

Journal of the Senate

FIRST REGULAR SESSION

FIFTIETH DAY—THURSDAY, APRIL 5, 2007

The Senate met pursuant to adjournment.

Senator Koster in the Chair.

Reverend Carl Gauck offered the following prayer:

“My soul is satisfied as with a rich feast, and my mouth praises you with joyful lips...” (Psalm 63:5)

Merciful God, as we finish another challenging week we give You thanks and praise and are increasingly mindful of this special time to remember what this coming weekend and its particular meaning has for so many in our world. Help us hear anew Your promise of victory over death and the hope that springs forth in our souls. May this time with family and friends be truly extraordinary and may we learn its lessons well. And may we witness to the joy we receive daily from Your merciful hand. 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

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman

Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Loudon offered Senate Resolution No. 804, regarding the Eightieth Birthday of Robert Brewster Loudon, Ballwin, which was adopted.

Senator Shields offered Senate Resolution No. 805, regarding Mark Pettegrew, which was adopted.

Senator Mayer offered Senate Resolution No. 806, regarding the death of Lamar Hunt, Kansas City, which was adopted.

Senator Vogel offered Senate Resolution No. 807, regarding Karen Lueckenotte, Jefferson City, which was adopted.

Senator Stouffer offered Senate Resolution No. 808, regarding Carol Y. Hough, Wellington, which was adopted.

Senator Rupp offered Senate Resolution No. 809, regarding Jessica Gump, O'Fallon, which was adopted.

Senator Crowell offered Senate Resolution No. 810, regarding Charlotte Craig, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 811, regarding Dolly Jewel, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 812, regarding Julia Howes Jorgensen, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 813, regarding Cheryl Mothes, Jackson, which was adopted.

Senator Crowell offered Senate Resolution No. 814, regarding Marybeth Williams, Jackson, which was adopted.

Senators Crowell and Green offered Senate Resolution No. 815, regarding the Missouri State Employees' Retirement System, which was adopted.

REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SCS** for **SB 577**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 527**, entitled:

An Act to repeal section 355.151, RSMo, and to enact in lieu thereof one new section relating to corporate name revisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 579**, entitled:

An Act to repeal section 44.045 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 58, ninety-third general assembly, first regular session and section 44.045 as enacted by conference committee substitute for house committee substitute for senate committee substitute for senate bills nos. 420 & 344, ninety-third general assembly, first regular session, and to enact in lieu thereof one new section relating to civil defense, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 431**, entitled:

An Act to repeal sections 347.137, 351.015, and 351.459, RSMo, and to enact in lieu thereof four new sections relating to business organizations.

In which the concurrence of the Senate is

respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 894**, entitled:

An Act to repeal section 115.329, RSMo, and to enact in lieu thereof one new section relating to independent candidates.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 233**, entitled:

An Act to repeal section 331.010, RSMo, and to enact in lieu thereof one new section relating to the practice of chiropractic.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 482**, entitled:

An Act to repeal section 570.103, RSMo, and to enact in lieu thereof one new section relating to counterfeiting, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 583**,

entitled:

An Act to amend chapter 455, RSMo, by adding thereto one new section relating to orders of protection.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 497**, entitled:

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

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 224**, entitled:

An Act to repeal sections 302.060, 302.177, 302.181, 589.400, 589.410, 589.417, RSMo, and to enact in lieu thereof six new sections relating to driver's licenses for convicted sex offenders, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 104**, entitled:

An Act to repeal sections 144.070 and 144.440, RSMo, and to enact in lieu thereof three new sections relating to sales and use tax on

purchased or leased motor vehicles.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 181**, entitled:

An Act to amend chapter 170, RSMo, by adding thereto one new section relating to captioning of electronic video instructional materials.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 574**, entitled:

An Act to repeal section 577.051, RSMo, and to enact in lieu thereof one new section relating to Missouri uniform law enforcement system records, with a penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 554**, entitled:

An Act to amend chapter 337, RSMo, by adding thereto one new section relating to licensed professional counselors.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 596**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to annual bid bonds for state highways and transportation commission construction and maintenance projects.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 555**, entitled:

An Act to amend chapter 337, RSMo, by adding thereto two new sections relating to licensed professional counselors and licensed clinical social workers.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 795**, entitled:

An Act to repeal sections 67.2500, 67.2510, 89.010, 89.400, and 94.837, RSMo, and section 67.2505 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill nos. 795, 972, 1128 & 1161 merged with house substitute for senate committee substitute for senate bill no. 1155, ninety-second general assembly, second regular

session, and section 67.2505, as enacted by senate substitute for senate committee substitute for house committee substitute for house bill no. 833 merged with house committee substitute for senate substitute for senate bill no. 732, ninety-second general assembly, second regular session, and to enact in lieu thereof six new sections relating to local public improvements.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 184**, entitled:

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to sales tax affecting certain taxing districts.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS No. 2** for **HB 28**, entitled:

An Act to repeal section 390.030, RSMo, and to enact in lieu thereof two new sections relating to carriers of household goods.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 182**, entitled:

An Act to amend chapter 190, RSMo, by adding thereto eight new sections relating to outside the hospital do-not-resuscitate orders, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 462**, entitled:

An Act to repeal sections 476.083, 571.030, 571.080, 571.090, 571.095, and 571.111 RSMo, and to enact in lieu thereof five new sections relating to the criminal justice system, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

HOUSE BILLS ON THIRD READING

HCS for **HB 453**, entitled:

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to income tax credits for donations to food pantries.

Was taken up by Senator Mayer.

President Kinder assumed the Chair.

Senator Mayer offered **SS** for **HCS** for **HB 453**, entitled:

SENATE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 453

An Act to repeal section 135.1150, RSMo, and to enact in lieu thereof two new sections relating to tax credits for certain contributions.

Senator Mayer moved that **SS** for **HCS** for **HB 453** be adopted.

Senator Shields announced that photographers

from the Columbia Missourian and KOMU-TV were given permission to take pictures in the Senate Chamber today.

Senator Kennedy offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Committee Substitute for House Bill No. 453, Page 1, In the Title, Lines 3-4, by striking “tax credits for certain contributions” and inserting in lieu thereof the following: “certain tax credit programs”; and

Further amend said bill and page, Section A, line 3 of said page, by inserting immediately after all of said line the following:

“135.535. 1. A corporation, limited liability corporation, partnership or sole proprietorship, which moves its operations from outside Missouri or outside a distressed community into a distressed community, or which commences operations in a distressed community on or after January 1, 1999, and in either case has more than seventy-five percent of its employees at the facility in the distressed community, and which has fewer than one hundred employees for whom payroll taxes are paid, and which is a manufacturing, biomedical, medical devices, scientific research, animal research, computer software design or development, computer programming, including Internet, web hosting, and other information technology, wireless or wired or other telecommunications or a professional firm shall receive a forty percent credit against income taxes owed pursuant to chapter 143, 147 or 148, RSMo, other than taxes withheld pursuant to sections 143.191 to 143.265, RSMo, for each of the three years after such move, if approved by the department of economic development, which shall issue a certificate of eligibility if the department determines that the taxpayer is eligible for such credit. The maximum amount of credits per taxpayer set forth in this subsection shall not exceed one hundred twenty-five thousand dollars

for each of the three years for which the credit is claimed. The department of economic development, by means of rule or regulation promulgated pursuant to the provisions of chapter 536, RSMo, shall assign appropriate North American Industry Classification System numbers to the companies which are eligible for the tax credits provided for in this section. Such three-year credits shall be awarded only one time to any company which moves its operations from outside of Missouri or outside of a distressed community into a distressed community or to a company which commences operations within a distressed community. A taxpayer shall file an application for certification of the tax credits for the first year in which credits are claimed and for each of the two succeeding taxable years for which credits are claimed.

2. Employees of such facilities physically working and earning wages for that work within a distressed community whose employers have been approved for tax credits pursuant to subsection 1 of this section by the department of economic development for whom payroll taxes are paid shall also be eligible to receive a tax credit against individual income tax, imposed pursuant to chapter 143, RSMo, equal to one and one-half percent of their gross salary paid at such facility earned for each of the three years that the facility receives the tax credit provided by this section, so long as they were qualified employees of such entity. The employer shall calculate the amount of such credit and shall report the amount to the employee and the department of revenue.

3. A tax credit against income taxes owed pursuant to chapter 143, 147 or 148, RSMo, other than the taxes withheld pursuant to sections 143.191 to 143.265, RSMo, in lieu of the credit against income taxes as provided in subsection 1 of this section, may be taken by such an entity in a distressed community in an amount of forty percent of the amount of funds expended for computer equipment and its maintenance, medical

laboratories and equipment, research laboratory equipment, manufacturing equipment, fiber optic equipment, high speed telecommunications, wiring or software development expense up to a maximum of seventy-five thousand dollars in tax credits for such equipment or expense per year per entity and for each of three years after commencement in or moving operations into a distressed community.

4. A corporation, partnership or sole partnership, which has no more than one hundred employees for whom payroll taxes are paid, which is already located in a distressed community and which expends funds for such equipment pursuant to subsection 3 of this section in an amount exceeding its average of the prior two years for such equipment, shall be eligible to receive a tax credit against income taxes owed pursuant to chapters 143, 147 and 148, RSMo, in an amount equal to the lesser of seventy-five thousand dollars or twenty-five percent of the funds expended for such additional equipment per such entity. Tax credits allowed pursuant to this subsection or subsection 1 of this section may be carried back to any of the three prior tax years and carried forward to any of the five tax years.

5. An existing corporation, partnership or sole proprietorship that is located within a distressed community and that relocates employees from another facility outside of the distressed community to its facility within the distressed community, and an existing business located within a distressed community that hires new employees for that facility may both be eligible for the tax credits allowed by subsections 1 and 3 of this section. To be eligible for such tax credits, such a business, during one of its tax years, shall employ within a distressed community at least twice as many employees as were employed at the beginning of that tax year. A business hiring employees shall have no more than one hundred employees before the addition of the new employees. This subsection shall only apply to a

business which is a manufacturing, biomedical, medical devices, scientific research, animal research, computer software design or development, computer programming or telecommunications business, or a professional firm.

6. Tax credits shall be approved for applicants meeting the requirements of this section in the order that such applications are received. Certificates of tax credits issued in accordance with this section may be transferred, sold or assigned by notarized endorsement which names the transferee.

7. The tax credits allowed pursuant to subsections 1, 2, 3, 4 and 5 of this section shall be for an amount of no more than ten million dollars for each year beginning in 1999. **To the extent there are available tax credits remaining under the ten million dollar cap provided in this section, up to one hundred thousand dollars in the remaining credits shall first be used for tax credits authorized under section 135.562.** The total maximum credit for all entities already located in distressed communities and claiming credits pursuant to subsection 4 of this section shall be seven hundred and fifty thousand dollars. The department of economic development in approving taxpayers for the credit as provided for in subsection 6 of this section shall use information provided by the department of revenue regarding taxes paid in the previous year, or projected taxes for those entities newly established in the state, as the method of determining when this maximum will be reached and shall maintain a record of the order of approval. Any tax credit not used in the period for which the credit was approved may be carried over until the full credit has been allowed.

8. A Missouri employer relocating into a distressed community and having employees covered by a collective bargaining agreement at the facility from which it is relocating shall not be eligible for the credits in subsection 1, 3, 4 or 5 of this section, and its employees shall not be eligible

for the credit in subsection 2 of this section if the relocation violates or terminates a collective bargaining agreement covering employees at the facility, unless the affected collective bargaining unit concurs with the move.

9. Notwithstanding any provision of law to the contrary, no taxpayer shall earn the tax credits allowed in this section and the tax credits otherwise allowed in section 135.110, or the tax credits, exemptions, and refund otherwise allowed in sections 135.200, 135.220, 135.225 and 135.245, respectively, for the same business for the same tax period.

135.562. 1. If any taxpayer with a federal adjusted gross income of thirty thousand dollars or less incurs costs for the purpose of making all or any portion of such taxpayer's principal dwelling accessible to an individual with a disability who permanently resides with the taxpayer, such taxpayer shall receive a tax credit against such taxpayer's Missouri income tax liability in an amount equal to the lesser of one hundred percent of such costs or two thousand five hundred dollars per taxpayer, per tax year.

2. Any taxpayer with a federal adjusted gross income greater than thirty thousand dollars but less than sixty thousand dollars who incurs costs for the purpose of making all or any portion of such taxpayer's principal dwelling accessible to an individual with a disability who permanently resides with the taxpayer, shall receive a tax credit against such taxpayer's Missouri income tax liability in an amount equal to the lesser of fifty percent of such costs or two thousand five hundred dollars per taxpayer, per tax year.

3. Tax credits issued pursuant to this section may be refundable in an amount not to exceed two thousand five hundred dollars per tax year.

4. Eligible costs for which the credit may be

claimed include:

- (1) Constructing entrance or exit ramps;**
- (2) Widening exterior or interior doorways;**
- (3) Widening hallways;**
- (4) Installing handrails or grab bars;**
- (5) Moving electrical outlets and switches;**
- (6) Installing stairway lifts;**
- (7) Installing or modifying fire alarms, smoke detectors, and other alerting systems;**
- (8) Modifying hardware of doors; or**
- (9) Modifying bathrooms.**

5. The tax credits allowed, including the maximum amount that may be claimed, pursuant to this section shall be reduced by one-third to the extent a taxpayer has already deducted such costs from such taxpayer's federal adjusted gross income or applied any other state or federal income tax credit to such costs.

6. A taxpayer shall claim a credit allowed by this section in the same taxable year as the credit is issued, and at the time such taxpayer files his or her Missouri income tax return; provided that, such return is timely filed.

7. The department may, in consultation with the department of social services, promulgate such rules or regulations as are necessary to administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held

unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

8. The provisions of this section shall apply to all tax years beginning on or after January 1, 2008.

9. The provisions of this section shall expire December 31, 2013.

10. In no event shall the aggregate amount of all tax credits allowed pursuant to this section exceed one hundred thousand dollars in any given fiscal year. The tax credits issued pursuant to this section shall be on a first-come, first-served filing basis.”; and

Further amend the enacting clause accordingly.

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

Senator Scott assumed the Chair.

President Kinder assumed the Chair.

Senator Graham offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for House Committee Substitute for House Bill No. 453, Page 8, In the Title, Lines 3-4, by striking all of said lines and inserting in lieu thereof the following: “**thereof three new sections relating to certain tax credit programs**”; and

Further amend said bill, page 8, section 135.1150, line 10, by inserting immediately after all of said line following:

“Section 1. If any taxpayer incurs costs for tuition and required fees at any public or private institution of higher education, as such term is defined under section 173.205 RSMo, such taxpayer shall receive a tax credit against such taxpayer's Missouri income tax liability in an amount equal to one hundred percent of such expenses and fees incurred. The tax credit

amount shall not exceed an amount equal to the average tuition and required fees for incoming freshmen at the University of Missouri - Columbia during the year in which the tax credit is claimed.”; and

Further amend the enacting clause accordingly.

Senator Graham moved that the above amendment be adopted.

At the request of Senator Mayer, HCS for HB 453, with SS and SA 2 (pending), was placed on the Informal Calendar.

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 was referred HCR 15, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

SENATE COMMITTEE SUBSTITUTE FOR HOUSE CONCURRENT RESOLUTION NO. 15

WHEREAS, chronic obstructive pulmonary disease (COPD), also known as chronic bronchitis and emphysema, is the fourth leading cause of death in the United States and the only one of the top five causes of death whose prevalence and death rate are rising; and

WHEREAS, COPD is a chronic progressive disease which impacts over 175,000 residents of Missouri and 24 million Americans; and

WHEREAS, the annual cost to the nation for COPD in 2004 was estimated to be approximately 37 billion dollars; and

WHEREAS, early diagnosis and management of COPD can effectively reduce the overall financial burden of the illness within public programs such as Medicaid; and

WHEREAS, proper management of COPD can lead to improved quality of life and self-sufficiency on the part of patients with COPD cared for within public programs; and

WHEREAS, disease management has been demonstrated to reduce overall costs of care and increase quality of life for patients with chronic diseases, especially when targeted to appropriate

conditions and patients; and

WHEREAS, November is COPD awareness month and November 21, 2007, is COPD awareness day; and

NOW THEREFORE BE IT RESOLVED that the members of the House of Representatives of the Ninety-Fourth General Assembly, First Regular Session, the Senate concurring therein, hereby recognize November 21, 2007, as COPD awareness day, and November as COPD awareness month in Missouri; and

BE IT FURTHER RESOLVED that the members of the Missouri Senate, Ninety-Fourth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby support and encourage the Department of Social Services, Division of Medical Services in its efforts with regard to disease management and including COPD in the department's chronic care improvement program in an effort to reduce the financial and clinical burden of COPD on the Medicaid program and the citizens of Missouri.

BE IT FURTHER RESOLVED that the Secretary of Senate be instructed to prepare properly inscribed copies of this resolution for the Department of Social Services.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 10**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 25**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

INTRODUCTIONS OF GUESTS

The President introduced U.S. Senator Christopher “Kit” Bond, who assumed the dais and addressed the members of the Senate.

President Kinder assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were

referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Katherine Suzanne Bradley, Republican, as a member of the Missouri Gaming Commission;

Also,

Nela E. Beetem, as a member of the Children’s Trust Fund Board;

Also,

William Dale Finke, Republican, as a member of the State Lottery Commission;

Also,

Elizabeth M. Schlueter, Republican, and Kenneth “Ken” Kessaman, Democrat, as members of the State Fair Commission.

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

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

President Pro Tem Gibbons assumed the Chair.

Senator 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 221**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **SB 635**, begs leave to report

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

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 586**, 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 Financial and Governmental Organizations and Elections, to which was referred **SB 358**, 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 Financial and Governmental Organizations and Elections, to which was referred **HB 62**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HCS** for **HB 405**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HB 754**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

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 **SB 616**, 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 Economical Development, Tourism and Local Government, to which was referred **SB 644**, begs leave to report that it has considered the same and recommends that the bill do pass.

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

Mr. President: Your Committee on Seniors, Families and Public Health, to which was referred **HB 454**, begs leave to report that it has considered the same and recommends that the bill 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 were referred **SB 372** and **SB 366**, 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 **HJR 1**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Clemens, Chairman of the Committee

on Agriculture, Conservation, Parks and Natural Resources, submitted the following reports:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **SB 388**, 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 Agriculture, Conservation, Parks and Natural Resources, to which was referred **SB 225**, 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 Agriculture, Conservation, Parks and Natural Resources, to which was referred **SB 571**, 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 Agriculture, Conservation, Parks and Natural Resources, to which was referred **HCS** for **HB 346**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **HB 576**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

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 678**, begs leave to report that it has considered the same and

recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **HB 264**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 652**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Engler, Chairman of the Committee on Commerce, Energy and the Environment, submitted the following reports:

Mr. President: Your Committee on Commerce, Energy and the Environment, to which was referred **SB 699**, 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 Commerce, Energy and the Environment, to which was referred **SB 11**, 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 Commerce, Energy and the Environment, to which was referred **SB 536**, 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 Commerce, Energy and the Environment, to which

was referred **SB 552**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Stouffer, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **SB 484**, 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 Transportation, to which was referred **HB 155**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HB 732**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

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 **HCS** for **HB 364**, entitled:

An Act to repeal section 143.121, RSMo, and to enact in lieu thereof one new section relating to Missouri adjusted gross income calculations.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 131**,

entitled:

An Act to repeal sections 142.817, 144.030, 144.062, and 144.518, RSMo, and to enact in lieu thereof seven new sections relating to sales and use taxes on manufacturing.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 851**, entitled:

An Act to amend chapters 28 and 43, RSMo, by adding thereto two new sections relating to highway patrol enforcement of federal immigration laws.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 448**, entitled:

An Act to repeal section 144.030, RSMo, and to enact in lieu thereof two new sections relating to automobiles.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 338**, entitled:

An Act to amend chapter 217, RSMo, by adding thereto one new section relating to

minimum pay for certain corrections employees.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 551**, entitled:

An Act to amend chapter 287, RSMo, by adding thereto one new section relating to compensation to public safety workers.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 915**, entitled:

An Act to repeal section 313.055, RSMo, and to enact in lieu thereof one new section relating to an exemption for veteran's, service and fraternal organizations from certain bingo taxes.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 56**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto seven new sections relating to the designation of a memorial highway.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 42**, entitled:

An Act to repeal section 84.240, RSMo, relating to duties of the board of police commissioners.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 619** and **118**, entitled:

An Act to amend chapter 41, RSMo, by adding thereto one new section relating to the civil air patrol.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 791**, entitled:

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to the provision of certain claims information by health carriers.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 741**, entitled:

An Act to amend chapter 99, RSMo, by adding thereto twenty-six new sections relating to

the Missouri economic development code.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 987**, entitled:

An Act to repeal sections 339.519 and 339.525, RSMo, and to enact in lieu thereof three new sections relating to real estate appraisers.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Senator Goodman assumed the Chair.

HOUSE BILLS ON SECOND READING

The following Bill was read the 2nd time and referred to the Committee indicated:

HCS for HB 796—Transportation.

REFERRALS

President Pro Tem Gibbons referred **HCR 16**, **HCR 17**, **HCR 8**, **HCR 30**, **HCR 11** and **HCR 24** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

President Pro Tem Gibbons referred **SS** for **SCS** for **SB 577** to the Committee on Governmental Accountability and Fiscal Oversight.

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

RECESS

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

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 **HCS** for **HB 820**, entitled:

An Act to repeal section 546.720, RSMo, and to enact in lieu thereof one new section relating to administration of the death penalty, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 267**, entitled:

An Act to repeal section 162.961, RSMo, and to enact in lieu thereof one new section relating to special education due process hearings.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 265**, entitled:

An Act to repeal section 162.963, RSMo, and to enact in lieu thereof one new section relating to special education due process hearings.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 744**, entitled:

An Act to repeal sections 226.530, 226.580,

302.545, 302.700, 302.755, 302.775, 311.326, 390.071, 390.136, and 622.095, RSMo, and to enact in lieu thereof nine new sections relating to transportation, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 245**, entitled:

An Act to repeal section 302.720, RSMo, and to enact in lieu thereof one new section relating to commercial driver's licenses.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 165**,

entitled:

An Act to repeal sections 71.675, 92.074, 92.077, 92.080, 92.083, 92.086, 92.089, 92.092, and 92.095, RSMo, and to enact in lieu thereof eight new sections relating to assessment and collection of various taxes on telecommunications companies.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

INTRODUCTIONS OF GUESTS

Senator Nodler introduced to the Senate, forty-five members of the Class of 2007 Leadership Joplin.

Senator Gross introduced to the Senate, Chelsea Kliethermes, Linn.

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

On motion of Senator Mayer, the Senate adjourned until 12:00 p.m., Tuesday, April 10, 2007.

SENATE CALENDAR

FIFTY-FIRST DAY—TUESDAY, APRIL 10, 2007

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 527-Cooper (120)
 HB 579-Dempsey, et al
 HCS for HB 431
 HCS for HB 894
 HB 233-Tilley
 HB 482-Walton, et al
 HCS for HB 583
 HCS for HB 497

HB 224-Franz
 HCS for HB 104
 HCS for HB 181
 HB 574-St. Onge
 HB 554-Cooper (155), et al
 HB 596-St. Onge
 HCS for HB 555
 HCS for HB 795

HCS for HB 184
 HCS#2 for HB 28
 HCS for HB 182
 HB 462-Munzlinger, et al
 HCS for HB 364
 HCS for HB 131
 HCS for HB 851
 HCS for HB 448
 HCS for HB 338
 HCS for HB 551
 HB 915-Dougherty, et al
 HB 56-Sater, et al

HB 42-Portwood
 HCS for HBs 619 & 118
 HB 791-Wilson (130), et al
 HCS for HB 741
 HB 987-Wasson
 HCS for HB 820
 HB 267-Jones (117) and Cunningham (86)
 HB 265-Cunningham (86)
 HB 744-St. Onge
 HCS for HB 245
 HCS for HB 165

THIRD READING OF SENATE BILLS

SS for SCS for SB 577-Shields
 (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

1. SB 668-Loudon, with SCS
2. SB 496-Koster and Bartle, with SCS
3. SBs 660, 553, 557, 167, 258, 114 & 378-Mayer, with SCS
4. SBs 555 & 38-Gibbons, with SCS
5. SB 499-Engler and Clemens, with SCS
6. SB 572-Vogel
7. SB 627-Ridgeway
8. SB 599-Engler, with SCS
9. SB 205-Stouffer and Gibbons, with SCS
10. SB 521-Lager, et al, with SCS
11. SB 611-Goodman, with SCS
12. SB 537-Lager
13. SB 523-Scott, with SCS
14. SB 542-Scott, with SCS
15. SB 592-Scott, with SCS
16. SB 664-Scott, with SCS
17. SB 212-Goodman
18. SB 654-Kennedy
19. SB 563-Lager, with SCS
20. SB 635-Loudon, with SCS
21. SB 586-Crowell, with SCS
22. SB 358-Engler, with SCS
23. SB 616-McKenna, with SCS
24. SB 644-Griesheimer
25. SBs 372 & 366-Justus and Koster, with SCS
26. SB 388-Mayer, with SCS
27. SB 225-Stouffer, with SCS
28. SB 571-Mayer, with SCS
29. SB 652-Coleman and Gibbons, with SCS
30. SB 699-Lager, with SCS
31. SB 11-Coleman, with SCS
32. SB 536-Lager, with SCS
33. SB 552-Bartle
34. SB 484-Stouffer, with SCS

HOUSE BILLS ON THIRD READING

HJR 7-Nieves, with SCS (Engler)
 HCS for HB 327, with SCS (Griesheimer)

HCS for HB 221
 HB 454-Jetton, et al (Mayer)

HCS for HJR 1, with SCS
HCS for HB 346

HB 155-Dusenberg, et al (Ridgeway)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 2-Gibbons, with SCS	SB 297-Loudon, with SCS
SB 5-Loudon, with SCS	SB 300-Bartle
SB 17-Shields, with SCS	SB 303-Loudon, et al
SB 20-Griesheimer, with SCS	SB 313-Scott, with SCS
SB 21-Griesheimer, with SCS	SB 341-Goodman, with SCS
SB 27-Bartle and Koster	SB 363-Bartle
SB 31-Nodler	SB 364-Koster, with SCS, SS for SCS, SA 1 & SSA 1 for SA 1 (pending)
SB 40-Ridgeway, with SS (pending)	SB 368-Barnitz, et al, with SCS
SB 53-Koster and Engler, with SCS	SBs 370, 375 & 432-Scott and Koster, with SCS & SA 3 (pending)
SB 75-Coleman, et al, with SCS	SB 385-Gibbons, with SCS
SB 85-Champion and Koster, with SCS	SB 389-Nodler, et al, with SCS & SS#4 for SCS (pending)
SB 86-Champion, with SCS	SB 391-Days, with SCS
SB 101-Mayer	SB 400-Crowell, et al
SB 131-Rupp	SB 428-Purgason, with SCS
SB 153-Engler, et al, with SCS	SB 429-Gibbons, with SCS
SB 155-Engler, with SCS	SB 430-Shields, et al, with SCS, SS#2 for SCS, SA 4 & SSA 3 for SA 4 (pending)
SB 160-Rupp, with SCS	SB 433-Callahan and Rupp
SB 168-Mayer and Crowell, with SCS	SB 444-Goodman
SB 169-Rupp, with SCS, SS for SCS & SA 3 (pending)	SB 453-Scott, with SCS
SB 204-Stouffer, with SCS & SS for SCS (pending)	SB 458-Gibbons
SB 213-McKenna	SB 476-Crowell
SB 242-Nodler, with SCS	SB 480-Ridgeway, et al, with SCS
SB 250-Ridgeway and Vogel	SB 492-Crowell
SB 252-Ridgeway and McKenna	SB 511-Scott, with SCS
SB 254-Nodler, et al, with SCS	SB 531-Gibbons, with SCS
SBs 260 & 71-Koster, et al, with SCS	SB 534-Nodler
SB 274-Shields	SB 570-Clemens
SB 282-Griesheimer, with SCS & SS for SCS (pending)	SB 698-Ridgeway, et al, with SCS
SB 287-Crowell and Vogel	
SB 292-Mayer	

HOUSE BILLS ON THIRD READING

HCS for HB 453, with SS &
SA 2 (pending) (Mayer)

CONSENT CALENDAR

Senate Bills

Reported 2/8

SB 211-Goodman

Reported 2/15

SB 8-Kennedy

Reported 3/8

SB 185-Green

House Bills

Reported 4/5

HB 62-Ruestman, et al (Nodler)

HCS for HB 405

HB 754-Moore and Bivins

HB 576-Cooper (120), et al

HCS for HB 678 (Goodman)

HB 264-Cunningham (86)

HB 732-Parson, et al

RESOLUTIONS

Reported from Committee

HCR 15-Threlkeld, et al, with SCS

SCR 10-Koster and Shields

HCR 25-Yates, et al

T