

Journal of the Senate

FIRST REGULAR SESSION

SIXTY-FIRST DAY— THURSDAY, APRIL 28, 2005

The Senate met pursuant to adjournment.

Senator Scott in the Chair.

Reverend Carl Gauck offered the following prayer:

“Come to me, all you that are weary and are carrying heavy burdens, and I will give you rest.” (Matthew 11:28)

Gracious God, You give us a gracious invitation to come to You when we are feeling tired and burdened under the weight of so many bills and actions that need to be taken. You promise to give us rest for our minds, our bodies and our spirit and we are in need of that during this crunch time for us. Let us rest in You this weekend so we may be refreshed, have time with loved ones and with You so we are ready for another week of pressures and lack of sleep. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

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

The Journal of the previous day was read and approved.

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

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham

Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Champion offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1230

WHEREAS, it is with special pleasure that the members of the Missouri Senate pause to recognize an outstanding Missouri citizen who has distinguished himself through excellence in education; and

WHEREAS, C. Tim Brown, an esteemed resident of Springfield, Missouri, will be honored as the Missouri Association of Elementary School Principals (MAESP) 2005 Missouri National Distinguished Principal of the Year during a special presentation to be held April 28, 2005, in Jefferson City; and

WHEREAS, Tim Brown was one of thirteen Missouri Distinguished Principals considered for the prestigious award by the MAESP, a state-wide association of nearly 1,000 elementary and middle school principals and assistant principals from across the state of Missouri; and

WHEREAS, Tim Brown has played an integral role in the educational development of several southwest Missouri youngsters as the Principal of Campbell Elementary School of Springfield for the past six years, during which time he has witnessed with pleasure as the school obtained the rating of an "Accomplished" school based on the District's Accountability Recognition and Reward Plan; and

WHEREAS, prior to joining Campbell Elementary School, Tim Brown gained an immeasurable amount of experience from the important positions he held at Rogers Junior High School in El Dorado, Arkansas, from 1978 to 1980, Jarrett Junior High School from 1980 to 1988, Reed Junior High School from 1991 to 1993, and Pleasant View Middle and Elementary School from 1993 to 1999; and

WHEREAS, a graduate of the University of Central Arkansas and Southwest Missouri State University, Tim Brown has conducted workshops and made presentations on topics which include Middle School Block Scheduling, Implementation of Middle School Concepts and Programs, Serving up Character Education, Connecting School Culture and Student Achievement, and Using Data to Support Your Character Education Program; and

WHEREAS, a proud recipient of the American Association of School Administrators 2004 Civic Star Award, Tim Brown has compiled an enviable list of service to several professional organizations which include the National Association of Elementary School Principals, the Missouri Association of Elementary School Principals, the Springfield Association of Middle School Principals, and the Springfield Association for Children with Learning Disabilities, just to name a few:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-third General Assembly, unanimously join in extending our most hearty congratulations to Tim Brown at this proud moment of well-deserved distinction, and in wishing him only the very best of success in all his future endeavors; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for 2005 Missouri National Distinguished Principal of the Year, C. Tim Brown.

PRIVILEGED MOTIONS

Senator Klindt moved that the Senate refuse to concur in **HCS** for **SS** for **SCS** for **SB 237**, 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 Coleman moved that **SB 378**, with **HA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

HA 1 was taken up.

President Kinder assumed the Chair.

Senator Coleman moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senator Champion—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Coleman, **SB 378**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senator Champion—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

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 Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 1**. Representatives: Lager, Icet, Stefanick, LeVota, and Robinson.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 2**. Representatives: Lager, Icet, Stefanick, LeVota and Schoemehl.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 3**, as amended. Representatives: Lager, Icet, Stefanick, Fraser and Baker (25).

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 4**. Representatives: Lager, Icet, Stefanick, Shoemyer and Wright-Jones.

Also,

Mr. President: I am instructed by the House of

Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 5**. Representatives: Lager, Icet, Stefanick, Liese and Shoemyer.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 6**. Representatives: Lager, Icet, Stefanick, Henke and Witte.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 7**, as amended. Representatives: Lager, Icet, Stefanick, Spreng and Boykins.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 8**, as amended. Representatives: Lager, Icet, Stefanick, Wildberger and Roorda.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 9**. Representatives: Lager, Icet, Stefanick, Brown (50) and Wildberger.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 10**, as amended. Representatives: Lager, Icet, Stefanick, Donnelly and Johnson (61).

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 11**, as amended. Representatives: Lager, Icet, Stefanick, Donnelly and El-Amin.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HB 12**, as amended. Representatives: Lager, Icet, Stefanick, LeVota, and Storch.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HB 13**. Representatives: Lager, Icet, Stefanick, LeVota, and Storch.

SENATE BILLS FOR PERFECTION

Senator Loudon moved that **SB 3**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 3**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 3

An Act to repeal sections 135.327 and 135.329, RSMo, and to enact in lieu thereof two new sections relating to adoption tax credits, with an emergency clause.

Was taken up.

Senator Loudon moved that **SCS** for **SB 3** be adopted, which motion prevailed on a standing division vote.

On motion of Senator Loudon, **SCS** for **SB 3** was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee

on Gubernatorial Appointments, submitted the following reports:

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

Ervin Dock, as a member of the Missouri Board of Examiners for Hearing Instrument Specialists;

Also,

John W. Buckner, III, M.D., as a member of the State Board of Health;

Also,

Daniel P. Card II, as Chairman of the Governor's Council on Disability;

Also,

Patrice O'Neil Mugg, as a member of the Children's Trust Fund Board;

Also,

Thomas Robert Forget, Jr., M.D., as a member of the Missouri Head Injury Advisory Council;

Also,

Daniel Scodary, M.D., as a member of the State Board of Registration for the Healing Arts;

Also,

Terry J. Brady, as a member of the Kansas City Board of Police Commissioners;

Also,

Mark J. Garnett, as a member of the Air Conservation Commission;

Also,

Bernal J. Bailey, as a member of the Missouri Ethanol and Other Renewable Fuel Sources Commission;

Also,

Richard Fordyce, as a member of the State Soil and Water Districts Commission;

Also,

Donald Eric Park, as a member of the Credit Union Commission;

Also,

Gerald W. Jones, as a member of the Missouri Emergency Response Commission.

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

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

President Pro Tem Gibbons assumed the Chair.

Senator Loudon, Chairman of the Committee on Small Business, Insurance and Industrial Relations, submitted the following reports:

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **HCS** for **HB 394**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **HCS** for **HB 576**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Committee Substitute for House Bill No. 576, Page 3, Section 536.050, Line 21, by striking “sections 536.300 and” and inserting in lieu thereof the following: “**section 536.300 or**”; and

Further amend said bill, page 5, section 536.100, line 9, by inserting after the word “agency” the following: “, **other than the administrative hearing commission or any board established to provide independent review of the decisions of a department or division that is authorized to promulgate rules and regulations under this chapter,**”; and

Further amend said bill, page 5, section 536.100, line 16, by inserting after “536.140” following: “**or other provision for judicial review provided by statute**”; and

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **HCS** for **HB 461**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Griesheimer, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following reports:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HB 114**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 326**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

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

Mr. President: Your Committee on Transportation, to which was referred **HCS** for **HBs 518, 288, 418 and 635**, begs leave to report that it has considered the same and recommends

that the Senate Committee Substitute, hereto attached, do pass.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HCS No. 2** for **HB 568**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HCS** for **HB 353**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HCS** for **HB 208**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

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

Mr. President: Your Committee on Education, to which was referred **HCS** for **HB 276**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 417**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Crowell, Chairman of the Committee on Pensions, Veterans' Affairs and General Laws, submitted the following reports:

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **HCS** for **HB 64**, begs leave to report that

it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **SB 466**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

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

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SS** for **SCS** for **SBs 37, 322, 78, 351 and 424**; and **HCS** for **HB 468**, with **SCS**, begs leave to report that it has considered the same and recommends that the bills do pass.

Senator Bartle assumed the Chair.

The Senate paused in a moment of prayer in memory of workers who have lost their lives the past twelve months.

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 **SB 178**.

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 211**.

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 **SCS** for **SB 246**, entitled:

An Act to repeal section 249.255, RSMo, and to enact in lieu thereof four new sections relating to sewer systems.

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 259**.

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 261**.

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 266**.

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 267**.

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 279**.

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 289**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SS** for **SCS** for **SB 237**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SS** for **SCS** for **SB 237**, as amended. Representatives: Rector, Emery, Schad, LeVota, George.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **HCS** for **SS** for **SCS** for **SB 237**, as amended: Senators Klindt, Griesheimer, Ridgeway, Green and Callahan.

PRIVILEGED MOTIONS

Senator Days moved that the Senate refuse to concur in **HCS** for **SCS** for **SB 246**, and request the House to recede from its position and take up and pass **SCS** for **SB 246**, 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 27, 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:

Paul D. Bloch, 100 Dale Lane, California, Moniteau County, Missouri 65018, as a member of the Personnel Advisory Board, for

a term ending July 31, 2010, and until his successor is duly appointed and qualified; vice, Karen Touzeau, 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:

John J. Diehl, Jr., Republican, 2404 White Stable Road, Town and Country, Saint Louis County, Missouri 63131, as Chairman and a member of the Board of Election Commissioners for Saint Louis County, for a term ending January 10, 2009, and until his successor is duly appointed and qualified; vice, Richard Sullivan, deceased.

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. Held, 225 West 4th Street, Hermann, Gasconade County, Missouri 65041, as a member of the Citizens' Advisory Commission for Marketing Missouri Agricultural Products, for a term ending April 10, 2009, and until his successor is duly appointed and qualified; vice, Karl Hewitt, term expired.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 27, 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:

Duncan E. Kincheloe, III, 137 North Capistrano Drive,

Jefferson City, Cole County, Missouri 65109, as a member of the Personnel Advisory Board, for a term ending July 31, 2010, and until his successor is duly appointed and qualified; vice, Paul Rainsburger, withdrawn.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 27, 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:

Leonard M. Miller, Republican, 1817 4th Street, Platte City, Platte County, Missouri 64079, as a member of the Public Defender Commission, for a term ending December 30, 2005 and until his successor is duly appointed and qualified; vice, Gary Smith, 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:

William Miller, Jr., Democrat, 12502 Bielefeld Court, Florissant, Saint Louis County, Missouri 63033, as a member of the Board of Election Commissioners for Saint Louis County, for a term ending January 10, 2009, and until his successor is duly appointed and qualified; vice, Linda Locke, term expired.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 21, 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:

Paul R. Schmidt, Sr., Republican, 2013 Treybrook Court, Imperial, Jefferson County, Missouri 63052, as a member of the Hazardous Waste Management Commission, for a term ending April 3, 2009, and until his successor is duly appointed and qualified; vice, Robert Saunders, 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:

Toni R. Smith, D.O., 230 South First Street, Kirksville, Adair County, Missouri 63501, as a member of the Advisory Commission for Anesthesiologist Assistants, for a term ending September 3, 2006, and until her 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 21, 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:

Derrick S. Standley, Republican, 5776 Bluebird Circle, Osage Beach, Camden County, Missouri 65065, as a member of the Hazardous Waste Management Commission, for a term ending April 3, 2008, and until his successor is duly appointed and qualified; vice, Rusty Brown, 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:

Susan B. Williamson, Democrat, 4903 South Coats Lane, Columbia, Boone County, Missouri 65203, as a member of the Hazardous Waste Management Commission, for a term ending April 3, 2008, and until her 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:

Anita T. Yeckel, Republican, 8819 Gladlea Drive, Saint Louis, Saint Louis County, Missouri 63127, as a member of the Board of Election Commissioners for Saint Louis County, for a term ending January 10, 2009, and until her successor is duly appointed and qualified; vice, Barbara Enneking, 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:

Chaim H. Zimbalist, Democrat, 14316 Conway Meadows Court East 303, Chesterfield, Saint Louis County, Missouri 63017, as Secretary and a member of the Board of Election Commissioners for Saint Louis County, for a term ending January 10, 2009, and until his successor is duly appointed and qualified; vice, Pamela Wright, term expired.

Respectfully submitted,
MATT BLUNT
Governor

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

REFERRALS

President Pro Tem Gibbons referred **HCR 23**

to the Committee on Rules, Joint Rules, Resolutions and Ethics.

THIRD READING OF SENATE BILLS

SS for SCS for SBs 37, 322, 78, 351 and 424, introduced by Senator Nodler, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 37, 322, 78, 351 and 424

An Act to repeal sections 311.310, 311.325, 565.024, 568.050, and 577.023, RSMo, section 302.309 as enacted by house substitute for senate substitute for senate committee substitute for senate bill nos. 1233, 840 & 1043, ninety-second general assembly, second regular session and section 302.309 as enacted by conference committee substitute no. 2 for senate committee substitute for house committee substitute for house bill nos. 302 & 38, ninety-first general assembly, first regular session, and to enact in lieu thereof six new sections relating to alcohol related offenses, with penalty provisions.

Was taken up.

On motion of Senator Nodler, **SS for SCS for SBs 37, 322, 78, 351 and 424** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senator Days—1

Absent with leave—Senator Dougherty—1

Vacancies—None

The President declared the bill passed.

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

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

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

SENATE BILLS FOR PERFECTION

At the request of Senator Stouffer, **SB 393**, with **SCS**, was placed on the Informal Calendar.

Senator Ridgeway moved that **SJR 19** be taken up for perfection, which motion prevailed.

On motion of Senator Ridgeway, **SJR 19** was declared perfected and ordered printed.

Senator Koster assumed the Chair.

PRIVILEGED MOTIONS

Senator Bartle moved that **SCS for SBs 103 and 115**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for SCS for SBs 103 and 115, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NOS. 103 and 115

An Act to repeal section 167.020, RSMo, and to enact in lieu thereof one new section relating to student enrollment hearings, with penalty provisions.

Was taken up.

Senator Bartle moved that **HCS for SCS for SBs 103 and 115** 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—Senator Green—1

Absent with leave—Senator Dougherty—1

Vacancies—None

On motion of Senator Bartle, **HCS** for **SCS** for **SBs 103** and **115** 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
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—Senators—None

Absent with leave—Senator Dougherty—1

Vacancies—None

The President declared the bill passed.

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

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

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

Bill ordered enrolled.

CONCURRENT RESOLUTIONS

Senator Loudon moved that **SCR 7** be taken up for adoption, which motion prevailed.

Senator Loudon offered **SS** for **SCR 7**:

SENATE SUBSTITUTE FOR

SENATE CONCURRENT RESOLUTION NO. 7

WHEREAS, musculoskeletal conditions are responsible for approximately 50 percent of all health-related military disability discharges and the most common non-traumatic cause of functional impairment during military operations; and

WHEREAS, chiropractic services often are used to treat musculoskeletal conditions, and Congress established chiropractic benefits and services for both active duty military within the U.S. Department of Defense and for veterans within the Veterans' Affairs health care systems; and

WHEREAS, doctors of chiropractic practice are in nearly 50 military treatment facilities, primarily testing musculoskeletal conditions and slowly are being added to the VA health care system; and

WHEREAS, there currently is no enterprise coordinating and guiding collaborative research efforts between preeminent chiropractic colleges, scientists, and the military researchers to address the primary questions surrounding integration of chiropractic into military health care environments; and

WHEREAS, there is a critical need to establish a robust, collaborative, national program to address the continued integration of chiropractic health care into the Department of Defense health care systems; and

WHEREAS, Logan College of Chiropractic and the Samueli Institute have proposed the establishment of a plan to create a new consorsial Chiropractic Center for Military Research in Chesterfield, Missouri, on the campus of Logan College; and

WHEREAS, the Center will facilitate development of research capacity in the area of musculoskeletal research, education and training through linkages with researchers and scientists at chiropractic educational institutions with researchers within the Department of Defense and with scientists and researchers at the Samueli Institute; and

WHEREAS, the research program to be pursued by the collaborative consorsial Chiropractic Center for Military Research will focus special, initial priority consideration on those musculoskeletal conditions that are affecting those active duty military and veterans participating in or returning from combat in Afghanistan and Iraq, including the role of chiropractic manipulation in the total care of those with amputations and prosthetics:

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, urge the United States Senate and the United States House of Representatives to authorize and appropriate full funding required to establish the proposed Chiropractic Center for Military Research at Logan College of Chiropractic at its campus in Chesterfield, Missouri; and

BE IT FURTHER RESOLVED that the Secretary of the

Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Speaker of the United States House of Representatives, the President of the United States Senate, and each member of the Missouri Congressional delegation.

Senator Loudon moved that **SS** for **SCR 7** be adopted, which motion prevailed.

On motion of Senator Loudon, **SCR 7**, as amended by the **SS**, 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—Senators—None

Absent with leave—Senator Dougherty—1

Vacancies—None

Senator Mayer moved that **SCR 5** be taken up for adoption, which motion prevailed.

On motion of Senator Mayer, **SCR 5** was adopted by the following vote:

YEAS—Senators

Alter	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—32

NAYS—Senators—None

Absent—Senator Barnitz—1

Absent with leave—Senator Dougherty—1

Vacancies—None

Senator Griesheimer moved that **SCR 13** be taken up for adoption, which motion prevailed.

On motion of Senator Griesheimer, **SCR 13** was adopted by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Days Klindt—2

Absent with leave—Senator Dougherty—1

Vacancies—None

HOUSE BILLS ON THIRD READING

HCS for **HB 365** was placed on the Informal Calendar.

HCS for **HB 347**, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 441**, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 108** was placed on the Informal Calendar.

HCS for **HB 388** was placed on the Informal Calendar.

HCS for **HB 468**, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 174** was placed on the Informal Calendar.

HCS for **HB 186**, with **SCS**, was placed on

the Informal Calendar.

HB 592 was placed on the Informal Calendar.

HCS for **HB 135**, with **SCS**, was placed on the Informal Calendar.

HB 48, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 58**, with **SCS**, was placed on the Informal Calendar.

HB 596 was placed on the Informal Calendar.

HB 564 was placed on the Informal Calendar.

HB 487, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 437**, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 334** was placed on the Informal Calendar.

HCS for **HB 606** was placed on the Informal Calendar.

HOUSE BILLS ON SECOND READING

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

HCS for **HB 498**—Judiciary and Civil and Criminal Jurisprudence.

HCS for **HB 640**—Commerce, Energy and the Environment.

HCS for **HB 866**—Small Business, Insurance and Industrial Relations.

HB 116—Agriculture, Conservation, Parks and Natural Resources.

HB 196—Judiciary and Civil and Criminal Jurisprudence.

HB 832—Judiciary and Civil and Criminal Jurisprudence.

HCS for **HB 824**—Commerce, Energy and the Environment.

RESOLUTIONS

Senator Stouffer offered Senate Resolution No. 1231, regarding the One Hundred Sixth Birthday of Ida May Myers, Hardin, which was

adopted.

Senator Purgason offered Senate Resolution No. 1232, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. James Lowery, Grovespring, which was adopted.

Senator Taylor offered Senate Resolution No. 1233, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Burl Barker, Mt. Vernon, which was adopted.

Senator Taylor offered Senate Resolution No. 1234, regarding the Sixtieth Wedding Anniversary of Ray and Jewell Farwell, Eagle Rock, which was adopted.

Senator Graham offered Senate Resolution No. 1235, regarding A Call To Serve (ACTS), Columbia, which was adopted.

Senator Taylor offered Senate Resolution No. 1236, regarding Lois Jones, which was adopted.

Senator Taylor offered Senate Resolution No. 1237, regarding Norma May, which was adopted.

Senator Taylor offered Senate Resolution No. 1238, regarding Linda Philipian, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Champion introduced to the Senate, Tim Brown and fifty fourth and fifth grade students from Campbell Elementary School, Springfield; and Faye Peters, Jefferson City.

Senator Dolan introduced to the Senate, teachers, parents and students from Wentzville Middle School.

On behalf of Senator Scott, the President introduced to the Senate, Avis Evans and Latonya Frazier, St. Louis; Joe Driver and Valerie Werner, Centralia; Susie Gerau, Jeff Thessen and Mike Brosky, Columbia; Christian McKinzie, Ashland; and Sarah Porter, Jefferson City.

Senator Bartle introduced to the Senate, foreign exchange students representing Flex Pack, Blue Springs.

Senator Cauthorn introduced to the Senate, Mrs. Roach and students from Holy Family

School, Hannibal.

Senator Gibbons introduced to the Senate, fourth grade students from Valley Park Elementary School.

Senator Champion introduced to the Senate, Wesley Timm, parents and seventy-five fourth grade students from Mark Twain Elementary School, Springfield.

On behalf of Senator Crowell, the President introduced to the Senate, fourth grade students from Nell Holcomb Elementary School, Cape Girardeau.

Senator Gibbons introduced to the Senate, third, fourth and fifth grade students from Villa di Maria Montessori School, Kirkwood.

Senator Klindt introduced to the Senate, eighty fourth grade students and teachers from South Harrison Elementary School, Bethany.

On behalf of Senators Nodler, Bartle and himself, Senator Graham introduced to the Senate, Chris Banks, Blue Springs; and Jeremy Hollingshead, Webb City.

Senator Klindt introduced to the Senate, parents and twenty-five students from Nodaway-Holt R-VII School.

Senator Scott introduced to the Senate, his brother-in-law, Terry Lawrence, Hudson, Ohio; and Jim and Betty Lawrence, Fulton.

Senator Loudon introduced to the Senate, one hundred six fourth grade students from Woerther Elementary School, Ballwin; and Matt Bruer, Cassidy Deutschmann, Tannia Pourdavarrani, Anna Rohan and Gabrielle Tecklenburg were made honorary pages.

Senator Klindt introduced to the Senate, students from Cowgill Elementary School, Caldwell County.

Senator Mayer introduced to the Senate, Pastor Brad Moore, Advance.

Senator Graham introduced to the Senate, the Physician of the Day, Dr. Joel O. Johnson, M.D., Columbia.

On motion of Senator Shields, the Senate adjourned until 1:00 p.m., Monday, May 2, 2005.

SENATE CALENDAR

SIXTY-SECOND DAY— MONDAY, MAY 2, 2005

FORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 542-Callahan
SB 326-Nodler, with SCS

SB 417-Engler, et al
SB 466-Vogel, with SCS

HOUSE BILLS ON THIRD READING

1. HCS for HB 394, with SCS
2. HCS for HB 576, with SCA 1 (Nodler)
3. HCS for HB 461

4. HB 114-Johnson (47)
5. HCS for HBs 518, 288, 418 & 635, with SCS

- 6. HCS#2 for HB 568 (Nodler)
- 7. HCS for HB 353, with SCS
- 8. HCS for HB 208, with SCS

- 9. HCS for HB 276 (Nodler)
- 10. HCS for HB 64, with SCS

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

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

SENATE BILLS FOR PERFECTION

- | | |
|---|---|
| SB 5-Klindt, with SCS & SS for SCS
(pending) | SB 236-Klindt and Clemens |
| SB 12-Cauthorn and Klindt | SB 240-Scott |
| SB 29-Dolan, with SCS & SA 1 (pending) | 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 & SS for SCS
(pending) | 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 (pending) | SBs 365 & 204-Mayer, et al, with SCS
(pending) |
| SB 159-Cauthorn | SB 373-Bartle |
| SB 160-Bartle, et al, with SS (pending) | SB 376-Loudon |
| SB 185-Loudon, et al, with SA 1 & SA 1
to SA 1 (pending) | SB 393-Stouffer, with SCS |
| SB 199-Gross | SB 434-Cauthorn |
| SB 214-Scott, et al, with SCS | SB 470-Engler |
| | SB 548-Loudon |

HOUSE BILLS ON THIRD READING

- | | |
|---------------------------------------|----------------------------------|
| HB 48-Dougherty, with SCS (Callahan) | HCS for HB 186, with SCS (Scott) |
| HCS for HB 58, with SCS (Griesheimer) | HCS for HB 334 (Crowell) |
| HCS for HB 108 (Shields) | HCS for HB 347, with SCS (Dolan) |
| HCS for HB 135, with SCS (Shields) | HCS for HB 365 (Crowell) |
| HCS for HB 174 (Taylor) | HCS for HB 388 (Loudon) |

HCS for HB 437, with SCS (Crowell)
 HCS for HB 441, with SCS (Cauthorn)
 HCS for HB 468, with SCS (Scott)
 HB 487-Bruns and Deeken, with SCS (Dolan)

HB 564-Boykins, et al (Coleman)
 HB 592-Cooper (120) (Dolan)
 HB 596-Schaaf (Shields)
 HCS for HB 606 (Kennedy)

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 577 (Purgason)
 HCS for HB 631 (Gibbons)
 HB 638-Cunningham (86), with SCS
 (Wheeler)
 HB 685-Franz, with SCS (Purgason)
 HB 743-Kingery, et al (Engler)

Reported 4/12

HBs 361 & 684-Lipke, with SCS (Bartle)
 HB 688-Byrd, et al, with SCS (Bartle)
 HCS for HB 630 (Purgason)
 HB 567-Stevenson, et al (Crowell)
 HB 486-Bruns (Vogel)
 HCS for HB 362, with SCS (Bartle)
 HB 456-Kuessner, et al, with SCS (Engler)
 HB 450-Meiners, with SCS (Griesheimer)
 HB 43-Wallace (Taylor)
 HB 53-Swinger and Bean, with SCS (Mayer)
 HB 155-Ruestman (Taylor)
 HB 243-May, et al (Dolan)
 HB 423-Kuessner, with SCS (Engler)

HB 528-Cunningham (145), with SCS
 (Clemens)
 HB 618-Bearden, et al, with SCS (Gross)
 HCS for HB 119 (Stouffer)
 HCS for HBs 163, 213 & 216 (Gross)
 HB 219-Salva and Johnson (47) (Wheeler)
 HB 236-Goodman (Taylor)
 HB 261-Deeken (Griesheimer)
 HB 323-Johnson (47) (Shields)
 HCS for HB 348 (Koster)
 HB 473-Yates (Bartle)
 HB 258-Cunningham (86) (Nodler)

Reported 4/13

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

HB 455-Quinn, et al (Klindt)
 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)

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

SS for SCS for SB 237-Klindt, with HCS,
as amended
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)

Journal
Requests to Recede or Grant Conference

SCS#2 for SB 155-Mayer, with HCS, as
amended (Senate requests House
recede or grant conference)

SCS for SB 246-Days, with HCS (Senate requests
House recede and pass the bill)

Copy
RESOLUTIONS
Reported from Committee

SCR 10-Scott

SCR 12-Koster