

# Journal of the Senate

SECOND REGULAR SESSION

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FIFTY-FIFTH DAY—TUESDAY, APRIL 18, 2006

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The Senate met pursuant to adjournment.

Shields                      Stouffer                      Vogel                      Wheeler  
Wilson—33

Senator Koster in the Chair.

Reverend Carl Gauck offered the following prayer:

Absent—Senators—None

“Draw nigh to God, and He will draw nigh to you.” (James 4:8)

Absent with leave—Senators—None

Gracious God, help us draw closer to You so we may be closer to one another. And help us to uplift one another so that we will be more the persons You desire us to be. Help us to pray for one another so distances between each other may diminish. In Your Holy Name we pray. Amen.

Vacancies—1

The Lieutenant Governor was present.

The Pledge of Allegiance to the Flag was recited.

## RESOLUTIONS

Senator Scott offered Senate Resolution No. 2707, regarding Alan Monte Dockery, Warsaw, which was adopted.

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

Senator Wheeler offered Senate Resolution No. 2708, regarding the 2006 Willis Family Reunion, which was adopted.

The Journal for Thursday, April 13, 2006 was read and approved.

Senator Barnitz offered Senate Resolution No. 2709, regarding KSMO Radio/Your World Today, which was adopted.

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

Senator Barnitz offered Senate Resolution No. 2710, regarding The Salem News, which was adopted.

Present—Senators

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

Senator Dougherty offered Senate Resolution No. 2711, regarding Zora Ward, St. Louis, which was adopted.

Senator Goodman offered Senate Resolution No. 2712, regarding Holly Harmon, Crane, which

was adopted.

Senator Vogel offered Senate Resolution No. 2713, regarding Patricia “Patti” Davenport, Jefferson City, which was adopted.

Senator Wheeler offered Senate Resolution No. 2714, regarding Leslie W. “Les” Williams, Jr., which was adopted.

Senator Purgason offered Senate Resolution No. 2715, regarding the Ninety-fifth Birthday of Dorothea Tribble, Lebanon, which was adopted.

Senator Purgason offered Senate Resolution No. 2716, regarding the Ninetieth Birthday of Kathryn Hooper, Lebanon, which was adopted.

Senator Purgason offered Senate Resolution No. 2717, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Von Prater, Lebanon, which was adopted.

Senator Champion offered Senate Resolution No. 2718, regarding Todd Albert H’Doubler, which was adopted.

Senator Champion offered Senate Resolution No. 2719, regarding Mickey Tolliver, Springfield, which was adopted.

Senator Wheeler offered Senate Resolution No. 2720, regarding WDAF Fox 4 News, which was adopted.

Senator Wheeler offered Senate Resolution No. 2721, regarding KSHB Channel 41-NBC Action News, which was adopted.

Senator Wheeler offered Senate Resolution No. 2722, regarding NBC Action News, which was adopted.

Senator Stouffer offered Senate Resolution No. 2723, regarding Emma Shockley, which was adopted.

Senator Engler offered Senate Resolution No. 2724, regarding Wilma Elizabeth Ball, Van Buren, which was adopted.

Senator Engler offered Senate Resolution No.

2725, regarding Zachary E. Bridgewater, Festus, which was adopted.

Senator Nodler offered Senate Resolution No. 2726, regarding KMXL Radio, which was adopted.

Senator Crowell offered Senate Resolution No. 2727, regarding Virginia Rahkopf, Cape Girardeau, which was adopted.

Senator Shields offered Senate Resolution No. 2728, regarding KQTV, which was adopted.

Senator Vogel offered Senate Resolution No. 2729, regarding Jim Hofmann, which was adopted.

### MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1873**, entitled:

An Act to repeal section 208.930, RSMo, and to enact in lieu thereof one new section relating to personal care assistance services, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### 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 13, 2006

**To the Senate of the 93rd General Assembly of the State of Missouri:**

The following addendum should be made to the appointment of James W. Loch to the Northwest Missouri State University Board of Regents, submitted on March 15, 2006. Lines 1 and 2 should be

amended as follows:

“James W. Loch, Democrat, 945 South Dunn, Maryville, Nodaway County, Missouri 64468, as a member of the Northwest Missouri State University”

Respectfully submitted,  
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
65101  
April 13, 2006

**To the Senate of the 93rd General Assembly of the State of Missouri:**

The following addendum should be made to the appointment of Anthony “Tony” Stafford to the Citizens’ Advisory Commission for Marketing Missouri Agricultural Products, submitted on April 5, 2006. Line 5 should be amended as follows:

“qualified; vice, Deanne Lynn Hackman, resigned.”

Respectfully submitted,  
MATT BLUNT

## REPORTS OF STANDING COMMITTEES

Senator Gross, Chairman of the Committee on Appropriations, submitted the following reports:

Mr. President: Your Committee on Appropriations, to which was referred **HB 1001**, 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 Appropriations, to which was referred **HCS for HB 1002**, 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 Appropriations, to which was referred **HCS for HB 1003**, 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 Appropriations, to which was referred **HCS for HB 1004**, 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 Appropriations, to which was referred **HCS for HB 1005**, 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 Appropriations, to which was referred **HCS for HB 1006**, 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 Appropriations, to which was referred **HCS for HB 1007**, 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 Appropriations, to which was referred **HB 1008**, 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 Appropriations, to which was referred **HB 1009**, 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 Appropriations, to which was referred **HCS** for **HB 1010**, 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 Appropriations, to which was referred **HCS** for **HB 1011**, 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 Appropriations, to which was referred **HCS** for **HB 1012**, 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 Appropriations, to which was referred **HB 1013**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

#### SENATE BILLS FOR PERFECTION

Senator Klindt moved that **SB 924**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

**SCS** for **SB 924**, entitled:

#### SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 924

An Act to amend chapter 59, RSMo, by adding thereto eight new sections relating to the uniform real property electronic recording act, with an effective date.

Was taken up.

Senator Klindt moved that **SCS** for **SB 924** be adopted, which motion prevailed.

On motion of Senator Klindt, **SCS** for **SB 924** was declared perfected and ordered printed.

#### REFERRALS

President Pro Tem Gibbons referred **SS** for **SCS** for **SB 895** to the Committee on Governmental Accountability and Fiscal Oversight.

#### HOUSE BILLS ON SECOND READING

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

**HCS** for **HB 1349**—Financial and Governmental Organizations and Elections.

**HCS** for **HB 1317**—Judiciary and Civil and Criminal Jurisprudence.

**HCS** for **HB 1632**—Commerce, Energy and the Environment.

**HB 994**—Transportation.

**HB 1827**—Small Business, Insurance and Industrial Relations.

**HCS** for **HBs 1461, 1375, 1110** and **1103**—Judiciary and Civil and Criminal Jurisprudence.

**HCS** for **HB 1182**—Judiciary and Civil and Criminal Jurisprudence.

**HCS** for **HB 1397**—Judiciary and Civil and Criminal Jurisprudence.

**HCS** for **HBs 1270** and **1027**—Agriculture, Conservation, Parks and Natural Resources.

**HJR 43**—Agriculture, Conservation, Parks and Natural Resources.

**HCS** for **HB 1944**—Pensions, Veterans' Affairs and General Laws.

**HCS** for **HB 1485**—Ways and Means.

**HCS** for **HBs 1698, 1236, 995, 1362** and **1290**—Judiciary and Civil and Criminal Jurisprudence.

**HCS** for **HB 1305**—Pensions, Veterans' Affairs and General Laws.

**HB 1065**—Financial and Governmental Organizations and Elections.

**HCS** for **HB 1482**—Pensions, Veterans' Affairs and General Laws.

**HB 1905**—Aging, Families, Mental and Public Health.

**HCS** for **HBs 1045, 1152, 1267** and **1634**—Transportation.

**HB 1865**—Education.

#### SENATE BILLS FOR PERFECTION

Senator Engler moved that **SB 1185, SB 1163, SB 1174, SB 1200** and **SB 1225**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

**SCS** for **SBs 1185, 1163, 1174, 1200** and **1225**, entitled:

#### SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 1185, 1163, 1174, 1200 and 1225

An Act to repeal sections 42.014, 42.015, 44.020, 44.024, 44.237, 135.550, 192.510, 306.114, 306.117, 384.025, 384.051, 384.062, 577.020, 577.026, 577.037, 577.208, 595.010, 595.015, 595.020, 595.025, 595.027, 595.030, 595.035, 595.036, 595.037, 595.040, 595.045, and 595.060, RSMo, and to enact in lieu thereof twenty-nine new sections relating to the transfer of duties between certain state agencies, with penalty provisions and an emergency clause for certain sections.

Was taken up.

Senator Engler moved that **SCS** for **SBs 1185, 1163, 1174, 1200** and **1225** be adopted.

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

#### SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 1185, 1163, 1174, 1200 and 1225, Page 30, Section 42.015, Line 15, by inserting after all of said line the following:

**“3. If in the immediate previous fiscal year, the state's net general revenue did not increase by two percent or more, the state treasurer shall deposit moneys, except for gifts, donations, or bequests, received under this section beginning January first of the current fiscal year into the state general revenue fund. Otherwise, the state treasurer shall deposit such moneys in accordance with the provisions of this section.”**; and further amend said section by renumbering the remaining subsections accordingly.

Senator Gross moved that the above amendment be adopted.

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

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

#### SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bills Nos. 1185, 1163, 1174, 1200, and 1225, Page 30, Section 595.045, Line 15, by inserting after all of said line the following:

**“3. If in the immediate previous fiscal year, the state's net general revenue did not increase by two percent or more, the state treasurer shall deposit moneys, except for gifts, donations, or bequests, received under this section beginning January first of the current fiscal year into the state general revenue fund. Otherwise, the state treasurer shall deposit such moneys in accordance with the provisions of this section.”**; and further amend said section by renumbering the remaining subsections accordingly.

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

Senator Loudon offered **SA 3**:

**SENATE AMENDMENT NO. 3**

Amend Senate Committee Substitute for Senate Bills Nos. 1185, 1163, 1174, 1200 and 1225, Page 7, Section 192.510, Line 8, by inserting after all of said line the following:

“287.717. 1. Beginning January 1, 2004, the administrative surcharge established pursuant to section 287.716 shall be collected from deductible plan policyholders by each insurer at the same time and in the same manner that the premium is collected, but no insurer or its agent shall be entitled to any portion of the administrative surcharge as a fee or commission for its collection. The administrative surcharge is not subject to any taxes, licenses, or fees.

2. All administrative surcharges imposed pursuant to section 287.716 shall be paid to the Missouri director of revenue and shall be deposited to the workers' compensation administrative fund.

3. [The amount of the administrative surcharge due for the current calendar year shall be paid in four approximately equal estimated quarterly installments, and a fifth reconciling installment. The first four installments shall be based upon the amount of administrative surcharge payable in the calendar year for which the surcharge is imposed. The quarterly installments shall be made on the first day of March, the first day of June, the first day of September, and the first day of December. On or before the first day of March of each year, every such insurer shall submit a report, verified by the affidavit of its president and secretary or other chief officers or agents, to the director of the department of insurance, stating the amount of all such total premiums which would have been paid for the deductible portion.

4. If after the end of any calendar year, the amount of the actual administrative surcharge due is less than the total amount of the installments actually paid, the amount by which the amount

paid exceeds the amount due shall only be credited against the administrative surcharge for the following year and deducted from the quarterly installment due on June first and any other payments required by this section until the credit is exhausted. In the event no such payments are due and upon application of the insurer, the director of revenue may refund the amount of credit if no other obligation is owed to the state.

**5.] Such surcharge amounts shall be paid quarterly by insurers. Insurers shall pay the amounts not later than the thirtieth day of the month following the end of the quarter in which the amount is received from policyholders. The administrative surcharge amounts shall be deemed paid to the state if they are postmarked by the United States post office or received by the thirtieth day of the month following the end of the quarter in which the amount is owed. If the director of the division of workers' compensation fails to calculate the surcharge by the thirty-first day of October of any year for the following year, any increase in the surcharge ultimately set by the director shall not be effective for any calendar quarter beginning less than sixty days from the date the director makes such determination.**

4. If a deductible plan policyholder fails to make payment of the administrative surcharge, or an insurer fails to make timely transfer to the director of revenue of administrative surcharges actually collected from deductible plan policyholders, as required by this section, a late charge of one-half of one percent of the administrative surcharge unpaid, or transferred, shall be assessed against the liable deductible plan policyholder or insurer. Late charges assessed pursuant to this subsection shall be collected in a civil action by a summary proceeding brought by the director of the division of workers' compensation.

[6.] **5.** If the administrative surcharges imposed by this section are not paid when due, the

deductible plan policyholder or insurer shall be required to pay, as part of such administrative surcharge, interest thereon at the rate of one and one-half percent per month for each month or fraction thereof delinquent. In the event the state prevails in any dispute concerning an assessment of the administrative surcharge, which has not been paid by the policyholder or insurer, interest shall be paid upon the amount found due to the state at the rate of one and one-half percent per month for each month or fraction thereof delinquent.

**6. On or before the first day of March of each year such insurer shall submit a report, verified by the affidavit of its president and secretary or other chief officers or agents, to the director of the division of workers' compensation, stating the amount of all such total premiums that would have been paid for the deductible policies during the prior calendar year.**

7. The division may authorize electronic transfer of all forms, reports, payments, and other information deemed appropriate by the division as required pursuant to this section and sections 287.690, 287.710, 287.715, and 287.716. Information filed pursuant to this section and sections 287.690, 287.710, 287.715, and 287.716 and under any rules promulgated by the division pursuant to this section and sections 287.690, 287.710, 287.715, and 287.716 shall be confidential and not subject to chapter 610, RSMo.

8. This section shall not apply to any employer or group of employers authorized by the division to self-insure their liability pursuant to this chapter.”; and

Further amend the title and enacting clause accordingly.

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

Senator Engler moved that **SCS for SBs 1185, 1163, 1174, 1200 and 1225**, as amended, be adopted, which motion prevailed.

On motion of Senator Engler, **SCS for SBs 1185, 1163, 1174, 1200 and 1225**, as amended, was declared perfected and ordered printed.

Senator Goodman moved that **SB 1222**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

**SCS for SB 1222**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 1222**

An Act to amend chapter 261, RSMo, by adding thereto one new section relating to the farm mentoring and education fund.

Was taken up.

Senator Goodman moved that **SCS for SB 1222** be adopted.

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

**SENATE AMENDMENT NO. 1**

Amend Senate Committee Substitute for Senate Bill No. 1222, Page 2, Section 261.112, Line 43, by inserting immediately after all of said line the following:

**“5. The provisions of this section shall expire on August 28, 2009.”.**

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

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

**SENATE AMENDMENT NO. 2**

Amend Senate Committee Substitute for Senate Bill No. 1222, Page 2, Section 261.112, Line 22, by inserting after the word “sustainable” the following:

**“and traditional”.**

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

Senator Goodman offered **SA 3**, which was

read:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 1222, Page 2, Section 261.112, Line 35, by inserting immediately after the word “sustainable” the following:

**“and traditional”.**

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

Senator Goodman moved that **SCS** for **SB 1222**, as amended, be adopted, which motion prevailed.

On motion of Senator Goodman, **SCS** for **SB 1222**, as amended, was declared perfected and ordered printed.

Senator Engler moved that **SB 1236**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

**SCS** for **SB 1236**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 1236

An Act to repeal sections 236.400, 236.410, 236.415, 236.420, 236.425, 236.435, 236.440, 236.445, 236.460, 236.465, and 236.500, RSMo, and to enact in lieu thereof eleven new sections relating to dam and reservoir safety, with penalty provisions.

Was taken up.

Senator Engler moved that **SCS** for **SB 1236** be adopted.

Senator Engler offered **SS** for **SCS** for **SB 1236**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 1236

An Act to repeal sections 236.400, 236.410, 236.415, 236.420, 236.425, 236.435, 236.440, 236.445, 236.460, 236.465, and 236.500, RSMo, and

to enact in lieu thereof eleven new sections relating to dam and reservoir safety, with penalty provisions.

Senator Engler moved that **SS** for **SCS** for **SB 1236** be adopted.

Senator Engler offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1236, Page 9, Section 236.415, Line 20 of said page, by inserting immediately after the word “established” the following: **“for design review of high and significant hazard dams”**; and further amend lines 21-22 of said page by striking all of said lines and inserting in lieu thereof the following: **“one percent of the total estimated cost of the dam or reservoir.”**; and further amend line 23 of said page by striking “2008” and inserting in lieu thereof the following: **“2007”**; and further amend line 26 of said page by striking the word “department” and inserting in lieu thereof the following: **“council”**; and

Further amend said section, page 10, line 6 of said page, by striking “2009” and inserting in lieu thereof the following: **“2008”**; and

Further amend said bill, page 19, section 236.440, line 23 of said page, by inserting immediately after the word “owner” the following: **“of a high or significant hazard dam or reservoir”**.

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

Senator Nodler assumed the Chair.

Senator Engler moved that **SS** for **SCS** for **SB 1236**, as amended, be adopted, which motion prevailed.

On motion of Senator Engler, **SS** for **SCS** for **SB 1236**, as amended, was declared perfected and ordered printed.

Senator Mayer moved that **SB 770** be called from the Informal Calendar and taken up for



perfection, which motion prevailed.

Senator Mayer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 770, Page 1, Section 50.565, Line 8, by inserting immediately after the word “be” the following: “**current or former county elected officials**,”; and further amend said section and page, line 10, by inserting immediately after “county,” as it first appears in said line, the following: “**office of the county commissioners**,”; and

Further amend said section, page 2, line 25, by inserting immediately after the word “Any” the following: “**county**”

Further amend the title and enacting clause accordingly.

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

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

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 770, Page 1, Section 50.565, Line 12, by inserting after the word “trustees.” the following:

“**Any person appointed to the board of trustees shall serve a term of three years and shall not serve more than two terms.**”

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

On motion of Senator Mayer, **SB 770**, as amended, was declared perfected and ordered printed.

Senator Goodman moved that **SB 1076** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

On motion of Senator Goodman, **SB 1076** was declared perfected and ordered printed.

Senator Vogel moved that **SB 913**, with **SCS**, be called from the Informal Calendar and taken up

for perfection, which motion prevailed.

**SCS** for **SB 913**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 913

An Act to amend chapter 313, RSMo, by adding thereto one new section relating to amusement devices.

Was taken up.

Senator Vogel moved that **SCS** for **SB 913** be adopted, which motion prevailed.

On motion of Senator Vogel, **SCS** for **SB 913** was declared perfected and ordered printed.

**SB 1009** was placed on the Informal Calendar.

**SB 655**, with **SCS**, was placed on the Informal Calendar.

**SB 1032**, with **SCS**, was placed on the Informal Calendar.

Senator Gibbons moved that **SB 1140**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 1140**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 1140

An Act to repeal sections 21.810, 67.110, 137.055, 138.380, and 138.395, RSMo, and to enact in lieu thereof four new sections relating to real property taxes.

Was taken up.

Senator Gibbons moved that **SCS** for **SB 1140** be adopted, which motion prevailed.

On motion of Senator Gibbons, **SCS** for **SB 1140** was declared perfected and ordered printed.

**SB 687**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Shields, **SB 1251**, with **SCS**, was placed on the Informal Calendar.

Senator Gibbons moved that **SB 873** be taken up for perfection, which motion prevailed.

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

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 873, Pages 2-3, Section 43.546, Lines 1-5, by striking all of said lines and inserting in lieu thereof the following:

**“43.546. 1. Any state agency may require the fingerprinting of applicants in specified occupations designated by the agency for the purposes of positive identification and receiving criminal history record information when determining an applicant's ability or fitness to serve in such an occupation.”.**

Senator Gibbons moved that the above amendment be adopted.

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

On motion of Senator Gibbons, **SB 873** was declared perfected and ordered printed.

Senator Klindt moved that **SB 1009** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Klindt offered **SS** for **SB 1009**, entitled:

SENATE SUBSTITUTE FOR  
SENATE BILL NO. 1009

An Act to amend chapter 266, RSMo, by adding thereto one new section relating to plant biotechnology.

Senator Klindt moved that **SS** for **SB 1009** be adopted.

Senator Goodman assumed the Chair.

At the request of Senator Klindt, **SB 1009**, with **SS** (pending), was placed on the Informal Calendar.

Senator Loudon moved that **SB 1072** be called

from the Informal Calendar and taken up for perfection, which motion prevailed.

On motion of Senator Loudon, **SB 1072** was declared perfected and ordered printed.

Senator Koster moved that **SB 820**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

**SCS** for **SB 820**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 820

An Act to repeal sections 33.700 and 33.710, RSMo, and to enact in lieu thereof two new sections relating to the governmental emergency fund.

Was taken up.

Senator Koster moved that **SCS** for **SB 820** be adopted.

Senator Shields offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 820, Page 1, In the Title, Line 3, by striking “the governmental emergency fund” and inserting in lieu thereof the following: “governmental emergencies”; and

Further amend said bill, Page 2, Section 33.710, Line 12, by inserting after all of said line the following:

**“44.045. 1. Subject to approval by the state emergency management agency during an emergency declared by the governor or general assembly, any health care professional licensed, registered, or certified in this state or any state who volunteers to be so deployed as provided herein may be deployed to provide care as necessitated by the emergency, including care necessitated by mutual aid agreements between political subdivisions and other public and private entities under section 44.090. During an**

**emergency declared by the governor or the general assembly, volunteer health care providers deployed by the governor or any state agency shall not be liable for any civil damages for any failure, in the delivery of healthcare necessitated by the emergency during deployment, to exercise the skill and learning of an ordinarily careful health care provider in similar circumstances, but shall be liable for damages due to willful or wanton acts or omissions in rendering such care.**

2. In a declared state of emergency, the department of health and senior services and the division of professional registration within the department of economic development may release otherwise confidential contact and licensure, registration, or certification information relating to health care professionals to state, local, and private agencies to facilitate deployment.

[44.045. 1. Subject to approval by the state emergency management agency during an emergency declared by the governor or state legislature, any health care professional licensed, registered, or certified in this state who volunteers to be so deployed may be deployed to provide care as necessitated by the emergency.

2. In a declared state of emergency, the department of health and senior services or the division of professional registration within the department of economic development may release otherwise confidential contact and licensure, registration, or certification information relating to health care professionals to state, local, and private agencies to facilitate deployment.]; and

Further amend the title and enacting clause accordingly.

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

President Kinder assumed the Chair.

Senator Koster moved that **SCS** for **SB 820**, as amended, be adopted, which motion prevailed.

On motion of Senator Koster, **SCS** for **SB 820**, as amended, was declared perfected and ordered printed.

Senator Griesheimer assumed the Chair.

Senator Cauthorn moved that **SB 1032**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

**SCS** for **SB 1032**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 1032**

An Act to repeal section 334.735, RSMo, and to enact in lieu thereof one new section relating to physician assistants.

Was taken up.

Senator Cauthorn moved that **SCS** for **SB 1032** be adopted, which motion prevailed.

On motion of Senator Cauthorn, **SCS** for **SB 1032** was declared perfected and ordered printed.

**CONCURRENT RESOLUTIONS**

Senator Purgason moved that **SCR 31** be taken up for adoption, which motion prevailed.

On motion of Senator Purgason, **SCR 31** was adopted by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senator Klindt—1

Absent with leave—Senators—None

Vacancies—1

## REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCS for SB 924; SCS for SBs 1185, 1163, 1174, 1200 and 1225; SCS for SB 913; SB 1076; SB 873; SB 770; SCS for SB 1140 and SCS for SB 1222**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

## REFERRALS

President Pro Tem Gibbons referred **SB 873**; and **SCS for SBs 1185, 1163, 1174, 1200 and 1225** to the Committee on Governmental Accountability and Fiscal Oversight.

## 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 18, 2006

**To the Senate of the 93rd General Assembly of the State of Missouri:**

The following addendum should be made to the appointment of Stanley G. Bevelle to the Board of Cosmetology and Barber Examiners, submitted on April 5, 2006; Line 3 should be amended as follows:

“for a term ending May 1, 2010, and until his successor is duly appointed”

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 13, 2006

**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:

Andrea D. Buening, 1615 Strait Avenue, Seneca, Newton County, Missouri 64865, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 2007, and until her successor is duly appointed and qualified; vice, Charles Smith, withdrawn.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 13, 2006

**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:

Aaron S. Baker, E 210 Tower Suites, 900 College Park Drive, Maryville, Nodaway County, Missouri 64468, as the student representative of Northwest Missouri State University Board of Regents, for a term ending December 31, 2007, and until his successor is duly appointed and qualified; vice, Stephen Terry, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 13, 2006

**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:

Lisa G. Britt, 11180 East Mexico Gravel Road, Columbia, Boone County, Missouri 65202, as a member of the Organ Donation Advisory Committee, for a term ending January 1, 2010, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
65101  
April 17, 2006

**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:

Jeffrey L. Cox, 309 Seminole Court, Raymore, Cass County, Missouri 64083, as a member of the Child Abuse and Neglect Review Board, for a term ending April 17, 2009, and until his successor is duly appointed and qualified; vice, Theresa Hensley, term expired.

Respectfully submitted,  
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
65101  
April 15, 2006

**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:

Jeffrey N. Davis, Republican, 1010 El Dorado Drive, Jefferson City, Cole County, Missouri 65101, as a member and chair of the Public Service Commission, for a term ending April 15, 2012, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
65101  
April 12, 2006

**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 A. Easley, Republican, Post Office Box 126, Cassville, Barry County, Missouri 65625, as a member of the Clean Water Commission, for a term ending April 12, 2010, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
65101  
April 13, 2006

**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:

Theresa Jan Finn, 901 South West Loula Lane, Lee's Summit, Jackson County, Missouri 64081, as a member of the Organ Donation Advisory Committee, for a term ending January 1, 2010, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
65101  
April 13, 2006

**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 E. Imhoff, 2392 Cedar Lake Drive, Maryland

Heights, Saint Louis County, Missouri 63043, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 2007, and until his successor is duly appointed and qualified; vice, John Blass, withdrawn.

Respectfully submitted,  
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
65101  
April 13, 2006

**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:

Lydia H. McEvoy, Republican, 1409 Northeast 102nd Terrace, Kansas City, Clay County, Missouri 64155, as a member of Central Missouri State University Board of Governors, for a term ending January 1, 2012, and until her successor is duly appointed and qualified; vice, Jennifer Hill-Nixon, term expired.

Respectfully submitted,  
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
65101  
April 13, 2006

**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:

Sharon E. Rohrbach, 9871 Arv-Ellen, Affton, Saint Louis County, Missouri 63132, as a member of the Coordinating Board for Early Childhood Development, for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified; vice, 210.102, RSMo.

Respectfully submitted,  
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
65101  
April 13, 2006

**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:

Kathy R. Thornburg, 3211 Rodeo Drive, Columbia, Boone County, Missouri 65203, as a member of the Coordinating Board for Early Childhood Development, for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified; vice, 210.102, RSMo.

Respectfully submitted,  
MATT BLUNT

President Pro Tem Gibbons referred the above addendum, appointments, and the addendums appearing on pages 775 and 776, to the Committee on gubernatorial appointments.

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
65101  
April 13, 2006

**To the Senate of the 93rd General Assembly of the State of Missouri:**

I hereby withdraw from your consideration the following appointment to office submitted to you on February 16, 2006 for your advice and consent:

James D. McKenzie, 341 North Washington, Nevada, Vernon County, Missouri 64772, as a member of the State Advisory Council on Emergency Medical Services, for a term ending January 5, 2010, and until his successor is duly appointed and qualified; vice, Natalie Anderson, term expired.

Respectfully submitted,  
MATT BLUNT

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

Also,

OFFICE OF THE GOVERNOR  
 State of Missouri  
 Jefferson City  
 65101  
 April 13, 2006

**To the Senate of the 93rd General Assembly of the State of Missouri:**

I hereby withdraw from your consideration the following appointment to office submitted to you on March 15, 2006 for your advice and consent:

Iola C. Jasper, 519 Grand View Drive, Sunrise Beach, Camden County, Missouri 65079, as a member of the Missouri State Committee of Interpreters, for a term ending October 9, 2006, and until her successor is duly appointed and qualified; vice, Lisa Guillory, term expired.

Respectfully submitted,  
 MATT BLUNT

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

**RESOLUTIONS**

Senator Clemens offered Senate Resolution No. 2730, regarding the Ozark High School Girls Basketball Class 4A State Champions, which was adopted.

Senator Clemens offered Senate Resolution No. 2731, regarding Yancey Little, Missouri Basketball Association 2006 Coach of the Year, which was adopted.

Senator Engler offered Senate Resolution No. 2732, regarding the Lesterville Volunteer Fire Department, which was adopted.

Senator Coleman offered Senate Resolution No. 2733, regarding Chiffontae Ross, which was adopted.

Senator Ridgeway offered Senate Resolution No. 2734, regarding the Gladstone Sun News, which was adopted.

Senator Ridgeway offered Senate Resolution No. 2735, regarding Mr. and Mrs. Barry Schmidt, Kearney, which was adopted.

Senator Klindt offered Senate Resolution No.

2736, regarding Phyllis Bond, Maysville, which was adopted.

Senator Gibbons offered Senate Resolution No. 2737, regarding Patrick Lane Henneman, which was adopted.

**COMMUNICATIONS**

Senator Gibbons submitted the following:

April 18, 2006

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

**RE: Appointment to Joint Committee on Economic Development Policy and Planning**

Dear Mrs. Spieler:

Pursuant to Section 21.810.1 of the Revised Statutes of Missouri (RSMo 2002), please be advised I am **appointing** Senator Jack Goodman to the vacancy on said committee created by the death of Senator Larry Taylor.

If you have any questions regarding this matter, please contact my office.

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

**INTRODUCTIONS OF GUESTS**

Senator Cauthorn introduced to the Senate, Kathy Haycraft and forty Advanced Practice Nurses, Physicians and Administrators from around the state.

Senator Klindt introduced to the Senate, twelve fourth grade students from Southwest R-1 Elementary School, Ludlow.

Senator Griesheimer introduced to the Senate, Mrs. Jackson, Mrs. Ruoff, parents and twenty-three fourth grade students from Blevins Elementary School, Eureka.

Senator Goodman introduced to the Senate, sponsors and fifty-one fifth grade students from

Blue Eye Elementary School.

Senator Nodler introduced to the Senate, Nellrena Boman, Carol Lankford, Glenda Condict, Teresa Blevins, Shirley Gollhofer, Shawna Griffin, Barbara Whitehill, Jason Rincker, Carl Daugherty, Brad Tyndall and Kurt Stock, representatives of Leadership Neosho.

Senator Mayer introduced to the Senate, Bob

MacDonald and Paul Ridlen, Poplar Bluff.

On behalf of Senator Goodman, the President introduced to the Senate, Jack Elliott Goodman, Mt. Vernon; and Jack Elliott was made an honorary page.

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

## SENATE CALENDAR

FIFTY-SIXTH DAY—WEDNESDAY, APRIL 19, 2006

## FORMAL CALENDAR

### SECOND READING OF SENATE BILLS

SJR 43-Crowell, et al

### HOUSE BILLS ON SECOND READING

HCS for HB 1873

### THIRD READING OF SENATE BILLS

- |   |  |
|---|--|
| 1. SCS for SB 1027-Mayer                                      | 6. SCS for SB 924-Klindt   |
| 2. SCS for SBs 1239 & 1091-Gibbons<br>(In Fiscal Oversight)   | 7. SCS for SBs 1185, 1163, 1174, 1200 &<br>1225-Engler (In Fiscal Oversight) |
| 3. SS for SCS for SB 969-Stouffer<br>(In Fiscal Oversight)    | 8. SCS for SB 913-Vogel  |
| 4. SS for SCS for SB 832-Griesheimer<br>(In Fiscal Oversight) | 9. SB 1076-Goodman   |
| 5. SS for SCS for SB 895-Engler<br>(In Fiscal Oversight)      | 10. SB 873-Gibbons (In Fiscal Oversight)                                     |
|   | 11. SB 770-Mayer and Crowell   |
|   | 12. SCS for SB 1140-Gibbons  |
|   | 13. SCS for SB 1222-Goodman  |

### SENATE BILLS FOR PERFECTION

SB 759-Engler



HOUSE BILLS ON THIRD READING

- |                                      |                                       |
|--------------------------------------|---------------------------------------|
| 1. HB 1001-Icet, with SCS (Gross)    | 8. HB 1008-Icet, with SCS (Gross)     |
| 2. HCS for HB 1002, with SCS (Gross) | 9. HB 1009-Icet, with SCS (Gross)     |
| 3. HCS for HB 1003, with SCS (Gross) | 10. HCS for HB 1010, with SCS (Gross) |
| 4. HCS for HB 1004, with SCS (Gross) | 11. HCS for HB 1011, with SCS (Gross) |
| 5. HCS for HB 1005, with SCS (Gross) | 12. HCS for HB 1012, with SCS (Gross) |
| 6. HCS for HB 1006, with SCS (Gross) | 13. HB 1013-Icet, with SCS (Gross)    |
| 7. HCS for HB 1007, with SCS (Gross) |                                       |

UNOFFICIAL  
INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- |  |   |
|--|---|
| SB 566-Dougherty, et al, with SCS & SS<br>for SCS (pending)          | SB 849-Mayer, et al, with SS, SA 6 &<br>SA 1 to SA 6 (pending)                                |
| SB 617-Koster, with SCS  | SB 862-Engler, with SCS   |
| SB 635-Cauthorn  | SB 1009-Klindt, with SS (pending)   |
| SB 637-Cauthorn, et al, with SCS & SA 3<br>(pending)                 | SBs 1014 & 730-Scott and Gibbons, with<br>SCS, SS for SCS, SA 1 & SSA 3 for<br>SA 1 (pending) |
| SB 642-Scott   | SBs 1031 & 846-Klindt, with SCS   |
| SB 655-Nodler, with SCS  | SB 1038-Mayer   |
| SBs 665 & 757-Engler, with SCS & SA 1<br>(pending)                   | SB 1049-Shields, with SCS   |
| SB 687-Scott and Bartle, with SCS                                    | SB 1092-Klindt, with SCS  |
| SB 736-Crowell and Cauthorn, with SCS                                | SB 1104-Cauthorn and Klindt, with SCS   |
| SB 816-Griesheimer and Coleman, with SCS<br>& SS#2 for SCS (pending) | SB 1114-Goodman & Loudon, with SCS  |
| SB 817-Scott, et al  | SB 1188-Gibbons   |
| SB 841-Ridgeway, et al, with SCS                                     | SB 1217-Goodman   |
|  | SB 1251-Shields, with SCS   |

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 760-Engler, with SCS

## House Bills

Reported 4/3

HB 1157-Cooper (120), et al (Scott)

Reported 4/12

HCS for HB 1679 (Kennedy)	HCS for HB 1138 (Ridgeway)
HCS for HB 1559 (Callahan)	HCS for HB 1256
HB 1858-Lipke (Goodman)	HCS for HB 1762, with SCS
HCS for HBs 1617 & 1374 (Stouffer)	HCS for HBs 1382 & 1158, with SCS
HCS for HB 1053 (Wheeler)	HB 1488-Roord, et al (Kennedy)
HCS#2 for HB 1703 (Bartle)	HB 1105-Wilson (119), et al
HB 1857-Lipke (Goodman)	HCS for HB 1180 (Bray)
HCS for HB 1343 (Cauthorn)	HB 1234-Loehner, et al (Clemens)
HB 1320-Lipke, et al (Gibbons)	HB 1245-Sater, et al (Shields)
HB 1204-Roord, et al (Alter)	HB 1251-Guest, et al (Gross)
HB 1427-Johnson (90), et al (Kennedy)	HCS for HB 1449, with SCS (Mayer)
HB 1169-Cooper (120) (Scott)	HCS for HB 1511, with SCS (Shields)
HCS for HB 1432 (Vogel)	HB 1732-Fraser, et al (Days)
HCS for HB 1759 (Clemens)	HB 1494-Emery, et al (Scott)
HCS for HB 1739 (Bartle)	HB 1393-Behnen, et al (Goodman)
HB 1392-Behnen, with SCS (Scott)	HB 983-Meadows, et al (Alter)
HCS for HB 1339 (Goodman)	HB 984-Meadows, et al (Alter)
HCS for HB 1244 (Engler)	HB 1228-Ruestman, et al (Ridgeway)
HCS for HB 1551 (Engler)	HB 1715-Pratt (Bartle)
HB 1118-Dempsey, et al, with SCS (Shields)	HB 998-Smith (118) (Scott)
HB 1601-Weter, et al, with SCS (Dougherty)	HCS for HB 1135 (Stouffer)
HB 1687-Wright (137), et al, with SCA 1	HCS for HB 1710
HB 1222-Cooper (158) (Scott)	HCS for HB 1333 (Mayer)
HB 1491-Walton, et al (Days)	HCS for HB 1366 (Engler)
HB 1437-Threlkeld, with SCS (Bartle)	HB 1424-Franz (Purgason)
HCS for HB 1515 (Koster)	HCS for HB 1711
HCS for HB 1787, with SCS (Mayer)	HB 1707-Dusenberg, et al, with SCS (Bartle)
HCS for HB 978, with SCS (Goodman)	HB 1509-Bruns and Wildberger, with SCS (Vogel)
HCS for HB 1306, with SCS (Crowell)	HCS for HB 977, with SCS (Engler)
HCS for HB 1344 (Coleman)	HCS for HB 1508, with SCS (Vogel)
HCS for HB 1552	

Reported 4/13

HB 1088-Schaaf, et al

HCS for HB 1037

HCS for HB 1149, with SCS (Scott)

HCS for HB 1440, with SCS (Ridgeway)

HB 1144-May, et al

HB 1192-Smith (118), et al (Scott)

HB 1577-Pollock, et al (Clemens)

HB 1722-Sutherland, et al (Mayer)

HB 1833-Wood, et al (Goodman)

HB 1988-Wagner, et al (Barnitz)

HB 1466-Daus

RESOLUTIONS

Reported from Committee

SR 2363-Gross

MISCELLANEOUS

REMONSTRANCE 1-Gross

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