, **SS** for **SCS** and **SA 4** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SA 4** was again taken up.

Senator Bray requested a roll call vote be taken on the adoption of **SA 4** and was joined in her request by Senators Coleman, Days, Dougherty and Wilson.

**SA 4** failed of adoption by the following vote:

YEAS—Senators

Bray	Coleman	Days	Graham
Wheeler	Wilson—6		

NAYS—Senators

Alter	Barnitz	Bartle	Callahan
Cauthorn	Champion	Clemens	Crowell
Dolan	Engler	Gibbons	Green
Griesheimer	Gross	Kennedy	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel—26		

Absent—Senators

Dougherty	Klindt—2
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Absent with leave—Senators—None

Vacancies—None

Senator Cauthorn offered **SA 5**:

**SENATE AMENDMENT NO. 5**

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 2, Page 26, Section 301.3030, Line 7, by striking the word

“both”; and further amend said section, page 27, line 20, by inserting after “6.” the following:

**“Upon presentation of the annual statement, payment of a fifteen dollar fee in addition to the regular registration fees and presentation of documents required by law, the department of revenue shall issue a license plate to the vehicle owner.”.**

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

Senator Dougherty offered **SA 6**:

**SENATE AMENDMENT NO. 6**

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 2, Page 28, Section 301.3030, Line 4, of said page, by inserting immediately after said line the following:

**“Section 1. To reduce the number of unintended pregnancies, the state of Missouri shall establish the “Missouri Family Planning Program” by fiscal year 2007 with an initial funding amount of five million dollars. The program shall be open to all qualified providers. Family planning shall include, but not be limited to: breast and cervical cancer checks; screening and treatment for sexually transmitted diseases (STDs); HIV screening; voluntary choice of contraception, including natural family planning; infertility management; patient education and pre-pregnancy counseling on the dangers of smoking, alcohol, and drug use during pregnancy; education on sexual coercion and violence in relationships; and prenatal and other health care referrals.”; and**

Further amend the title and enacting clause accordingly.

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

**SA 6** failed of adoption by the following vote:

**YEAS—Senators**

Bray	Coleman	Days	Dougherty
Graham	Green	Wheeler	Wilson—8

**NAYS—Senators**

Alter	Barnitz	Bartle	Callahan
Cauthorn	Champion	Clemens	Crowell
Dolan	Engler	Gibbons	Griesheimer
Gross	Kennedy	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor

Vogel—25

Absent—Senator Klindt—1

Absent with leave—Senators—None

Vacancies—None

Senator Bray offered **SA 7**:

**SENATE AMENDMENT NO. 7**

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 2, Page 28, Section 301.3030, Line 4, by inserting after all of said line the following:

**“301.3135. 1. Any person may receive special license plates with words and an emblem that denotes support for choice, pursuant to this section, for any motor vehicle such person owns either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight after a contribution of at least twenty-five dollars, or at least fifty dollars in the case of a biennial registration, to the Missouri freedom=choice support fund. Such license plates shall be called “Freedom=Choice”.**

**2. Freedom=choice license plates shall bear the words “Freedom=Choice” in place of the words “SHOW-ME STATE” and shall bear the image of two human figures holding hands. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and**

shall be aesthetically attractive, pursuant to section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section.

3. The contribution of at least twenty-five dollars, or at least fifty dollars in the case of a biennial registration, to the Missouri freedom=choice support fund shall be made to the director of revenue at the time of registration of the vehicle. The director shall transfer such contributions to the state treasurer for deposit in the Missouri freedom=choice support fund. Upon the receipt of such contribution, payment of a fifteen dollar fee in addition to the regular registration fees, payment of the regular registration fees, and presentation of other documents that may be required by law, the director of revenue shall issue freedom=choice license plates to the vehicle owner.

4. There shall be no limit on the number of sets of freedom=choice license plates a person may obtain pursuant to this section so long as such license plates are issued for vehicles owned solely or jointly by such person, and so long as a contribution of at least twenty-five dollars, or at least fifty dollars in the case of a biennial registration, is made for each set of freedom=choice license plates.

5. A vehicle owner who was previously issued freedom=choice license plates but who does not make a contribution of at least twenty-five dollars, or at least fifty dollars in the case of a biennial registration, to the Missouri freedom=choice support fund at a subsequent time of registration shall be issued new plates that are not freedom=choice license plates, as otherwise provided by law.

6. The director of revenue shall issue samples of freedom=choice license plates to all offices in this state where vehicles are registered and license plates are issued. Such sample license plates shall be prominently displayed in

such offices along with literature prepared by the director describing the license plates, the Missouri freedom=choice support fund, and the purposes for which the fund is used.

7. The general assembly may appropriate moneys annually from the Missouri freedom=choice support fund to the department of revenue to offset costs reasonably incurred by the director of revenue pursuant to subsections 1 to 6 of this section.

8. There is hereby established in the state treasury the "Missouri Freedom=Choice Support Fund". The state treasurer shall credit to and deposit in such fund:

(1) Moneys that may be required by law to be credited to or deposited in such fund;

(2) Moneys that may be appropriated to it by the general assembly;

(3) Other amounts that may be received from general revenue, grants, gifts, bequests, settlements, awards, or from federal, state, or local sources; and

(4) Any other sources granted or given for this specific purpose.

9. The state treasurer shall invest moneys in the Missouri freedom=choice support fund in the same manner as surplus state funds are invested pursuant to section 30.260, RSMo. All earnings that result from the investment of moneys in the fund shall be credited to such fund.

10. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the Missouri freedom=choice support fund shall not revert to the credit of general revenue at the end of the biennium.

11. Moneys credited to and deposited in the Missouri freedom=choice support fund shall only be used for the purposes authorized pursuant to this section or as otherwise provided by law.

12. Until the amount in the Missouri

freedom=choice support fund exceeds one million dollars, not more than one-half of the moneys credited to and deposited in the fund from all sources, plus all earnings from the investment of moneys in the fund during the previous fiscal year, shall be available for disbursement. When the state treasurer certifies that the assets in the fund exceed one million dollars, all credited earnings plus all future credits to the fund from all sources shall be available for disbursement.

13. The Missouri freedom=choice support fund shall be used to provide and promote family planning services by grants to, or contracts with, providers of family planning services in this state. The general assembly shall appropriate moneys from the freedom=choice support fund to providers of family planning services and pursuant to the provisions of this act. None of these funds appropriated herein may be used for abortion or counseling for abortion.

14. As used in this section, “family planning services” shall include, but not be limited to, the following services: breast exams for the early detection of breast cancer, Pap test for the detection of cervical cancer, gynecologic exams, testing and treatment of sexually transmitted infections, health screenings for high blood pressure and diabetes, pregnancy testing, nondirective pregnancy counseling, domestic violence and sexual abuse education, counseling and referral for mental health and substance abuse, contraceptive counseling and client-appropriate birth control methods, infertility management, and preconception counseling.”; and

Further amend the title and enacting clause accordingly.

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

Senator Days offered SA 8, which was read:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 2, Page 19, Section 188.250, Line 13, of said page, by inserting immediately after said line the following:

“6. The provisions of this section shall not apply in the case of a minor who obtains an abortion as a result of rape or incest.”.

Senator Days moved that the above amendment be adopted.

Senator Bray requested a roll call vote be taken on the adoption of SA 8 and was joined in her request by Senators Coleman, Days, Green and Wheeler.

SA 8 failed of adoption by the following vote:

YEAS—Senators

Bray	Coleman	Days	Graham
Green	Wheeler	Wilson—7	

NAYS—Senators

Alter	Barnitz	Bartle	Callahan
Cauthorn	Champion	Clemens	Crowell
Dolan	Engler	Gibbons	Griesheimer
Gross	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel—24

Absent—Senators

Dougherty	Kennedy	Klindt—3
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Absent with leave—Senators—None

Vacancies—None

Senator Bray offered SA 9, which was read:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 2, Page 5, Section 33.900, Line 13, by inserting after all of said line the following:

“(7) Nothing in this section will be construed as a prohibition against the expenditure of funds used for medical research involving pluripotent stem cells.”.

Senator Bray moved that the above amendment be adopted.

Senator Days requested a roll call vote be taken on the adoption of **SA 9** and was joined in her request by Senators Bray, Coleman, Graham and Wilson.

Senator Dolan raised the point of order that **SA 9** is out of order as it goes beyond the scope of the bill.

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

Senator Coleman offered **SA 10**:

**SENATE AMENDMENT NO. 10**

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 2, Page 25, Section 188.305, Line 4, of said page, by inserting after all of said line the following:

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

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

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

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

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

**and objective;**

**(4) “Sexual assault”, as defined in section 566.040, RSMo;**

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

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

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

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

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

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

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

**4. The information materials must:**

**(1) Be medically and factually accurate and objective;**

**(2) Be clearly written and readily comprehensible in a culturally competent**

manner, as the department deems necessary to inform victims of sexual assault; and

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

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

(1) Impose a fine of five thousand dollars per woman who is denied medically and factually accurate and objective information about emergency contraception or who is not offered or provided emergency contraception; and

(2) Impose a fine of five thousand dollars for failure to comply with the provisions of this section and for every thirty days that a hospital or health care facility is not in compliance, an additional fine of five thousand dollars shall be imposed.”; and

Further amend the title and enacting clause accordingly.

Senator Coleman moved that the above amendment be adopted.

Senator Loudon offered SSA 1 for SA 10, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1  
FOR SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 2, Page 25, Section 188.305, Line 4 of said page, by inserting after all of said line the following:

“191.717. 1. Section 191.717 may be cited as the “Compassionate Assistance for Rape Emergencies (CARE) Act”. All hospitals in

Missouri are encouraged to adopt policies and procedures to compassionately assist victims of sexual assaults.”.

At the request of Senator Loudon, SSA 1 for SA 10 was withdrawn.

Senator Loudon offered SSA 2 for SA 10, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 2  
FOR SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 2, Page 25, Section 188.305, Line 4 of said page, by inserting after all of said line the following:

“191.717. Section 191.717 may be cited as the “Compassionate Assistance for Rape Emergencies (CARE) Act”. All hospitals in Missouri are encouraged to adopt policies and procedures to compassionately assist victims of sexual assaults.”; and

Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above substitute amendment be adopted.

Senator Coleman raised the point of order that SSA 2 for SA 10 is out of order as it is not a true substitute amendment.

The point of order was referred to the President Pro Tem who ruled it not well taken.

At the request of Senator Loudon, SSA 2 for SA 10 was withdrawn.

SA 10 was again taken up.

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

SA 10 failed of adoption by the following vote:

YEAS—Senators

Bray	Coleman	Days	Graham
Wheeler	Wilson—6		

## NAYS—Senators

Alter	Barnitz	Bartle	Callahan
Cauthorn	Champion	Clemens	Crowell
Dolan	Engler	Gibbons	Green
Griesheimer	Gross	Kennedy	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel—26		

## Absent—Senators

Dougherty Klindt—2

Absent with leave—Senators—None

Vacancies—None

Senator Bray offered **SA 11**, which was read:

## SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 2, Page 11, Section 188.010, Line 16, by inserting at the end of said line the following:

“For the purposes of this section the term human shall not include pluripotent stem cells.”.

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

Senator Bartle raised the point of order that **SA 11** is out of order as it is not germane to the bill.

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

Senator Loudon moved that **SS** for **SCS** for **SB 2**, as amended, be adopted, which motion prevailed.

On motion of Senator Loudon, **SS** for **SCS** for **SB 2**, as amended, was declared perfected and ordered printed.

## REFERRALS

President Pro Tem Gibbons referred **SS** for **SCS** for **SB 316** and **SCS** for **SB 481** to the

Committee on Governmental Accountability and Fiscal Oversight.

## COMMUNICATIONS

President Pro Tem Gibbons submitted the following:

April 18, 2005

Mrs. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325

Jefferson City, MO 65101

**RE: Appointment to the Missouri Health Facilities Review Committee**

Dear Terry:

Pursuant to Section 197.310 of the Revised Statutes of Missouri (RSMo 2002), I am appointing the following senator to the Missouri Health Facilities Review Committee:

Senator Jon Dolan

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

Senator Shields submitted the following:

April 19, 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 approved the 93rd General Assembly's Senate Parkland Caucus at the January 20th, 2005 meeting.

Please add the following members to the caucus:

- Senator Bill Alter
- Senator Frank Barnitz

Sincerely,

/s/ Charlie

Charlie Shields

## INTRODUCTIONS OF GUESTS

Senator Griesheimer introduced to the Senate, Ralph Huesing, Clarksville; Pam Sanderson, Fayette; Gayla Roten, Branson; Bridgette Epple, Washington; Diane Hannah, Clinton; and Deborah

Hartwig, Branson; members of the Missouri Main Street Program.

Senator Loudon introduced to the Senate, the Physician of the Day, Dr. Patrick O'Donnell, M.D. and his wife, Maria, Chesterfield.

Senator Kennedy introduced to the Senate, Steven N. Middlekamp, St. Louis.

Senator Koster introduced to the Senate, Annette Leathers and students from Garden City Training Center.

Senator Taylor introduced to the Senate, Larry Moennig, Monett; Randy Henderson, Purdy; and Landon Fletcher, Cassville.

Senator Griesheimer introduced to the Senate, fourth grade students from St. Gertrudes Catholic School, Krakow.

Senator Kennedy introduced to the Senate, twenty eighth grade students from St. Matthias the Apostle School, St. Louis.

Senator Bray introduced to the Senate, Kerri Clingler, Gretchen Heinrichs, Tess Coyman and Eric Fledderman, St. Monica's School, Creve Coeur; and Kerri, Gretchen, Tess and Eric were made honorary pages.

On behalf of Senator Alter and himself, Senator Engler introduced to the Senate, one hundred fifty students from Hillsboro Grade School.

Senator Dolan introduced to the Senate, Lyn Biesendorfer and fifth and sixth grade students from Messiah Lutheran School, St. Charles.

Senator Cauthorn introduced to the Senate, Pam Hitchcock and her daughters, Nicole and Natalie, Mexico.

On behalf of Senator Wheeler and herself, Senator Ridgeway introduced to the Senate, Jo-Chin Wang and Henry Fan, Kansas City.

Senator Griesheimer introduced to the Senate, Dr. Ve Ainn Tilson, Steve Coble, Connie Rinne and Dr. Virgil Weideman, Union.

Senator Callahan introduced to the Senate, Doug Dunlop and seventh grade students from Messiah Lutheran School, Independence.

Senator Loudon introduced to the Senate, his wife, Gina, Chesterfield; and David and Jonathan Glaser, Wildwood.

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

# Journal

## SENATE CALENDAR

FIFTY-SIXTH DAY—WEDNESDAY, APRIL 20, 2005

## FORMAL CALENDAR

### THIRD READING OF SENATE BILLS

SCS for SB 500-Gibbons, et al  
(In Fiscal Oversight)  
SB 254-Engler  
SS for SB 402-Gibbons

SS for SCS for SB 144-Gross  
SCS for SB 481-Shields  
(In Fiscal Oversight)  
SS for SB 220-Dolan

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 199-Gross
SB 5-Klindt, with SCS & SS for SCS (pending)	SB 214-Scott, et al, with SCS
SB 12-Cauthorn and Klindt	SB 236-Klindt and Clemens
SB 29-Dolan, with SCS & SA 1 (pending)	SB 240-Scott
SBs 37, 322, 78, 351 & 424-Nodler, with SCS	SB 241-Scott
SB 44-Wheeler and Bray, with SCS	SB 253-Koster, with SCS
SB 50-Taylor and Nodler, with SCS & SS for SCS (pending)	SB 284-Cauthorn and Clemens, with SCS
SB 55-Klindt, with SCS	SB 291-Mayer, et al, with SCS & SS for SCS (pending)
SB 64-Kennedy, with SCS	SB 321-Shields
SB 90-Dougherty, with SCS	SB 324-Scott, with SCS
SB 93-Cauthorn, with SCS	SB 339-Gross, with SCS
SB 152-Wilson, with SCS	SB 348-Clemens
SB 159-Cauthorn	SBs 365 & 204-Mayer, et al, with SCS (pending)
SB 160-Bartle, et al, with SS (pending)	SB 373-Bartle
SB 185-Loudon, et al, with SA 1 (pending)	SB 376-Loudon
SB 194-Engler	SB 434-Cauthorn
SB 196-Ridgeway and Stouffer, with SCS	SB 470-Engler
	SB 548-Loudon

CONSENT CALENDAR

House Bills

Reported 4/11

HB 707-Cunningham (145) and Byrd, with  
SCS (Scott)

HB 678-Byrd, with SCS (Bartle)  
HB 402-Schaaf, et al (Shields)

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

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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) (In Fiscal Oversight)
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)	

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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)

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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

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