Journal of the Senate

FIRST REGULAR SESSION

SIXTIETH DAY—WEDNESDAY, APRIL 27, 2005

Nodler

Shields

The Senate met pursuant to adjournment.

Senator Mayer in the Chair.

Reverend Carl Gauck offered the following prayer:

"Teach me to do your will for you are my God. Let your good spirit lead me on a level path." (Psalm 143:10)

My God, the days are long, the week has not ended and there is much before us to be done. In this time of final calls for decisions and actions that affect Your people we need Your guidance so we may follow the path You have laid out for us. Let Your Holy Spirit lead us and may we stay level in our thinking and daily living. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

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

The Journal of the previous day was read and approved.

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

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

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer

Ridgeway

Taylor

Scott

Vogel

Wheeler Wilson—34

Absent-Senators-None

Present-Senators

Absent with leave—Senators—None

Purgason

Stouffer

Vacancies—None

The Lieutenant Governor was present.

CONCURRENT RESOLUTIONS

Senator Scott offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 17

Whereas, the cost of a four-year college education increases each year; and

Whereas, in response to the ever-increasing cost of a college education, the federal government created Section 529 of the Internal Revenue Code, which authorized states to create federal tax-deferred higher education savings programs; and

Whereas, each state has established at least one higher education savings program under the auspices of Section 529; and

Whereas, the state of Missouri established the Missouri

Higher Education Savings Program in 1998 to allow parents, grandparents, and any other family members or friends to create tax-deferred higher education savings accounts for a child's future education; and

Whereas, in order to encourage Missouri families to invest in the Missouri Higher Education Savings Program, the state authorizes a participant in the program to deduct up to eight thousand dollars in contributions to the program from the participant's adjusted gross income in determining the amount of state income tax owed; and

Whereas, there is a disincentive for investment in other states' higher education savings programs since the income tax deduction only applies to investments in Missouri's savings program; and

Whereas, parents and families should be afforded every opportunity to invest in the best savings programs, since the goal of higher education savings programs is to increase the amount of money available for a child's higher education:

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 create a Joint Interim Committee on Investments in Higher Education Savings Programs; and

BE IT FURTHER RESOLVED that the joint interim committee shall study methods to expand investment opportunities for Missouri parents and families in higher education savings programs, while maintaining the solvency of the Missouri Higher Education Savings Program, and make recommendations to the General Assembly; and

BE IT FURTHER RESOLVED that the joint interim committee be authorized to call upon any department, office, division, or agency of this state to assist in gathering information pursuant to its objective; and

BE IT FURTHER RESOLVED that the joint interim committee herein established shall consist of ten members, five of which shall be members of the Senate appointed by the President Pro Tem of the Senate, with at least two members from the minority party; and five shall be members of the House of Representatives appointed by the Speaker of the House of Representatives, with at least two members from the minority party; and

BE IT FURTHER RESOLVED that the staffs of House Research, Senate Research, and the Committee on Legislative Research shall provide such legal, research, clerical, technical, and bill drafting services as the committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the committee, its members, and any staff assigned to the committee shall receive reimbursement for their actual and necessary expenses incurred in attending meetings of the committee or any subcommittee thereof; and

BE IT FURTHER RESOLVED that the joint interim committee shall expire on December 31, 2005, and on that same

date deliver a report of findings and recommendations to the General Assembly; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the President Pro Tem of the Senate and the Speaker of the House of Representatives.

HOUSE BILLS ON THIRD READING

HCS for **HB 10**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Board of Public Buildings, the Department of Health and Senior Services, and the several divisions and programs thereof, the Missouri Health Facilities Review Committee, the Commission for the Missouri Senior Rx Program, and the Office of Administration to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2005 and ending June 30, 2006.

Was taken up by Senator Gross.

SCS for HCS for HB 10, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 10

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Board of Public Buildings, the Department of Health and Senior Services, and the several divisions and programs thereof, the Missouri Health Facilities Review Committee, the Commission for the Missouri Senior Rx Program, and the Office of Administration to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2005 and ending June 30, 2006.

Was taken up.

Senator Gross moved that **SCS** for **HCS** for **HB 10** be adopted.

Senator Graham offered SA 1:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 10, Page 36, Section 10.705, Line 7, by deleting the number "\$17,729,743" and inserting in lieu thereof the number "\$17,705,267"; and

Further amend said section, line 8, by deleting the number "21,439,375" and inserting in lieu thereof the number "21,212,662"; and

Further amend said section, line 21, by deleting said line and inserting in lieu thereof the following:

"Total (Not to exceed 1,016 F.T.E.)...\$41,849,716".

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

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

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 10, Page 27, Section 10.325, by deleting said section and replacing in lieu thereof the following new section:

"Section 10.325. To the Department of Mental Health

For the Division of Mental Retardation-Developmental Disabilities

For the purpose of funding asphalt overlay of parking lots at Bellefontaine Habilitation Center

From Mental Health Trust Fund \$437,304

For the purpose of funding capital improvement projects at State Habilitation Centers and residential facilities

From Mental Health Trust Fund 336,596

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

Senator Days offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Committee Substitute for House Bill No.

10, Page 35, Section 10.695, Line 4, by inserting immediately after said line the following new section:

"Section 10.697. To the Department of Health and Senior Services for the purpose of reducing 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 prepregnancy 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.

From General Revenue Fund \$5,000,000; and amend bill totals accordingly.

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

SA 3 failed of adoption by the following vote:

YEAS—Se	enators		
Barnitz	Bray	Coleman	Days
Dougherty	Graham	Green	Wheeler
Wilson—9			
NAYS—S	enators		
Alter	Bartle	Callahan	Cauthorn
Champion	Clemens	Crowell	Engler
Gibbons	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel—24

Absent—Senator Dolan—1

Absent with leave—Senators—None

Vacancies—None

President Kinder assumed the Chair.

Senator Gross moved that **SCS** for **HCS** for **HB 10**, as amended, be adopted, which motion prevailed.

On motion of Senator Gross, **SCS** for **HCS** for **HB 10**, as amended, was read the 3rd time and passed by the following vote:

YEA	S—	Sen	ators
1 1 1	<u> </u>	\mathbf{v}	awis

Alter	Bartle	Callahan	Cauthorn
Champion	Clemens	Crowell	Dolan
Gibbons	Green	Griesheimer	Gross
Kennedy	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel—25			Ott

NAYS—Senators

Barnitz	Bray	Coleman	Days
Dougherty	Engler	Graham	Wheeler
Wilson—9			

Absent—Senators—None

Absent with leave—Senators—None

Vacancies-None

The President declared the bill passed.

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

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

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

CONCURRENT RESOLUTIONS

Senator Clemens offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 18 WHEREAS, the agricultural resources of Missouri deserve to be protected from harm; and

WHEREAS, the promise of new markets for agricultural products is encouraging for the producers of the state and warrants further exploration; and

WHEREAS, the integrity of Missouri's agriculture and the land with which that agriculture is nurtured must be maintained for future generations; and

WHEREAS, agriculture has been a fundamental part of Missouri history and tradition and should be maintained as a vital component to Missouri's future, both economically and socially; and

WHEREAS, the unique aspects of Missouri's agriculture should serve as an endorsement for further development and marketing for similar products;

WHEREAS, the abundant natural resources of Missouri should be shared by everyone in the state, both rural and urban residents alike:

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 create an Interim Committee on Agriculture and Natural Resources Promotion and Development; and

BE IT FURTHER RESOLVED that the interim committee shall be responsible for:

- 1. Exploring emerging technologies and processes in Missouri agriculture;
 - 2. Developing an agriterrorism prevention program;
- 3. Investigating development and true impacts of large agriculture operations;
- 4. Exposing more urban citizens to Missouri's rural natural resources:
- 5. Promoting successes in Missouri's small and medium niche agricultural markets;
- 6. Encouraging programs that strengthen the traditional family farm and encourage younger generations to return to the agricultural industries and farming; and

BEIT FURTHER RESOLVED that the interim committee be authorized to call upon any department, office, division, or agency of this state to assist in gathering information pursuant to its objective; and

BE IT FURTHER RESOLVED that the interim committee herein established shall consist of ten members, five of which shall be members of the Senate appointed by the President Pro Tem of the Senate, with at least two members from the minority party; and five shall be members of the House of Representatives appointed by the Speaker of the House of Representatives, with at least two members from the minority party; and

BE IT FURTHER RESOLVED that the staffs of House Research, Senate Research, and the Committee on Legislative Research shall provide such legal, research, clerical, technical, and bill drafting services as the committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the committee, its members, and any staff assigned to the committee shall receive reimbursement for their actual and necessary expenses incurred in attending meetings of the committee or any subcommittee thereof; and

BE IT FURTHER RESOLVED that the interim committee shall expire on December 31, 2005, and on that same date deliver a report of findings and recommendations to the General Assembly; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the President Pro Tem of the Senate and the Speaker of the House of Representatives.

Senator Nodler assumed the Chair.

REFERRALS

President Pro Tem Gibbons referred **SR 1193**; **SCR 17**; and **SCR 18** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

HOUSE BILLS ON THIRD READING

HCS for HB 11, with SCS, entitled:

An Act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the Office of Administration, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2005 and ending June 30, 2006.

Was taken up by Senator Gross.

SCS for HCS for HB 11, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 11

An Act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the Office of Administration, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2005 and ending June 30, 2006.

Was taken up.

Senator Gross moved that **SCS** for **HCS** for **HB 11** be adopted.

Senator Dougherty offered SA 1:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 11, Page 13, Section 11.242, Line 4, by deleting line 4 and line 5 and inserting in lieu thereof the following: "contracts through community based, organizations as described in RSMo 210.112."; and

Further amend said section, line 9, by inserting after the word "include" the following: ", but are not limited to, Case Management, Foster Care, Residential Treatment,"; and

Further amend said section, line 12, by inserting after the word "and" as it appears the first time in said line the following: "/or".

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

Senator Dougherty offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 11, Page 17, Section 11.400, Line 3-9, by striking all of said lines and inserting in lieu thereof the following: "For the purpose of funding administrative services. The single agency administering the Medicaid".

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

Senator Days offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 11, Page 14, Section 11.245, Line 5, by deleting the number "\$39,483,463" and inserting in lieu thereof the following "\$46,931,417" and further amend Line 7 by deleting "\$61,174,652" and inserting in lieu thereof the following "68,622,606" and further amend bill totals accordingly.

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

At the request of Senator Days, **SA 3** was withdrawn.

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

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 11, Page 14, Section 11.245, Line 5, by deleting the number "39,483,463" and inserting in lieu thereof the number "43,207,440"; and further amend said section, line 7, by deleting the number "61,174,652" and inserting in lieu thereof the number "64,898,629"; and further amend said bill, page 24, section 11.475, line 19 by deleting the number "29,232,881" and inserting in lieu thereof the number "25,508,904"; and further amend said section, line 29, by deleting the number "131,693,421" and inserting in lieu thereof the number "127,969,444"; and adjust bill totals accordingly.

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

Senator Gross moved that SCS for HCS for HB 11, as amended, be adopted, which motion prevailed.

On motion of Senator Gross, **SCS** for **HCS** for **HB 11**, as amended, was read the 3rd time and passed by the following vote:

enators		01
Cauthorn	Champion	Clemens
Dolan	Gibbons	Griesheimer
Klindt	Koster	Loudon
Nodler	Purgason	Ridgeway
Stouffer	Taylor	Vogel—20
enators		
Barnitz	Bray	Callahan
Days	Dougherty	Engler
Green	Kennedy	Wheeler
	Dolan Klindt Nodler Stouffer enators Barnitz Days	Cauthorn Champion Dolan Gibbons Klindt Koster Nodler Purgason Stouffer Taylor Genators Barnitz Bray Days Dougherty

Wilson—13

Absent—Senator Shields—1

Absent with leave—Senators—None

Vacancies-None

The President declared the bill passed.

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

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

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

HB 12, with **SCS**, introduced by Representative Lager, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Missouri Commission on Interstate Cooperation, Committee on Legislative Research, various joint committees, for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2005 and ending June 30, 2006.

Was taken up by Senator Gross.

SCS for **HB 12**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 12

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Missouri Commission on Interstate Cooperation, the Committee on Legislative Research, various joint committees, for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2005 and ending June 30, 2006.

Was taken up.

Senator Gross moved that **SCS** for **HB 12** be adopted.

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

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 12, Page 2, Section 12.030, Line 3, by deleting said line and inserting in lieu thereof the following:

"From General Revenue Funds	\$438,069
From Federal Funds	226,713
Total (Not to exceed 12.50 F.T.E.)	\$664,782";

and amend bill totals accordingly.

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

Senator Gross moved that **SCS** for **HB 12**, as amended, be adopted, which motion prevailed.

On motion of Senator Gross, **SCS** for **HB 12**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Crowell	Days	Dolan	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-None

The President declared the bill passed.

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

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

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

HB 13, with SCS, introduced by Representative Lager, entitled:

An Act to appropriate money for real property leases, related services, utilities, systems furniture, and structural modifications for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to appropriate money for capital improvements and the other expenses of

the Office of Administration and the divisions and programs thereof, and to transfer money among certain funds for the period beginning July 1, 2005 and ending June 30, 2006.

Was taken up by Senator Gross.

SCS for **HB 13**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 13

An Act to appropriate money for real property leases, related services, utilities, systems furniture, and structural modifications for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to appropriate money for capital improvements and the other expenses of the Office of Administration and the divisions and programs thereof, and to transfer money among certain funds for the period beginning July 1, 2005 and ending June 30, 2006.

Was taken up.

Senator Gross moved that SCS for HB 13 be adopted, which motion prevailed.

On motion of Senator Gross, SCS for HB 13 was read the 3rd time and passed by the following vote:

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

NAYS-Senators-None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri Jefferson City 65101

April 26, 2005

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

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

Charles A. Bowen, M.D., 1525 Woodbury Drive, Saint Charles, Saint Charles County, Missouri 63304, as a member of the Advisory Commission for Anesthesiologist Assistants, for a term ending July 1, 2007, and until his successor is duly appointed and qualified; vice, RSMo 334.430.

Respectfully submitted, MATT BLUNT Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri Jefferson City 65101 April 26, 2005

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

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

Timothy J.P. Cooper, M.D., 3905 Jacobs Landing Road, Saint Charles, Saint Charles County, Missouri 63304, as a member of the Advisory Commission for Anesthesiologist Assistants, for a term ending July 1, 2008, and until his successor is duly appointed and qualified; vice, RSMo 334.430.

Respectfully submitted, MATT BLUNT Governor Also,

OFFICE OF THE GOVERNOR

State of Missouri Jefferson City 65101 April 26, 2005

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

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

Louis B. Eckelkamp, Republican, 1400 Dogwood Terrace, Washington, Franklin County, Missouri 63090, as a member of the Missouri Development Finance Board, for a term ending September 14, 2007, and until his successor is duly appointed and qualified; vice, Bill Burch, resigned.

> Respectfully submitted, MATT BLUNT Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City 65101 April 26, 2005

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

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

Donald R. England, 1968 Alamos Place, Columbia, Boone County, Missouri 65201, as a member of the Interior Design Council, for a term ending April 6, 2009, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

> Respectfully submitted, MATT BLUNT Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri Jefferson City 65101

April 26, 2005

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

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

Thomas J Fritzlen, Jr., 800 West 121st Street, Kansas City, Jackson County, Missouri 64145, as a member of the Advisory Commission for Anesthesiologist Assistants, for a term ending July 1, 2008, and until his successor is duly appointed and qualified;

vice, RSMo 334.430.

Respectfully submitted, MATT BLUNT Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri Jefferson City 65101 April 26, 2005

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

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

Harold E. James, Republican, 2700 Limerick Lane, Columbia, Boone County, Missouri 65203, as a member of the Credit Union Commission, for a term ending January 1, 2007, and until his successor is duly appointed and qualified; vice, Patricia Jacobs-Macdonald, term expired.

> Respectfully submitted, MATT BLUNT Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri Jefferson City 65101 April 26, 2005

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

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

James B. Kelly, Jr., M.D., 11720 Madison, Kansas City, Jackson County, Missouri 64114, as a member of the Advisory Commission for Anesthesiologist Assistants, for a term ending July 1, 2008, and until his successor is duly appointed and qualified; vice, RSMo 334.430.

> Respectfully submitted, MATT BLUNT Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri Jefferson City 65101 April 26, 2005

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

I have the honor to transmit to you herewith for your advice

and consent the following appointment:

Jay B. Knudtson, 815 Pheasant Cove, Cape Girardeau, Cape Girardeau County, Missouri 63701, as a member of the Missouri Community Service Commission, for a term ending December 15, 2007, and until his successor is duly appointed and qualified; vice, Sherry Maxwell, resigned.

Respectfully submitted, MATT BLUNT Governor

Also.

OFFICE OF THE GOVERNOR

State of Missouri Jefferson City 65101 April 26, 2005

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

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

Claudette M. Scott, 7327 Harrison Street, Kansas City, Jackson County, Missouri 64131, as a member of the Missouri Community Service Commission, for a term ending December 15, 2006, and until her successor is duly appointed and qualified; vice, Carrie Vanderford, resigned.

Respectfully submitted, MATT BLUNT Governor

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

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 **SS** for **SJR 1**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed SCS for SB 258.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed SCS for SB 73.

Bill ordered enrolled.

Also.

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 378**.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend Senate Bill No. 378, Page 1, Section 301.301, Line 2, by deleting said Line and inserting in lieu thereof the following:

"no cost up to two **sets of two** license plate tabs per year when the application for the"; 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.

Also.

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCR 23**.

HOUSE CONCURRENT RESOLUTION NO. 23

WHEREAS, following breast cancer, cervical cancer is the second most common cancer in women worldwide after breast cancer; and

WHEREAS, according to United States cervical cancer statistics, the disease is the third most common gynecological cancer among American women. With approximately 12,200 new cases diagnosed annually, 4,100 of these cases result in death; and

WHEREAS, with regular and accurate screening, cervical cancer is highly preventable with regular and accurate screening; and

WHEREAS, widespread screening programs have helped reduce death rates from cervical cancer, but women are still dying even with such advanced medical techniques and evaluative procedures; and

WHEREAS, cervical cancer cases in the United States are generally attributed to lack of education, a reduction of access available to regular cervical cancer screening, and a lack of screening accuracy; and WHEREAS, experience shows that increasing cervical cancer awareness among women, especially underserved women within our state, significantly reduces the probability of mortality; and

WHEREAS, cervical cancer disproportionately affects minority women and women with lower incomes because they are less likely to have access to routine screening; and

WHEREAS, approximately one-half of all cervical cancer cases are in women who have never been screened, and ten percent of cases are in women who have not been screened within the last five years; and

WHEREAS, the median age of cervical cancer patients at diagnosis is 47 years, the youngest median age for all female reproductive cancers; and

WHEREAS, new screening technologies, including FDAapproved testing for human papillomavirus, which is the cause of virtually all cervical cancers, offer new opportunities to finally eliminate this potentially deadly disease through early identification of women at increased risk; and

WHEREAS, leading medical organizations, including the American College of Obstetricians and Gynecologists, the American Cancer Society, and the Association of Reproductive Health Professionals have recently updated their screening guidelines to include FDA-approved testing for human papillomavirus; and

WHEREAS, women are entitled to proper cervical cancer information so they can be empowered to make informed health care decisions, and are entitled to access to routine screening, including the most accurate methods available:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-third General Assembly, First Regular Session, the Senate concurring therein, hereby recognize that through education and screening women can lower their likelihood for developing cervical cancer, and that through early detection cervical cancer can be successfully treated after it develops; and

BE IT FURTHER RESOLVED that the Missouri General Assembly supported the Missouri Department of Health and Senior Services and the Missouri Cancer Consortium in taking the lead in formulating the Comprehensive Cancer Action Plan for Missouri, including the review of data regarding cervical cancer and human papillomavirus of women in Missouri, evaluating current methods used to provide women with information regarding cervical cancer, access to regular screening, and options for increasing screening accuracy; and

BE IT FURTHER RESOLVED that the Missouri General Assembly supports the Missouri Department of Health and Senior Services and the Missouri Cancer Consortium in the identification of pockets of need, priority strategies, and new technologies, including new introduced therapies and preventive vaccines which are effective in preventing and controlling cervical cancer; and

BE IT FURTHER RESOLVED that the Missouri General

Assembly directs that the Comprehensive Cancer Action Plan for Missouri, which serves as a nationwide model of effective cancer control strategies, be presented annually to the Governor, Lieutenant Governor, President Pro Tem of the Senate, the Speaker of the House of Representatives, and be posted on the Missouri state web site homepage; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for Governor Matt Blunt, Lieutenant Governor Peter Kinder, the Director of the Department of Health and Senior Services, and the Missouri Cancer Consortium.

In which the concurrence of the Senate is respectfully requested.

On motion of Senator Shields, the Senate recessed until 3:30 p.m.

RECESS

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

SENATE BILLS FOR PERFECTION

Senator Wilson moved that **SB 152**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for SB 152, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 152

An Act to amend chapter 196, RSMo, by adding thereto three new sections relating to youth smoking.

Was taken up.

Senator Wilson moved that **SCS** for **SB 152** be adopted.

At the request of Senator Wilson, **SB 152**, with **SCS** (pending), was placed on the Informal Calendar.

PRIVILEGED MOTIONS

Senator Cauthorn moved that **SCS** for **SBs 10** and **27**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for SCS for SBs 10 and 27, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 10 and 27

An Act to repeal sections 195.017 and 195.417, RSMo, and to enact in lieu thereof two new sections relating to the scheduling and sale of certain controlled substances, with penalty provisions and an emergency clause.

Was taken up.

Senator Cauthorn moved that **HCS** for **SCS** for **SBs 10** and **27** be adopted, which motion prevailed by the following vote:

YEAS—S	enators		
Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Cauthorn, **HCS** for **SCS** for **SBs 10** and **27** was read the 3rd time and passed by the following vote:

YEAS—S	Senators		. ()
Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Engler	Gibbons	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senator Dougherty—1

Absent with leave—Senators—None

Vacancies-None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Engler	Gibbons	Graham	Green
Griesheimer	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators

Dougherty Gross—2

Absent with leave—Senators—None

Vacancies—None

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.

Bill ordered enrolled.

Senator Shields moved that **SB 21**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 21**, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 21

An Act to repeal sections 192.016 and

453.020, RSMo, and to enact in lieu thereof two new sections relating to putative father registry.

Was taken up.

Senator Shields moved that **HCS** for **SB 21**, as amended, be adopted, which motion prevailed by the following vote:

YEAS-	–Senators
IEAS-	–senators

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

NAYS—Senators—None

Absent—Senators

Coleman Dougherty

Gross—3

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Shields, **HCS** for **SB 21**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

I L/ ID	Chators		
Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Engler	Gibbons	Graham	Green
Griesheimer	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators

Dougherty Gross—2

Absent with leave—Senators—None

Vacancies-None

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.

Bill ordered enrolled.

Senator Griesheimer moved that **SCS** for **SB 24**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for SCS for SB 24, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 24

An Act to repeal section 488.426, RSMo, and section 488.429, 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 to enact in lieu thereof one new section relating to limitations on the use of law library funds.

Was taken up.

Senator Griesheimer moved that **HCS** for **SCS** for **SB 24** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent-Senator Klindt-1

Absent with leave—Senators—None

Vacancies-None

On motion of Senator Griesheimer, **HCS** for **SCS** for **SB 24** was read the 3rd time and passed by the following vote:

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Engler	Gibbons	Graham	Green
Griesheimer	Gross	Kennedy	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent-Senators

Dougherty Klindt—2

Absent with leave—Senators—None

Vacancies-None

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.

Bill ordered enrolled.

CONCURRENT RESOLUTIONS

Senator Gibbons moved that **SCR 15** be taken up for adoption, which motion prevailed.

On motion of Senator Gibbons, **SCR 15** was adopted by the following vote:

YEAS—Senators

Alter Barnitz Bartle Bray
Callahan Cauthorn Champion Clemens

Coleman	Crowell	Days	Dolan
Engler	Gibbons	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler

Wilson-33

NAYS—Senators—None

Absent—Senator Dougherty—1

Absent with leave—Senators—None

Vacancies-None

PRIVILEGED MOTIONS

Senator Champion moved that **SCS** for **SB 100**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for SCS for SB 100, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 100

An Act to repeal sections 345.015, 345.022, 345.050, and 345.080, RSMo, and to enact in lieu thereof four new sections relating to the licensing of speech-language pathologists and audiologists.

Was taken up.

Senator Champion moved that **HCS** for **SCS** for **SB 100** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

NAYS-Senators-None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies-None

On motion of Senator Champion, **HCS** for **SCS** for **SB 100** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Crowell	Days	Dolan	Dougherty
Engler	Gibbons	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler
Wilson—33	-	TT	

NAYS—Senators—None

Absent—Senator Coleman—1

Absent with leave—Senators—None

Vacancies-None

The President declared the bill passed.

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

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

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

Bill ordered enrolled.

Senator Mayer moved that the Senate refuse to concur in HCS for SCS No. 2 for SB 155, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Bartle assumed the Chair.

Senator Koster moved that SCS for SB 252, with HCS, as amended, be taken up for 3rd

reading and final passage, which motion prevailed.

HCS for SCS for SB 252, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR 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 **HCS** for **SCS** for **SB 252**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler
1771 22			

Wilson—33

NAYS—Senators—None

Absent—Senator Gross—1

Absent with leave—Senators—None

Vacancies-None

On motion of Senator Koster, **HCS** for **SCS** for **SB 252**, as amended, was read the 3rd time and passed by the following vote:

YEAS-Senators

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

Taylor Vogel Wheeler Wilson—32

NAYS-Senators-None

Absent—Senators
Coleman Green—2

Absent with leave—Senators—None

Vacancies-None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

NAYS-Senators-None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies-None

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.

Bill ordered enrolled.

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 **SS** for **SCS** for **SB 179**.

Bill ordered enrolled.

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 SS for SCS for SB 237, entitled:

An Act to repeal sections 227.240, 386.020, 392.200, 392.245, 392.500, 536.024, and 536.037, RSMo, and to enact in lieu thereof eight new sections relating to telecommunications companies, with penalty provisions.

With House Amendments 1 and 2.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 237, Section 227.240, Page 1, Line 7, by inserting immediately after said line the following:

"2. A cable television corporation or company shall be permitted to place its lines within the right-of-way of any state highway, consistent with the rules and regulations of the state highways and transportation commission. The state highways and transportation commission shall establish a system for receiving and resolving complaints with respect to cable television lines placed in, or removed from, the right-of-way of a state highway."; and renumber remaining subsections accordingly and

Further amend said bill by amending the 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 No. 237, Page 22, Section 1, Line 1, by inserting prior to the word "Any" the phrase

"Beginning January 1, 2007" and further amend the same section, Page 23, Line 8, by deleting the phrase "August 28, 2005" and inserting in its stead "January 1, 2007".

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 323**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to concur in **SCS** for **HB 1** and request the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to concur in **SCS** for **HCS** for **HB 2** and request the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also.

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to concur in **SCS** for **HCS** for **HB 3**, as amended and request the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to concur in **SCS** for **HCS** for **HB 4** and request the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also.

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to concur in **SCS** for **HCS** for **HB 5**

and request the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to concur in **SCS** for **HCS** for **HB 6** and request the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to concur in **SCS** for **HCS** for **HB 7**, as amended and request the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to concur in SCS for HCS for HB 8, as amended and request the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to concur in **SCS** for **HCS** for **HB 9** and request the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to concur in **SCS** for **HCS** for **HB 10**, as amended and request the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also.

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to concur in **SCS** for **HCS** for **HB** 11, as amended and request the Senate to recede

from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to concur in **SCS** for **HB 12**, as amended and request the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also.

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to concur in **SCS** for **HB 13**, and request the Senate to recede from its position and failing to do so grant the House a conference thereon.

PRIVILEGED MOTIONS

Senator Gross requested unanimous consent of the Senate to make one motion to send SCS for HB 1; SCS for HCS for HB 2; SCS for HCS for HB 3, as amended; SCS for HCS for HB 4; SCS for HCS for HB 5; SCS for HCS for HB 6; SCS for HCS for HB 7, as amended; SCS for HCS for HB 9; SCS for HCS for HB 10, as amended; SCS for HCS for HB 11, as amended; SCS for HB 12, as amended; and SCS for HB 13, to conference, which request was granted.

Senator Gross moved that the Senate refuse to recede from its position on SCS for HB 1; SCS for HCS for HB 2; SCS for HCS for HB 3, as amended; SCS for HCS for HB 4; SCS for HCS for HB 5; SCS for HCS for HB 6; SCS for HCS for HB 7, as amended; SCS for HCS for HB 9; SCS for HCS for HB 10, as amended; SCS for HCS for HB 11, as amended; SCS for HB 12, as amended; and SCS for HB 13 and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the following conference committee to act with a like

committee from the House on **SCS** for **HB 1**: Senators Gross, Nodler, Purgason, Dougherty and Green.

Also,

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 2**: Senators Gross, Nodler, Purgason, Dougherty and Green.

Also,

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 3**, as amended: Senators Gross, Nodler, Purgason, Dougherty and Green.

Also,

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 4**: Senators Gross, Nodler, Purgason, Dougherty and Green.

Also,

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 5**: Senators Gross, Nodler, Purgason, Dougherty and Green.

Also.

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 6**: Senators Gross, Nodler, Purgason, Dougherty and Green.

Also,

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 7**, as amended: Senators Gross, Nodler, Purgason, Dougherty and Green.

Also.

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 8**, as amended: Senators Gross, Nodler, Purgason, Dougherty and Green.

Also,

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 9**: Senators Gross, Nodler, Purgason, Dougherty and Green.

Also,

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 10**, as amended: Senators Gross, Nodler, Purgason, Dougherty and Green.

Also,

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 11**, as amended: Senators Gross, Nodler, Purgason, Dougherty and Green.

Also,

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on SCS for HB 12, as amended: Senators Gross, Nodler, Purgason, Dougherty and Green.

Also.

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SCS** for **HB 13**: Senators Gross, Nodler, Purgason, Dougherty and Green.

PRIVILEGED MOTIONS

Senator Scott moved that SCS for SB 270, with HCS, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for SCS for SB 270, as amended,

entitled:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 270

An Act to repeal sections 30.247, 30.250, 30.260, 30.270, 30.750, 30.753, 30.756, 30.758, 30.760, 30.765, 30.767, 30.830, and 30.840, RSMo, and to enact in lieu thereof fifteen new sections relating to the state treasurer, with penalty provisions and an emergency clause.

Was taken up.

Senator Scott moved that **HCS** for **SCS** for **SB 270**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler
Wilson—33			

Absent—Senator Gross—1

-Senators-None

Absent with leave—Senators—None

Vacancies-None

On motion of Senator Scott, **HCS** for **SCS** for **SB 270**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

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

Stouffer Taylor Vogel Wheeler Wilson—33

NAYS—Senators—None

Absent—Senator Coleman—1

Absent with leave—Senators—None

Vacancies-None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

NAYS-Senators-None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies-None

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

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

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

Bill ordered enrolled.

Senator Gross moved that **SB 189**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for SB 189, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 189

An Act to repeal sections 198.439, 208.480, and 338.550, RSMo, and to enact in lieu thereof ten new sections relating to the health care provider tax, with an emergency clause.

Was taken up.

Senator Gross moved that **HCS** for **SB 189** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz Bartle		Bray
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	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators

Dougherty Green—2

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Gross, **HCS** for **SB 189** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler
Wilson—33			

Absent—Senator Green—1

NAYS-Senators-None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	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-33

NAYS—Senators—None

Absent-Senator Green-

Absent with leave—Senators—None

Vacancies-None

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

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

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

Bill ordered enrolled.

COMMUNICATIONS

President Pro Tem Gibbons submitted the following:

April 26, 2005

Mrs. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325

Jefferson City, MO 65101

RE: Appointment to the State Employees Voluntary Life Insurance Commission

Dear Terry:

Pursuant to Section 105.1010 of the Revised Statutes of Missouri (RSMo 2002), I am appointing the following senator to the State

Employees Voluntary Life Insurance Commission:

Senator John Loudon

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

Also,

April 26, 2005

Mrs. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325 Jefferson City, MO 65101

RE: Appointment to the Children's Trust Fund Board

Dear Terry:

Pursuant to Section 210.170 of the Revised Statutes of Missouri (RSMo 2002), I am appointing the following senator to the Children's Trust Fund Board:

Senator Maida Coleman

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

Also,

April 27, 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 FFA Caucus at the March 31, 2005 meeting.

Please add the following member to the caucus:

Senator Frank Barnitz

Sincerely,

/s/ Charlie

Charlie Shields

RESOLUTIONS

Senators Gibbons, Shields and Coleman offered Senate Resolution No. 1219, regarding Public Service Recognition Week, which was adopted.

Senator Klindt offered Senate Resolution No. 1220, regarding Katey Poteet, Helena, which was adopted.

Senator Stouffer offered Senate Resolution No. 1221, regarding Battery C, 1st Battalion, 128th Field Artillery of the Missouri National Guard, Marshall, which was adopted.

Senator Stouffer offered Senate Resolution No. 1222, regarding Bethel Purim Ministries, Incorporated, Boonville, which was adopted.

Senator Stouffer offered Senate Resolution No. 1223, regarding the birth of Josie Rachel Bray, Salisbury, which was adopted.

Senator Stouffer offered Senate Resolution No. 1224, regarding the birth of Cooper Lee Rentschler, Boonville, which was adopted.

Senator Stouffer offered Senate Resolution No. 1225, regarding Mr. and Mrs. Shawn Michael Simpson, which was adopted.

Senator Crowell offered Senate Resolution No. 1226, regarding Russell Grammar, which was adopted.

Senator Graham offered Senate Resolution No. 1227, regarding Katie Stanley, Columbia, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Nodler introduced to the Senate, Tom Flanigan, Carthage.

Senator Gibbons introduced to the Senate, Dan and B. Lou Ann Card, Kirkwood.

Senator Gibbons introduced to the Senate, Jeff and Patrice Mugg and their children, Joshua and Hannah, Kirkwood.

Senator Griesheimer introduced to the Senate, Greg Hoberock and his daughter, Alexandria, Washington; and Alexandria was made an honorary page.

Senator Stouffer introduced to the Senate,

Kent Sanders and his daughter, Kaitlin and Elizabeth Farnen, Richmond.

Senator Klindt introduced to the Senate, Richard and Renee! Fordyce and their children, Emma and Ethan, Bethany; and Emma and Ethan were made honorary pages.

Senator Dougherty introduced to the Senate, Phyllis Larimore and Carla Sauerwein, Kansas City; and Madeleine Ortman, St. Louis.

Senator Shields introduced to the Senate, Traci Widman, her daughter, Alexandra and twenty-five students from St. Theresa, Parkville; and Sharron Guest, King City; and Alexandra was made an honorary page.

Senator Griesheimer introduced to the Senate, Randy, Fritzi and Ethan Smith, Wildwood.

Senator Shields introduced to the Senate, seventh grade students from Spring Garden Middle School, St. Joseph.

Senator Gross introduced to the Senate, Coaches Kathy Chapin, Anna Lind, Andrea Ellis and the State 2A Girls Volleyball Team Champions from Lutheran High School, St. Charles County.

Senator Grieshiemer introduced to the Senate, Brandon Large, Union; Mindy Maness, Sedalia; and other students from Truman State University, Kirksville.

Senator Callahan introduced to the Senate, fourth grade students from Glendale Elementary School, Kansas City.

Senator Loudon introduced to the Senate, Thomas and Debra Ritter and their children, Kaitlyn, Joshua, Jessica, Mark, Maria, Amariah, Tommy, Adam, Caleb, Zipporah, Abraham, Isaiah, Hannah, Janai, Jedidiah, Esther, Rebekah, Josiah and Christian, Pike.

Senator Scott introduced to the Senate, his son, Todd, daughter-in-law, Kelly, and his grandson, Landen, Jefferson City.

Senator Dougherty introduced to the Senate,

Jimmy Holmes, St. Louis; and Donald Williamson, University City.

Senator Champion introduced to the Senate, Bob and Lucille Bruyneel, Columbia.

Senator Scott introduced to the Senate, Nancy Goslinand, Sally Hart and students from Leesville R-IV School, Clinton; and Christopher Tootle, Justin Richardson, Mandi Dennis and Kayla Parks were made honorary pages.

Senator Graham introduced to the Senate, Dima Rozenblat, Annie Rumpf, Bianca Mello, Alison Baxter and students from Fairview Elementary School, Columbia; and Dima, Annie, Bianca and Alison were made honorary pages.

Senator Dougherty introduced to the Senate, Luchia Circello and Anthony Pace, Kansas City; and Gabrille Lancia and Angelo Sita, St. Louis.

Senator Nodler introduced to the Senate, his wife, Joncee, Joplin; Sally and Joe Chowning, Branson; and Everett and Millie Edwards, Neosho.

Senator Graham introduced to the Senate, Carl Edwards, North Carolina; and his mother and stepfather, Nancy and Jim Sterling, Columbia; and Steven Hermann, Lake Ozark.

Senator Griesheimer introduced to the Senate, Judge Larry Davis and Sarah Osseck, Union; and Sarah was made an honorary page.

Senator Bray introduced to the Senate, Lucy Dolan and her mother, Mrs. Lucy Dolan, Creve Coeur.

Senator Ridgeway introduced to the Senate, Wendy Witcig and her children Jordan, Josh and Jonah; and Jordan Lewis, Kansas City; and Jordan, Josh, Jonah and Jordan were made honorary pages.

Senator Purgason introduced to the Senate, William Keptner, Eldon.

Senator Barnitz introduced to the Senate, Mr. and Mrs. Frankie Todd, Crawford County.

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

SENATE CALENDAR

SIXTY-FIRST DAY-THURSDAY, APRIL 28, 2005

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 498 HCS for HB 640 HCS for HB 866 HB 116-Deeken, et al HB 196-Wildberger, et al HB 832-Brook, et al HCS for HB 824

THIRD READING OF SENATE BILLS

SS for SCS for SBs 37, 322, 78, 351 & 424-Nodler (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 393-Stouffer, with SCS SJR 19-Ridgeway

SB 542-Callahan

HOUSE BILLS ON THIRD READING

1	HCc	for	HR	365	(Crowell)
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- 2. HCS for HB 347, with SCS (Dolan)
- 3. HCS for HB 441, with SCS (Cauthorn)
- 4. HCS for HB 108 (Shields)
- 5. HCS for HB 388 (Loudon)
- 6. HCS for HB 468, with SCS (Scott) (In Fiscal Oversight)
- 7. HCS for HB 174 (Taylor)
- 8. HCS for HB 186, with SCS (Scott)
- 9. HB 592-Cooper (120) (Dolan)

- 10. HCS for HB 135, with SCS (Shields)
- 11. HB 48-Dougherty, with SCS (Callahan)
- 12. HCS for HB 58, with SCS (Griesheimer)
- 13. HB 596-Schaaf (Shields)
- 14. HB 564-Boykins, et al (Coleman)
- 15. HB 487-Bruns and Deeken, with SCS (Dolan)
- 16. HCS for HB 437, with SCS (Crowell)
- 17. HCS for HB 334 (Crowell)
- 18. HCS for HB 606 (Kennedy)

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

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

SENATE BILLS FOR PERFECTION

SB 3-Loudon, with SCS

SB 5-Klindt, with SCS & SS for SCS (pending)

SB 12-Cauthorn and Klindt

SB 29-Dolan, with SCS & SA 1 (pending)

SB 44-Wheeler and Bray, with SCS

SB 50-Taylor and Nodler, with SCS & SS

for SCS (pending)

SB 55-Klindt, with SCS & SS for SCS

(pending)

SB 64-Kennedy, with SCS

SB 90-Dougherty, with SCS

SB 93-Cauthorn, with SCS

SB 152-Wilson, with SCS (pending)

SB 159-Cauthorn

SB 160-Bartle, et al, with SS (pending)

SB 185-Loudon, et al, with SA 1 & SA 1

to SA 1 (pending)

SB 199-Gross

SB 214-Scott, et al, with SCS

SB 236-Klindt and Clemens

SB 240-Scott

SB 241-Scott

SB 253-Koster, with SCS

SB 284-Cauthorn and Clemens, with SCS

SB 291-Mayer, et al, with SCS & SS for

SCS (pending)

SB 321-Shields

SB 324-Scott, with SCS
SB 376-Loudon
SB 339-Gross, with SCS
SB 434-Cauthorn
SBs 365 & 204-Mayer, et al, with SCS
(pending)
SB 548-Loudon

SB 373-Bartle

CONSENT CALENDAR

House Bills

Reported 4/11

HCS for HB 422 (Crowell)

HB 445-Guest and Whorton (Klindt)

HB 453-May, et al (Crowell)

HB 479-Ervin (Ridgeway)

HCS for HB 515, with SCS (Taylor)

HCS for HB 531 (Champion)

HCS for HB 531 (Champion)

HCS for HB 577 (Purgason)

HCS for HB 631 (Gibbons)

(Wheeler)

HB 685-Franz, with SCS (Purgason)

HB 743-Kingery, et al (Engler)

Reported 4/12

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

Reported 4/13

HCS for HB 297, with SCS (Nodler)
HCS for HB 443, with SCS (Mayer)
HCS for HB 563 (Shields)
HCS for HB 513 (Loudon)

Reported 4/14

HB 69-Rupp (Loudon) HCS for HB 56 (Dolan) HCS#2 for HB 232, with SCS (Ridgeway)

HB 413-Hubbard, et al (Coleman)

HCS for HBs 462 & 463 (Shields) HB 681-Chappelle-Nadal (Days)

HB 321-Yates (Bartle)

HB 229-Portwood, with SCS (Gross)

SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SBs 103 & 115-Bartle, with HCS SS for SCS for SB 237-Klindt, with HCS, as amended

SB 378-Coleman, with HA 1

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES In Conference

HB 1-Lager, with SCS (Gross)

HCS for HB 2, with SCS (Gross)

HCS for HB 3, with SCS, as amended (Gross)

HCS for HB 4, with SCS (Gross)

HCS for HB 5, with SCS (Gross)

HCS for HB 6, with SCS (Gross)

HCS for HB 7, with SCS, as amended (Gross)

HCS for HB 8, with SCS, as amended (Gross)

HCS for HB 9, with SCS (Gross)

HCS for HB 10, with SCS, as amended

(Gross)

HCS for HB 11, with SCS, as amended

(Gross)

HB 12-Lager, with SCS, as amended (Gross)

HB 13-Lager, with SCS (Gross)

Requests to Recede or Grant Conference

SCS#2 for SB 155-Mayer, with HCS

as amended

(Senate requests House

recede or grant conference)

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RESOLUTIONS

To be Referred

HCR 23-Sutherland, et al

Reported from Committee

SCR 5-Mayer, et al SCR 10-Scott SCR 12-Koster SCR 7-Loudon SCR 13-Griesheimer

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