

# Journal of the Senate

FIRST REGULAR SESSION

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SIXTY-THIRD DAY—TUESDAY, MAY 1, 2007

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“My brothers and sisters, whenever you face trials of any kind, consider it nothing but joy, because you know that the testing of your faith produces endurance.” (James 1:2)

Lord, we know that You did not say “if you have any trouble but when you have trouble,” knowing troubles come into each of our lives even here, it’s part of the package along with being let down and experiencing a lack of fairness. So when it continues to be part of our lives we seek to follow You, knowing that You will sustain us and not abandon us but be kept truly in Your heart. Therefore, grant us patience and strength and help us remain faithful. 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	Graham
Green	Griesheimer	Gross	Justus

Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

Absent—Senators—None

Absent with leave—Senator Goodman—1

Vacancies—None

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Loudon offered Senate Resolution No. 1142, regarding Dr. Hugh A. Kinney, Chesterfield, which was adopted.

Senator Purgason offered Senate Resolution No. 1143, regarding the Sixtieth Anniversary of KWPM-AM Radio Station, West Plains, which was adopted.

Senator Purgason offered Senate Resolution No. 1144, regarding the Sixty-ninth Wedding Anniversary of Mr. and Mrs. Clifford Parrett, West Plains, which was adopted.

Senator Purgason offered Senate Resolution No. 1145, regarding the Ninety-sixth Birthday of Faye Surritte, West Plains, which was adopted.

**HOUSE BILLS ON THIRD READING**

**HB 264**, introduced by Representative Cunningham (86), entitled:

An Act to repeal section 166.021, RSMo, and to enact in lieu thereof one new section relating to the state public school fund.

Was called from the Consent Calendar and taken up by Senator Rupp.

On motion of Senator Rupp, **HB 264** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Graham
Green	Gross	Justus	Kennedy
Koster	Lager	Loudon	Mayer
McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senator Griesheimer—1

Absent with leave—Senator Goodman—1

Vacancies—None

The President declared the bill passed.

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

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

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

**PRIVILEGED MOTIONS**

Senator Champion moved that the Senate refuse to concur in **HCS** for **SB 25**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

**HOUSE BILLS ON THIRD READING**

**HB 554**, introduced by Representative Cooper (155), et al, entitled:

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

Was called from the Informal Calendar and taken up by Senator Engler.

On motion of Senator Engler, **HB 554** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Goodman—1

Vacancies—None

The President declared the bill passed.

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

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

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

**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.

Was called from the Informal Calendar and taken up by Senator Engler.

On motion of Senator Engler, **HCS** for **HB 555** was read the 3rd time and passed by the following vote:

YEAS—Senators			
Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Goodman—1

Vacancies—None

The President declared the bill passed.

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

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

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

**HB 428**, introduced by Representative Cox, entitled:

An Act to amend chapter 262, RSMo, by adding thereto one new section relating to the state fair escrow fund.

Was called from the Informal Calendar and taken up by Senator Scott.

On motion of Senator Scott, **HB 428** was read the 3rd time and passed by the following vote:

YEAS—Senators			
Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senator Smith—1

Absent with leave—Senator Goodman—1

Vacancies—None

The President declared the bill passed.

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

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

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

**HB 467**, introduced by Representative Cox, entitled:

An Act to authorize the conveyance of property owned by the state in Pettis County to the Girl Scouts-Heart of Missouri Council, Inc., with an emergency clause.

Was called from the Informal Calendar and taken up by Senator Scott.

On motion of Senator Scott, **HB 467** was read the 3rd time and passed by the following vote:

YEAS—Senators			
Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason

Ridgeway	Rupp	Scott	Shields
Shoemyer	Stouffer	Vogel	Wilson—32

Was called from the Informal Calendar and taken up by Senator Griesheimer.

Senator Shields assumed the Chair.

Senator Griesheimer offered **SS** for **HB 205**, entitled:

**SENATE SUBSTITUTE FOR  
HOUSE BILL NO. 205**

An Act to repeal sections 67.1360, 67.2500, 67.2510, 89.010, 89.400, and 620.467, 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 seven new sections relating to the promotion of tourism.

Senator Griesheimer moved that **SS** for **HB 205** be adopted.

Senator Crowell offered **SA 1**:

**SENATE AMENDMENT NO. 1**

Amend Senate Substitute for House Bill No. 205, Page 2, Section A, Line 1, by inserting immediately after all of said line the following:

**“67.997. 1. The governing body of any county of the third classification without a township form of government and with more than eighteen thousand one hundred but fewer than eighteen thousand two hundred inhabitants may impose, by order or ordinance, a sales tax on all retail sales made within the county which are subject to sales tax under chapter 144, RSMo. The tax authorized in this section shall not exceed one-fourth of one**

NAYS—Senators—None

Absent—Senator Smith—1

Absent with leave—Senator Goodman—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Engler	Gibbons	Graham	Green
Griesheimer	Gross	Justus	Kennedy
Koster	Lager	Loudon	Mayer
McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senator Days—1

Absent with leave—Senator Goodman—1

Vacancies—None

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

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

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

**HB 205**, introduced by Representative Marsh, et al, entitled:

An Act to repeal section 620.467, RSMo, and to enact in lieu thereof one new section relating to the tourism supplemental revenue fund.

percent, and shall be imposed solely for the purpose of funding senior services and youth programs provided by the county. One-half of all revenue collected under this section, less one-half the cost of collection shall be used solely to fund any service or activity deemed necessary by the senior service tax commission established in this section, and one-half of all revenue collected under this section, less one-half the cost of collection shall be used solely to fund all youth programs administered by an existing county community task force. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes. The order or ordinance shall not become effective unless the governing body of the county submits to the voters residing within the county at a state general, primary, or special election a proposal to authorize the governing body of the county to impose a tax under this section.

2. The ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall ..... (insert the name of the county) impose a sales tax at a rate of ..... (insert rate of percent) percent, with half of the revenue from the tax, less one-half the cost of collection, to be used solely to fund senior services provided by the county and half of the revenue from the tax, less one-half the cost of collection, to be used solely to fund youth programs provided by the county?

YES                       NO

If you are in favor of the question, place an “X” in the box opposite “YES”. If you are opposed to the question, place an “X” in the box opposite “NO”.

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become

effective on the first day of the second calendar quarter immediately following the approval of the tax or notification to the department of revenue administered by the department of revenue. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question.

3. On or after the effective date of any tax authorized under this section, the county which imposed the tax shall enter into an agreement with the director of the department of revenue for the purpose of collecting the tax authorized in this section. On or after the effective date of the tax the director of revenue shall be responsible for the administration, collection, enforcement, and operation of the tax, and sections 32.085 and 32.087, RSMo, shall apply. All revenue collected under this section by the director of the department of revenue on behalf of any county, except for one percent for the cost of collection which shall be deposited in the state's general revenue fund, shall be deposited in a special trust fund, which is hereby created and shall be known as the “Senior Services and Youth Programs Sales Tax Trust Fund”, and shall be used solely for the designated purposes. Moneys in the fund shall not be deemed to be state funds, and shall not be commingled with any funds of the state. The director may make refunds from the amounts in the trust fund and credited to the county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such county. Any funds in the special trust fund which are not needed for current expenditures shall be invested in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

4. In order to permit sellers required to collect and report the sales tax to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting the tax, or to serve as a levy of the tax, and in order to avoid fractions of pennies, the governing body of the county may authorize the use of a bracket system similar to that authorized in section 144.285, RSMo, and notwithstanding the provisions of that section, this new bracket system shall be used where this tax is imposed and shall apply to all taxable transactions. Beginning with the effective date of the tax, every retailer in the county shall add the sales tax to the sale price, and this tax shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price. For purposes of this section, all retail sales shall be deemed to be consummated at the place of business of the retailer.

5. All applicable provisions in sections 144.010 to 144.525, RSMo, governing the state sales tax, and section 32.057, RSMo, the uniform confidentiality provision, shall apply to the collection of the tax, and all exemptions granted to agencies of government, organizations, and persons under sections 144.010 to 144.525, RSMo, are hereby made applicable to the imposition and collection of the tax. The same sales tax permit, exemption certificate, and retail certificate required by sections 144.010 to 144.525, RSMo, for the administration and collection of the state sales tax shall satisfy the requirements of this section, and no additional permit or exemption certificate or retail certificate shall be required; except that, the director of revenue may prescribe a form of exemption certificate for an exemption from the tax. All discounts allowed the retailer under the state sales tax for the collection of and for payment of taxes are hereby allowed and made applicable to the tax. The penalties for violations provided in section

32.057, RSMo, and sections 144.010 to 144.525, RSMo, are hereby made applicable to violations of this section. If any person is delinquent in the payment of the amount required to be paid under this section, or in the event a determination has been made against the person for taxes and penalty under this section, the limitation for bringing suit for the collection of the delinquent tax and penalty shall be the same as that provided in sections 144.010 to 144.525, RSMo.

6. The governing body of any county that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the county. The ballot of submission shall be in substantially the following form:

Shall ..... (insert the name of the county) repeal the sales tax imposed at a rate of ..... (insert rate of percent) percent for the purpose of funding senior services and youth programs provided by the county?

YES                       NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

7. Whenever the governing body of any county that has adopted the sales tax authorized

in this section receives a petition, signed by ten percent of the registered voters of the county voting in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this section, the governing body shall submit to the voters of the county a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, the repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

8. If the tax is repealed or terminated by any means, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes, and the county shall notify the director of the department of revenue of the action at least thirty days before the effective date of the repeal and the director may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director shall remit the balance in the account to the county and close the account of that county. The director shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

9. Each county imposing the tax authorized in this section shall establish a senior services tax commission to administer the portion of the sales tax revenue dedicated to providing senior services. Such commission shall consist of seven

**members appointed by the county commission. The county commission shall determine the qualifications, terms of office, compensation, powers, duties, restrictions, procedures, and all other necessary functions of the commission.”;** and

Further amend the title and enacting clause accordingly.

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

Senator Mayer offered SA 2:

#### SENATE AMENDMENT NO. 2

Amend Senate Substitute for House Bill No. 205, Page 21, Section 89.400, Line 14, by inserting after all of said line the following:

“94.870. In addition to all other taxes prescribed by law, the governing body of any municipality of the third classification with a population of at least fifteen thousand but not more than eighteen thousand inhabitants located within a county with a population of at least thirty-five thousand but not more than forty-five thousand inhabitants which has a total assessed valuation of at least two hundred seventy-five million dollars but not more than three hundred twenty-five million dollars, the governing body of any county with a population of at least twenty thousand but not more than twenty-five thousand which has a total assessed valuation of at least one hundred twenty million dollars but not more than one hundred forty million dollars **or any municipality located in such county** and the governing body of any county with a population of at least twenty-eight thousand but not more than thirty-one thousand which has a total assessed valuation of at least two hundred fifty-five million dollars or any municipality located in such county and the governing body of any county with a population of at least twenty-five thousand but not more than thirty thousand which has a total assessed valuation of at least two hundred million dollars but not more than two hundred five million dollars

or any municipality located in such county, or any city located partially but not wholly within a county of the third classification with a population of at least thirty-nine thousand inhabitants may impose, by ordinance or order, a tax on the price paid or charged to any person for rooms or accommodations paid by transient guests of hotels, motels, condominium units, campgrounds, and tourist courts situated within the political subdivision, at a rate not to exceed four percent of such price paid or charged. As used in this section, the term “hotel”, “motel”, or “tourist court” means any structure or building, under one management, which contains rooms furnished for the accommodation or lodging of guests, with or without meals being provided, including bed and breakfast facilities, and kept, used, maintained, advertised, or held out to the public as a place where sleeping accommodations are sought for pay or compensation to transient guests, and the term “campground” means real property, other than state-owned property, which contains parcels for rent to transient guests for pay or compensation, which may include temporary utility hook-ups for use by the transient guests, and where such transient guests generally use tents, recreational vehicles or some other form of temporary shelter while on the rented premises. Shelters for the homeless operated by not-for-profit organizations are not a hotel, motel, or tourist court for the purposes of this section. As used in this section, the term “transient guest” means a person who occupies a room or rooms in a hotel, motel, campground, or tourist court for thirty consecutive days or less.

94.875. All taxes authorized and collected under sections 94.870 to 94.881 shall be deposited by the political subdivision in a special trust fund to be known as the “Tourism Tax Trust Fund”. The moneys in such tourism tax trust fund shall not be commingled with any other funds of the political subdivision except as specifically provided in this section. The taxes collected [shall] **may** be used, upon appropriation by the political subdivision,

[solely] for the purpose of constructing, maintaining, or operating convention and tourism facilities[, and at least twenty-five percent of such taxes collected shall be used for tourism marketing and promotional purposes]; except that in any city with a population of less than [one] **seven** thousand five hundred inhabitants, forty percent of such taxes collected may be transferred to such city's general revenue fund and the remaining thirty-five percent may be used for city capital improvements, pursuant to voter approval. The moneys in the tourism tax trust fund of any city with a population of at least fifteen thousand located partially but not wholly within a county of the third classification with a population of at least thirty-nine thousand inhabitants shall be used solely for tourism marketing and promotional purposes. The tax authorized by section 94.870 shall be in addition to any and all other sales taxes allowed by law, but no ordinance or order imposing a tax under section 94.870 shall be effective unless the governing body of the political subdivision submits to the voters of the political subdivision at a municipal or state general, primary, or special election a proposal to authorize the governing body of the political subdivision to impose such tax.”; and

Further amend the title and enacting clause accordingly.

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

Senator Griesheimer moved that **SS** for **HB 205**, as amended, be adopted, which motion prevailed.

On motion of Senator Griesheimer, **SS** for **HB 205**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason

Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Goodman—1

Vacancies—None

The President declared the bill passed.

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

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

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

**HB 265**, introduced by Representative Cunningham (86), 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.

Was called from the Informal Calendar and taken up by Senator Rupp.

Senator Callahan offered **SA 1**:

**SENATE AMENDMENT NO. 1**

Amend House Bill No. 265, Page 1, Section A, Line 2, by inserting after all of said line the following:

“162.431. 1. When it is necessary to change the boundary lines between seven-director school districts, in each district affected, ten percent of the voters by number of those voting for school board members in the last annual school election in each district may petition the district boards of education in the districts affected, regardless of county lines, for a change in boundaries. The question shall be submitted at the next [general municipal] election, **as referenced in section**

**115.123, RSMo.**

2. The voters shall decide the question by a majority vote of those who vote upon the question. If assent to the change is given by each of the various districts voting, each voting separately, the boundaries are changed from that date.

3. If one of the districts votes against the change and the other votes for the change, the matter may be appealed to the state board of education, in writing, within fifteen days of the submission of the question by either one of the districts affected, or in the above event by a majority of the signers of the petition requesting a vote on the proposal. At the first meeting of the state board following the appeal, a board of arbitration composed of three members, none of whom shall be a resident of any district affected, shall be appointed. In determining whether it is necessary to change the boundary line between seven-director districts, the board of arbitration shall base its decision upon the following:

(1) The presence of school-aged children in the affected area;

(2) The presence of actual educational harm to school-aged children, either due to a significant difference in the time involved in transporting students or educational deficiencies in the district which would have its boundary adversely affected; and

(3) The presence of an educational necessity, not of a commercial benefit to landowners or to the district benefitting for the proposed boundary adjustment.

4. Within twenty days after notification of appointment, the board of arbitration shall meet and consider the necessity for the proposed changes and shall decide whether the boundaries shall be changed as requested in the petition or be left unchanged, which decision shall be final. The decision by the board of arbitration shall be rendered not more than thirty days after the matter is referred to the board. The chairman of the board

of arbitration shall transmit the decision to the secretary of each district affected who shall enter the same upon the records of his district and the boundaries shall thereafter be in accordance with the decision of the board of arbitration. The members of the board of arbitration shall be allowed a fee of fifty dollars each, to be paid at the time the appeal is made by the district taking the appeal or by the petitioners should they institute the appeal.

5. If the board of arbitration decides that the boundaries shall be left unchanged, no new petition for the same, or substantially the same, boundary change between the same districts shall be filed until after the expiration of two years from the date of the municipal election at which the question was submitted to the voters of the districts.”

Further amend the title and enacting clause accordingly.

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

Senator Callahan offered **SA 2:**

**SENATE AMENDMENT NO. 2**

Amend House Bill No. 265, Page 1, Section A, Line 2, by inserting after all of said line the following:

“162.431. 1. When it is necessary to change the boundary lines between seven-director school districts, in each district affected, ten percent of the voters by number of those voting for school board members in the last annual school election in each district may petition the district boards of education in the districts affected, regardless of county lines, for a change in boundaries. The question shall be submitted at the next general municipal election.

2. The voters shall decide the question by a majority vote of those who vote upon the question. If assent to the change is given by each of the various districts voting, each voting separately, the boundaries are changed from that date.

3. If one of the districts votes against the change and the other votes for the change, the matter may be appealed to the state board of education, in writing, within fifteen days of the submission of the question by either one of the districts affected, or in the above event by a majority of the signers of the petition requesting a vote on the proposal. At the first meeting of the state board following the appeal, a board of arbitration composed of three members, none of whom shall be a resident of any district affected, shall be appointed. In determining whether it is necessary to change the boundary line between seven-director districts, the board of arbitration shall base its decision upon the following:

(1) The presence of school-aged children in the affected area;

(2) The presence of actual educational harm to school-aged children, either due to a significant difference in the time involved in transporting students or educational deficiencies in the district which would have its boundary adversely affected; and

(3) The presence of an educational necessity, not of a commercial benefit to landowners or to the district benefitting for the proposed boundary adjustment.

**4. If the potential receiving district obtained a score consistent with the criteria for classification of the district as “accredited” on its most recent annual performance report and the potential sending district obtained a score consistent with the criteria for classification of the district as “unaccredited” on its most recent annual performance report, the board shall approve the proposed boundary change for the educational well-being of the children enrolled in the potential sending district.**

[4.] **5.** Within twenty days after notification of appointment, the board of arbitration shall meet and consider the necessity for the proposed changes and shall decide whether the boundaries

shall be changed as requested in the petition or be left unchanged, which decision shall be final. The decision by the board of arbitration shall be rendered not more than thirty days after the matter is referred to the board. The chairman of the board of arbitration shall transmit the decision to the secretary of each district affected who shall enter the same upon the records of his district and the boundaries shall thereafter be in accordance with the decision of the board of arbitration. The members of the board of arbitration shall be allowed a fee of fifty dollars each, to be paid at the time the appeal is made by the district taking the appeal or by the petitioners should they institute the appeal.

[5.] **6.** If the board of arbitration decides that the boundaries shall be left unchanged, no new petition for the same, or substantially the same, boundary change between the same districts shall be filed until after the expiration of two years from the date of the municipal election at which the question was submitted to the voters of the districts.”; and

Further amend the title and enacting clause accordingly.

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

Senator Gibbons offered **SA 3**:

**SENATE AMENDMENT NO. 3**

Amend House Bill No. 265, Page 1, In The Title, Line 3, by striking the following: “due process hearings”; and

Further amend said bill, page 2, section 162.963, line 25, by inserting after all of said line the following:

“163.011. As used in this chapter unless the context requires otherwise:

(1) “Adjusted operating levy”, the sum of tax rates for the current year for teachers' and incidental funds for a school district as reported to the proper officer of each county pursuant to

section 164.011, RSMo;

(2) “Average daily attendance”, the quotient or the sum of the quotients obtained by dividing the total number of hours attended in a term by resident pupils between the ages of five and twenty-one by the actual number of hours school was in session in that term. To the average daily attendance of the following school term shall be added the full-time equivalent average daily attendance of summer school students. “Full-time equivalent average daily attendance of summer school students” shall be computed by dividing the total number of hours, except for physical education hours that do not count as credit toward graduation for students in grades nine, ten, eleven, and twelve, attended by all summer school pupils by the number of hours required in section 160.011, RSMo, in the school term. For purposes of determining average daily attendance under this subdivision, the term “resident pupil” shall include all children between the ages of five and twenty-one who are residents of the school district and who are attending kindergarten through grade twelve in such district. If a child is attending school in a district other than the district of residence and the child's parent is teaching in the school district or is a regular employee of the school district which the child is attending, then such child shall be considered a resident pupil of the school district which the child is attending for such period of time when the district of residence is not otherwise liable for tuition. Average daily attendance for students below the age of five years for which a school district may receive state aid based on such attendance shall be computed as regular school term attendance unless otherwise provided by law;

(3) “Current operating expenditures”:

(a) For the fiscal year 2007 calculation, “current operating expenditures” shall be calculated using data from fiscal year 2004 and shall be calculated as all expenditures for instruction and support services except capital

outlay and debt service expenditures minus the revenue from federal categorical sources; food service; student activities; categorical payments for transportation costs pursuant to section 163.161; state reimbursements for early childhood special education; the career ladder entitlement for the district, as provided for in sections 168.500 to 168.515, RSMo; the vocational education entitlement for the district, as provided for in section 167.332, RSMo; and payments from other districts;

(b) In every fiscal year subsequent to fiscal year 2007, current operating expenditures shall be the amount in paragraph (a) plus any increases in state funding pursuant to sections 163.031 and 163.043 subsequent to fiscal year 2005, not to exceed five percent, per recalculation, of the state revenue received by a district in the 2004-05 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payments for any district from the first preceding calculation of the state adequacy target;

(4) "District's tax rate ceiling", the highest tax rate ceiling in effect subsequent to the 1980 tax year or any subsequent year. Such tax rate ceiling shall not contain any tax levy for debt service;

(5) "Dollar value modifier", an index of the relative purchasing power of a dollar, calculated as one plus fifteen percent of the difference of the regional wage ratio minus one, provided that the dollar value modifier shall not be applied at a rate less than 1.0:

(a) "County wage per job", the total county wage and salary disbursements divided by the total county wage and salary employment for each county and the city of St. Louis as reported by the Bureau of Economic Analysis of the United States Department of Commerce for the fourth year preceding the payment year;

(b) "Regional wage per job":

a. The total Missouri wage and salary

disbursements of the metropolitan area as defined by the Office of Management and Budget divided by the total Missouri metropolitan wage and salary employment for the metropolitan area for the county signified in the school district number or the city of St. Louis, as reported by the Bureau of Economic Analysis of the United States Department of Commerce for the fourth year preceding the payment year and recalculated upon every decennial census to incorporate counties that are newly added to the description of metropolitan areas; or if no such metropolitan area is established, then:

b. The total Missouri wage and salary disbursements of the micropolitan area as defined by the Office of Management and Budget divided by the total Missouri micropolitan wage and salary employment for the micropolitan area for the county signified in the school district number, as reported by the Bureau of Economic Analysis of the United States Department of Commerce for the fourth year preceding the payment year, if a micropolitan area for such county has been established and recalculated upon every decennial census to incorporate counties that are newly added to the description of micropolitan areas; or

c. If a county is not part of a metropolitan or micropolitan area as established by the Office of Management and Budget, then the county wage per job, as defined in paragraph (a) of this subdivision, shall be used for the school district, as signified by the school district number;

(c) "Regional wage ratio", the ratio of the regional wage per job divided by the state median wage per job;

(d) "State median wage per job", the fifty-eighth highest county wage per job;

(6) "Free and reduced lunch pupil count", the number of pupils eligible for free and reduced lunch on the last Wednesday in January for the preceding school year who were enrolled as students of the district, as approved by the

department in accordance with applicable federal regulations;

(7) “Free and reduced lunch threshold” shall be calculated by dividing the total free and reduced lunch pupil count of every performance district that falls entirely above the bottom five percent and entirely below the top five percent of average daily attendance, when such districts are rank-ordered based on their current operating expenditures per average daily attendance, by the total average daily attendance of all included performance districts;

(8) “Limited English proficiency pupil count”, the number in the preceding school year of pupils aged three through twenty-one enrolled or preparing to enroll in an elementary school or secondary school who were not born in the United States or whose native language is a language other than English or are Native American or Alaskan native, or a native resident of the outlying areas, and come from an environment where a language other than English has had a significant impact on such individuals' level of English language proficiency, or are migratory, whose native language is a language other than English, and who come from an environment where a language other than English is dominant; and have difficulties in speaking, reading, writing, or understanding the English language sufficient to deny such individuals the ability to meet the state's proficient level of achievement on state assessments described in Public Law 107-10, the ability to achieve successfully in classrooms where the language of instruction is English, or the opportunity to participate fully in society;

(9) “Limited English proficiency threshold” shall be calculated by dividing the total limited English proficiency pupil count of every performance district that falls entirely above the bottom five percent and entirely below the top five percent of average daily attendance, when such districts are rank-ordered based on their current operating expenditures per average daily

attendance, by the total average daily attendance of all included performance districts;

(10) “Local effort”:

(a) For the fiscal year 2007 calculation, “local effort” shall be computed as the equalized assessed valuation of the property of a school district in calendar year 2004 divided by one hundred and multiplied by the performance levy less the percentage retained by the county assessor and collector plus one hundred percent of the amount received in fiscal year 2005 for school purposes from intangible taxes, fines, escheats, payments in lieu of taxes and receipts from state-assessed railroad and utility tax, one hundred percent of the amount received for school purposes pursuant to the merchants' and manufacturers' taxes under sections 150.010 to 150.370, RSMo, one hundred percent of the amounts received for school purposes from federal properties under sections 12.070 and 12.080, RSMo, except when such amounts are used in the calculation of federal impact aid pursuant to P.L. 81-874, fifty percent of Proposition C revenues received for school purposes from the school district trust fund under section 163.087, and one hundred percent of any local earnings or income taxes received by the district for school purposes. Under this paragraph, for a special district established under sections 162.815 to 162.940, RSMo, in a county with a charter form of government and with more than one million inhabitants, a tax levy of zero shall be utilized in lieu of the performance levy for the special school district;

(b) In every year subsequent to fiscal year 2007, “local effort” shall be the amount calculated under paragraph (a) of this subdivision plus any increase in the amount received for school purposes from fines or less any decrease in the amount received for school purposes from fines in any school district located entirely within any county with a charter form of government and with more than two hundred fifty thousand but fewer than three hundred fifty thousand inhabitants that

creates a county municipal court after January 1, 2006. If a district's assessed valuation has decreased subsequent to the calculation outlined in paragraph (a) of this subdivision, the district's local effort shall be calculated using the district's current assessed valuation in lieu of the assessed valuation utilized in calculation outlined in paragraph (a) of this subdivision;

(11) "Membership" shall be the average of:

(a) The number of resident full-time students and the full-time equivalent number of part-time students who were enrolled in the public schools of the district on the last Wednesday in September of the previous year and who were in attendance one day or more during the preceding ten school days; and

(b) The number of resident full-time students and the full-time equivalent number of part-time students who were enrolled in the public schools of the district on the last Wednesday in January of the previous year and who were in attendance one day or more during the preceding ten school days, plus the full-time equivalent number of summer school pupils.

"Full-time equivalent number of part-time students" is determined by dividing the total number of hours for which all part-time students are enrolled by the number of hours in the school term. "Full-time equivalent number of summer school pupils" is determined by dividing the total number of hours for which all summer school pupils were enrolled by the number of hours required pursuant to section 160.011, RSMo, in the school term. Only students eligible to be counted for average daily attendance shall be counted for membership;

(12) "Operating levy for school purposes", the sum of tax rates levied for teachers' and incidental funds plus the operating levy or sales tax equivalent pursuant to section 162.1100, RSMo, of any transitional school district containing the school district, in the payment year, not including

any equalized operating levy for school purposes levied by a special school district in which the district is located;

(13) "Performance district", any district that has met all performance standards and indicators as established by the department of elementary and secondary education for purposes of accreditation under section 161.092, RSMo, and as reported on the final annual performance report for that district each year;

(14) "Performance levy", three dollars and forty-three cents;

(15) "School purposes" pertains to teachers' and incidental funds;

(16) "Special education pupil count", the number of public school students with a current individualized education program and receiving services from the resident district as of December first of the preceding school year **and nonpublic students served through the federal Individuals with Disabilities Education Act by the district in which the nonpublic school is located**, except for special education services provided through a school district established under sections 162.815 to 162.940, RSMo, in a county with a charter form of government and with more than one million inhabitants, in which case the sum of the students in each district within the county exceeding the special education threshold of each respective district within the county shall be counted within the special district and not in the district of residence for purposes of distributing the state aid derived from the special education pupil count;

(17) "Special education threshold" shall be calculated by dividing the total special education pupil count of every performance district that falls entirely above the bottom five percent and entirely below the top five percent of average daily attendance, when such districts are rank-ordered based on their current operating expenditures per average daily attendance, by the total average daily attendance of all included performance districts;

(18) “State adequacy target”, the sum of the current operating expenditures of every performance district that falls entirely above the bottom five percent and entirely below the top five percent of average daily attendance, when such districts are rank-ordered based on their current operating expenditures per average daily attendance, divided by the total average daily attendance of all included performance districts. The department of elementary and secondary education shall first calculate the state adequacy target for fiscal year 2007 and recalculate the state adequacy target every two years using the most current available data. The recalculation shall never result in a decrease from the previous state adequacy target amount. Should a recalculation result in an increase in the state adequacy target amount, fifty percent of that increase shall be included in the state adequacy target amount in the year of recalculation, and fifty percent of that increase shall be included in the state adequacy target amount in the subsequent year. The state adequacy target may be adjusted to accommodate available appropriations;

(19) “Teacher”, any teacher, teacher-secretary, substitute teacher, supervisor, principal, supervising principal, superintendent or assistant superintendent, school nurse, social worker, counselor or librarian who shall, regularly, teach or be employed for no higher than grade twelve more than one-half time in the public schools and who is certified under the laws governing the certification of teachers in Missouri;

(20) “Weighted average daily attendance”, the average daily attendance plus the product of twenty-five hundredths multiplied by the free and reduced lunch pupil count that exceeds the free and reduced lunch threshold, plus the product of seventy-five hundredths multiplied by the number of special education pupil count that exceeds the special education threshold, and plus the product of six-tenths multiplied by the number of limited English proficiency pupil count that exceeds the

limited English proficiency threshold. For special districts established under sections 162.815 to 162.940, RSMo, in a county with a charter form of government and with more than one million inhabitants, weighted average daily attendance shall be the average daily attendance plus the product of twenty-five hundredths multiplied by the free and reduced lunch pupil count that exceeds the free and reduced lunch threshold, plus the product of seventy-five hundredths multiplied by the sum of the special education pupil count that exceeds the threshold for each county district, plus the product of six-tenths multiplied by the limited English proficiency pupil count that exceeds the limited English proficiency threshold. None of the districts comprising a special district established under sections 162.815 to 162.940, RSMo, in a county with a charter form of government and with more than one million inhabitants, shall use any special education pupil count in calculating their weighted average daily attendance.”; and

Further amend the title and enacting clause accordingly.

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

Senator Green offered SA 4:

#### SENATE AMENDMENT NO. 4

Amend House Bill No. 265, Page 2, Section 162.963, Line 25, by inserting immediately after all of said line the following:

**“Section 1. Notwithstanding any provision of law to the contrary, the state auditor shall have the power to audit any school district within the state in the same manner as the auditor may audit any agency of the state.”;** and

Further amend the title and enacting clause accordingly.

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

Senator Justus offered SA 5:

## SENATE AMENDMENT NO. 5

Amend House Bill No. 265, Page 2, Section 162.963, Line 25, by inserting after all of said line the following:

**“167.128. 1. The educational needs of each child under the jurisdiction of the juvenile court or family court under subdivisions (1), (2), or (5) of subsection 1 of section 211.031, RSMo, shall be considered as part of the function of the child's family support team pursuant to policy of the department of social services. Such needs shall include, but not be limited to, the assumption that regular full school days of education are warranted. For the purposes of this section, “full school day” shall mean six hours in which the child is under the guidance and direction of teachers in the education process. The local school district shall be invited to have representation on the child's family support team. If the school district designates a representative, the representative shall be a full participant in the family support team.**

**2. Nothing in this section shall be construed to infringe upon the rights or due process provisions of the federal Individuals with Disabilities Education Act. Nothing in this section shall be construed to impede the ability of the family support team or the facility staff from making a referral for special education services, if appropriate, when a child is placed in a facility described in this section without an individualized education program or without a pending referral for such services. If a child is referred for such services, the provisions of the Individuals with Disabilities Education Act shall apply and control while the referral is pending and through the evaluation process, including provisions for educational decision-makers and educational surrogates. Nothing in this section shall be construed to deny any child domiciled in Missouri appropriate and necessary free public education services.**

**3. When the department of social services**

**by contract places a child for treatment in a licensed residential care facility setting for children as defined in section 210.481, RSMo, such facility shall be responsible for the educational needs of the child if the child at the time of placement does not have an individualized education program or a pending referral for special education services under sections 162.670 to 162.999, RSMo.**

**(1) Such facilities operating an on-site school for which they hire their own education staff shall:**

**(a) Provide, on site at such facility, a full school day of education for each child placed in such facility by the department of social services unless the child's plan of treatment and care supports his or her ability to attend public school; and**

**(b) Be reimbursed by the local school district for the cost of education services provided to children placed in their care by the department of social services, as approved by the department of elementary and secondary education, when the facility provides education services. The local school district shall be compensated under section 167.126, RSMo, for such education services.**

**No child placed in the facilities for treatment described in this subdivision shall be considered by the local school district as homebound for purposes of education unless the family support team under subsection 1 of this section has approved homebound instruction. A full school day of education shall be provided unless fewer hours of instruction per day are approved by the family support team under subsection 1 of this section. Nothing in this subdivision shall create an obligation for a licensed residential care facility to have on-site classrooms, to operate an on-site school, or to hire its own education staff.**

**(2) When such facilities have on-site**

classrooms but do not hire their own education staff, the local school district:

(a) Shall provide, on site at such facility, or at an alternative location agreed upon under subsection 6 of this section, a full school day of education for each child placed in such facility for care by the department of social services unless the child's plan of treatment and care supports his or her ability to attend public school;

(b) Shall be compensated under section 167.126 for such education services, as approved by the department of elementary and secondary education; and

(c) May consider such education services as homebound instruction but shall provide each homebound child with a full school day of education unless fewer hours of instruction per day are approved by the family support team under subsection 1 of this section.

Nothing in this subdivision shall create an obligation for a licensed residential care facility to have on-site classrooms, to operate an on-site school, or to hire its own education staff.

(3) When such facilities do not operate an on-site school or have on-site classrooms, the local school district shall:

(a) Provide a full school day of education for each child placed in such facility for care by the department of social services; and

(b) Be compensated for such education services under section 167.126, as approved by the department of elementary and secondary education.

If the child's behavior or plan of treatment and care does not support the child's being educated in a regular education class, education services shall be provided in an alternative setting approved by the family support team under subsection 1 of this section. A full school day of education shall be provided unless fewer hours

of instruction per day are approved by the family support team under subsection 1 of this section. Nothing in this subdivision shall create an obligation for a licensed residential care facility to have on-site classrooms, to operate an on-site school, or to hire its own education staff.

4. Notwithstanding any other provision of law, a child placed for treatment by the department of social services in a licensed residential care facility setting for children as defined in section 210.481, RSMo, who does not have an individualized education program for special education services or a pending referral for such services under sections 162.670 to 162.999, RSMo, whose plan of treatment and care supports his or her ability to attend public school but who is then suspended or otherwise demonstrates school failure based on behavior or academic performance shall then be provided a full school day of education according to subsection 3 of this section. Nothing in this section shall be construed to infringe upon the authority and responsibility of local public school districts, their boards, and their employees to maintain safe and orderly learning environments including, but not limited to, authority assigned by section 160.261, RSMo, sections 167.091, 167.161, 167.164, and 167.171.

5. Nothing in this section shall prevent a licensed residential care facility setting for children as defined in section 210.481, RSMo, from contracting with school districts for education services. Nothing in this section shall prevent a school district from contracting with a licensed residential care facility setting for children as defined in section 210.481, RSMo, for education services.

6. (1) Any residential treatment facility shall work with the district and develop an educational plan that describes in general how and where educational services will be provided to school-aged residents of the treatment facility

under a variety of possible circumstances. The educational plan shall be developed jointly by the appropriate staff of both the treatment facility and the public school district, and the plan shall be signed annually by the administration of both parties verifying their support for the plan.

(2) It is the intent that the educational plan follow the provisions of this section, but treatment facilities and school districts may develop provisions for educational services not included in this section if both parties agree on the provisions and if the provisions offer a full-day educational program for the students involved.

(3) If sufficient financial resources exist, both the treatment facility and school district shall be fully reimbursed for their applicable portion of the costs attributable to providing the educational services required under this section. No school district shall be required to provide a reimbursement to a treatment facility, the aggregate amount of which is greater than the revenue the district received from the following sources:

(a) The state aid attributable to the student that the district received under sections 163.031, RSMo, 163.043, RSMo, 163.044, RSMo, plus all other state aid attributable to such student;

(b) The average sum produced per student by the local tax effort of the district;

(c) The portion of any federal funds received by the district that is attributable to such student;

(d) The portion of the school district trust fund distribution attributable to the student under section 163.087, RSMo;

(e) Any reimbursement received by the district for the educational costs of high-need children under section 162.974, RSMo, that is attributable to the student; and

(f) Any other possible source of revenue that may be attributable to the education of the student.

The local school district shall make every effort to obtain any and all potential reimbursements for the costs of educating children under this section.

(4) Each treatment facility and school district shall furnish a signed copy of their educational plan to the department of elementary and secondary education and to the department of social services no later than June first of each year.

(5) If a treatment facility and school district cannot reach an agreement on the education plan under this subsection, the differences shall be resolved by an arbitration panel made up of one representative from the department of elementary and secondary education, one representative from the children's division of the department of social services and one person appointed by the governor every three years, serving at the pleasure of the governor, with the advice and consent of the senate. A final decision shall be made by August fifteenth. Costs for the arbitration panel shall be shared equally by the treatment facility and the school district."

Further amend the title and enacting clause accordingly.

Senator Justus moved that the above amendment be adopted.

Senator Nodler assumed the Chair.

At the request of Senator Rupp, **HB 265**, with **SA 5** (pending), was placed on the Informal 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 SB 416**, entitled:

An Act to repeal sections 247.172, 394.312, and 516.090, RSMo, and to enact in lieu thereof three new sections relating to the statute of limitations for actions involving certain lands.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS for SB 302**.

With House Amendment No. 1.

#### HOUSE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 302, Page 1, Section 429.010, Lines 2-4, by striking all of said Lines and inserting in lieu thereof the following:

**“land, rent any machinery or equipment, or use any rental machinery or equipment, or furnish any material, fixtures, engine,”**; and

Further amend said Substitute, Page 1, Section 429.010, Line 10, by deleting the words **“at whatever tier,”**; and

Further amend said Substitute, Page 2, Section 429.010, Lines 36-37, by deleting all of said Lines and inserting in lieu thereof the following:

**“person. For claims involving the rental of machinery or equipment to others who use the rental machinery or equipment, the lien shall be for the reasonable”**; and

Further amend said Substitute, Page 2, Section 429.010, Line 42, by deleting all of said Line and inserting in lieu thereof the following:

**“unless:”**; and

Further amend said Substitute, Page 2, Section 429.010, Lines 50-52, by deleting all of said Lines

and inserting in lieu thereof the following:

**“equipment being rented, and the rental rate. Nothing contained in subsection 2 of this section shall apply to persons who use rented machinery or equipment in performing the work or labor described in subsection 1 of this section.”**; and

Further amend said Substitute, Page 3, Section 429.080, Lines 6-7, by deleting all of said Lines and inserting in lieu thereof the following:

**“rental equipment or machinery rented to others, then, within sixty days after the date the last of the rental”**; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS for SCS for SB 308**, as amended. Representatives: Wasson, Parson, Tilley, Page and McClanahan.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SB 233**, as amended. Representatives: Stevenson, Tilley, Nolte, Holsman and Zweifel.

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 Rupp.

**RESOLUTIONS**

Senator Kennedy offered Senate Resolution No. 1146, regarding Dr. Michele Condon, Saint Louis County, which was adopted.

Senator Stouffer offered Senate Resolution No. 1147, regarding Alan J. Slater, London, England, which was adopted.

Senator Barnitz offered Senate Resolution No. 1148, regarding Glen R. Spencer, Salem, which was adopted.

Senator Vogel offered Senate Resolution No. 1149, regarding Robert D. Wittenberger, Jamestown, which was adopted.

Senator Bray offered Senate Resolution No. 1150, regarding Lee Scissors, which was adopted.

**HOUSE BILLS ON THIRD READING**

**HB 352**, introduced by Representative Hobbs, et al, entitled:

An Act to repeal sections 34.165 and 178.930, RSMo, and to enact in lieu thereof two new sections relating to state purchasing and printing.

Was called from the Informal Calendar and taken up by Senator Scott.

On motion of Senator Scott, **HB 352** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel

Wilson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Goodman—1

Vacancies—None

The President declared the bill passed.

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

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

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

**CONFERENCE COMMITTEE REPORTS**

Senator Griesheimer on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SB 376**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

**CONFERENCE COMMITTEE REPORT ON HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 376**

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 376, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 376;
2. That the Senate recede from its position on Senate Bill No. 376;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 376, be Third Read and Finally Passed.

FOR THE SENATE:      FOR THE HOUSE:  
 /s/ John E. Griesheimer    /s/ Dennis F. Wood  
 /s/ Gary Nodler            /s/ Shannon Cooper  
 /s/ Jack A.L. Goodman    /s/ Steven Tilley  
 /s/ Victor E. Callahan    /s/ Joe Aull  
 /s/ Harry Kennedy        /s/ Sara Lampe

Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

Senator Griesheimer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

NAYS—Senators—None

Absent—Senators—None

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

Absent with leave—Senator Goodman—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Goodman—1

Vacancies—None

On motion of Senator Griesheimer, **CCS** for **HCS** for **SB 376**, entitled:

NAYS—Senators—None

CONFERENCE COMMITTEE SUBSTITUTE  
 FOR HOUSE COMMITTEE SUBSTITUTE  
 FOR SENATE BILL NO. 376

Absent—Senators—None

Absent with leave—Senator Goodman—1

An Act to repeal section 620.467, RSMo, and to enact in lieu thereof two new sections relating to financial impact on tourism, with an emergency clause.

Vacancies—None

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

Was read the 3rd time and passed by the following vote:

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

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
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Senator Shields moved that motion lay on the

table, which motion prevailed.

Wilson—33

**HOUSE BILLS ON THIRD READING**

**HB 740**, with **SCS**, introduced by Representative Pearce, entitled:

An Act to authorize the conveyance of property owned by the state in Johnson County to the City of Warrensburg.

Was called from the Informal Calendar and taken up by Senator Koster.

**SCS** for **HB 740**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 740**

An Act to authorize the conveyance of state property.

Was taken up.

Senator Koster moved that **SCS** for **HB 740** be adopted.

Senator Koster offered **SS** for **SCS** for **HB 740**, entitled:

**SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 740**

An Act to authorize the conveyance of state property.

Senator Koster moved that **SS** for **SCS** for **HB 740**, be adopted, which motion prevailed.

On motion of Senator Koster, **SS** for **SCS** for **HB 740** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Goodman—1

Vacancies—None

The President declared the bill passed.

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

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

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

Senator Scott assumed the Chair.

Senator Rupp moved that **HB 265**, with **SA 5** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SA 5** was again taken up.

At the request of Senator Rupp, **HB 265**, with **SA 5** (pending), was placed on the Informal Calendar.

**HB 267**, introduced by Representatives Jones (117) and Cunningham (86), 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.

Was called from the Informal Calendar and taken up by Senator Rupp.

Senator Callahan offered **SA 1**:

**SENATE AMENDMENT NO. 1**

Amend House Bill No. 267, Page 1, Section A, Line 2, by inserting immediately after said line the following:

“162.431. 1. When it is necessary to change

the boundary lines between seven-director school districts, in each district affected, ten percent of the voters by number of those voting for school board members in the last annual school election in each district may petition the district boards of education in the districts affected, regardless of county lines, for a change in boundaries. The question shall be submitted at the next [general municipal] election, **as referenced in section 115.123, RSMo.**

2. The voters shall decide the question by a majority vote of those who vote upon the question. If assent to the change is given by each of the various districts voting, each voting separately, the boundaries are changed from that date.

3. If one of the districts votes against the change and the other votes for the change, the matter may be appealed to the state board of education, in writing, within fifteen days of the submission of the question by either one of the districts affected, or in the above event by a majority of the signers of the petition requesting a vote on the proposal. At the first meeting of the state board following the appeal, a board of arbitration composed of three members, none of whom shall be a resident of any district affected, shall be appointed. In determining whether it is necessary to change the boundary line between seven-director districts, the board of arbitration shall base its decision upon the following:

(1) The presence of school-aged children in the affected area;

(2) The presence of actual educational harm to school-aged children, either due to a significant difference in the time involved in transporting students or educational deficiencies in the district which would have its boundary adversely affected; and

(3) The presence of an educational necessity, not of a commercial benefit to landowners or to the district benefitting for the proposed boundary adjustment.

4. Within twenty days after notification of appointment, the board of arbitration shall meet and consider the necessity for the proposed changes and shall decide whether the boundaries shall be changed as requested in the petition or be left unchanged, which decision shall be final. The decision by the board of arbitration shall be rendered not more than thirty days after the matter is referred to the board. The chairman of the board of arbitration shall transmit the decision to the secretary of each district affected who shall enter the same upon the records of his district and the boundaries shall thereafter be in accordance with the decision of the board of arbitration. The members of the board of arbitration shall be allowed a fee of fifty dollars each, to be paid at the time the appeal is made by the district taking the appeal or by the petitioners should they institute the appeal.

5. If the board of arbitration decides that the boundaries shall be left unchanged, no new petition for the same, or substantially the same, boundary change between the same districts shall be filed until after the expiration of two years from the date of the municipal election at which the question was submitted to the voters of the districts.”; and

Further amend the title and enacting clause accordingly.

Senator Callahan moved that the above amendment be adopted.

Senator Callahan offered **SSA 1** for **SA1**:

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

Amend House Bill No. 267, Page 1, Section A, Line 2, by inserting after all of said line the following:

“162.431. 1. When it is necessary to change the boundary lines between seven-director school districts, in each district affected, ten percent of the voters by number of those voting for school board members in the last annual school election in each district may petition the district boards of

education in the districts affected, regardless of county lines, for a change in boundaries. The question shall be submitted at the next [general municipal] election, **as referenced in section 115.123, RSMo.**

2. The voters shall decide the question by a majority vote of those who vote upon the question. If assent to the change is given by each of the various districts voting, each voting separately, the boundaries are changed from that date.

3. If one of the districts votes against the change and the other votes for the change, the matter may be appealed to the state board of education, in writing, within fifteen days of the submission of the question by either one of the districts affected, or in the above event by a majority of the signers of the petition requesting a vote on the proposal. At the first meeting of the state board following the appeal, a board of arbitration composed of three members, none of whom shall be a resident of any district affected, shall be appointed. In determining whether it is necessary to change the boundary line between seven-director districts, the board of arbitration shall base its decision upon the following:

(1) The presence of school-aged children in the affected area;

(2) The presence of actual educational harm to school-aged children, either due to a significant difference in the time involved in transporting students or educational deficiencies in the district which would have its boundary adversely affected; and

(3) The presence of an educational necessity, not of a commercial benefit to landowners or to the district benefitting for the proposed boundary adjustment.

**4. If the potential receiving district obtained a score consistent with the criteria for classification of the district as “accredited” on its most recent annual performance report and the potential sending district obtained a score**

**consistent with the criteria for classification of the district as “unaccredited” on its most recent annual performance report, the board shall approve the proposed boundary change for the educational well-being of the children enrolled in the potential sending district.**

[4.] **5.** Within twenty days after notification of appointment, the board of arbitration shall meet and consider the necessity for the proposed changes and shall decide whether the boundaries shall be changed as requested in the petition or be left unchanged, which decision shall be final. The decision by the board of arbitration shall be rendered not more than thirty days after the matter is referred to the board. The chairman of the board of arbitration shall transmit the decision to the secretary of each district affected who shall enter the same upon the records of his district and the boundaries shall thereafter be in accordance with the decision of the board of arbitration. The members of the board of arbitration shall be allowed a fee of fifty dollars each, to be paid at the time the appeal is made by the district taking the appeal or by the petitioners should they institute the appeal.

[5.] **6.** If the board of arbitration decides that the boundaries shall be left unchanged, no new petition for the same, or substantially the same, boundary change between the same districts shall be filed until after the expiration of two years from the date of the municipal election at which the question was submitted to the voters of the districts.”; and

Further amend the title and enacting clause accordingly.

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

Senator Green offered SA 2:

SENATE AMENDMENT NO. 2

Amend House Bill No. 267, Page 3, Section 162.961, Line 70, by inserting immediately after all of said line the following:

**“Section 1. Notwithstanding any provision of law to the contrary, the state auditor shall have the power to audit any school district within the state in the same manner as the auditor may audit any agency of the state.”;** and

Further amend the title and enacting clause accordingly.

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

Senator Gibbons offered SA 3:

SENATE AMENDMENT NO. 3

Amend House Bill No. 267, Page 1, In The Title, Line 3, by striking the following: “due process hearings”; and

Further amend said bill, page 3, section 162.961, line 70, by inserting after all of said line the following:

“163.011. As used in this chapter unless the context requires otherwise:

(1) “Adjusted operating levy”, the sum of tax rates for the current year for teachers' and incidental funds for a school district as reported to the proper officer of each county pursuant to section 164.011, RSMo;

(2) “Average daily attendance”, the quotient or the sum of the quotients obtained by dividing the total number of hours attended in a term by resident pupils between the ages of five and twenty-one by the actual number of hours school was in session in that term. To the average daily attendance of the following school term shall be added the full-time equivalent average daily attendance of summer school students. “Full-time equivalent average daily attendance of summer school students” shall be computed by dividing the total number of hours, except for physical education hours that do not count as credit toward graduation for students in grades nine, ten, eleven, and twelve, attended by all summer school pupils by the number of hours required in section 160.011, RSMo, in the school term. For purposes

of determining average daily attendance under this subdivision, the term “resident pupil” shall include all children between the ages of five and twenty-one who are residents of the school district and who are attending kindergarten through grade twelve in such district. If a child is attending school in a district other than the district of residence and the child's parent is teaching in the school district or is a regular employee of the school district which the child is attending, then such child shall be considered a resident pupil of the school district which the child is attending for such period of time when the district of residence is not otherwise liable for tuition. Average daily attendance for students below the age of five years for which a school district may receive state aid based on such attendance shall be computed as regular school term attendance unless otherwise provided by law;

(3) “Current operating expenditures”:

(a) For the fiscal year 2007 calculation, “current operating expenditures” shall be calculated using data from fiscal year 2004 and shall be calculated as all expenditures for instruction and support services except capital outlay and debt service expenditures minus the revenue from federal categorical sources; food service; student activities; categorical payments for transportation costs pursuant to section 163.161; state reimbursements for early childhood special education; the career ladder entitlement for the district, as provided for in sections 168.500 to 168.515, RSMo; the vocational education entitlement for the district, as provided for in section 167.332, RSMo; and payments from other districts;

(b) In every fiscal year subsequent to fiscal year 2007, current operating expenditures shall be the amount in paragraph (a) plus any increases in state funding pursuant to sections 163.031 and 163.043 subsequent to fiscal year 2005, not to exceed five percent, per recalculation, of the state revenue received by a district in the 2004-05

school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payments for any district from the first preceding calculation of the state adequacy target;

(4) "District's tax rate ceiling", the highest tax rate ceiling in effect subsequent to the 1980 tax year or any subsequent year. Such tax rate ceiling shall not contain any tax levy for debt service;

(5) "Dollar value modifier", an index of the relative purchasing power of a dollar, calculated as one plus fifteen percent of the difference of the regional wage ratio minus one, provided that the dollar value modifier shall not be applied at a rate less than 1.0:

(a) "County wage per job", the total county wage and salary disbursements divided by the total county wage and salary employment for each county and the city of St. Louis as reported by the Bureau of Economic Analysis of the United States Department of Commerce for the fourth year preceding the payment year;

(b) "Regional wage per job":

a. The total Missouri wage and salary disbursements of the metropolitan area as defined by the Office of Management and Budget divided by the total Missouri metropolitan wage and salary employment for the metropolitan area for the county signified in the school district number or the city of St. Louis, as reported by the Bureau of Economic Analysis of the United States Department of Commerce for the fourth year preceding the payment year and recalculated upon every decennial census to incorporate counties that are newly added to the description of metropolitan areas; or if no such metropolitan area is established, then:

b. The total Missouri wage and salary disbursements of the micropolitan area as defined by the Office of Management and Budget divided by the total Missouri micropolitan wage and salary employment for the micropolitan area for the

county signified in the school district number, as reported by the Bureau of Economic Analysis of the United States Department of Commerce for the fourth year preceding the payment year, if a micropolitan area for such county has been established and recalculated upon every decennial census to incorporate counties that are newly added to the description of micropolitan areas; or

c. If a county is not part of a metropolitan or micropolitan area as established by the Office of Management and Budget, then the county wage per job, as defined in paragraph (a) of this subdivision, shall be used for the school district, as signified by the school district number;

(c) "Regional wage ratio", the ratio of the regional wage per job divided by the state median wage per job;

(d) "State median wage per job", the fifty-eighth highest county wage per job;

(6) "Free and reduced lunch pupil count", the number of pupils eligible for free and reduced lunch on the last Wednesday in January for the preceding school year who were enrolled as students of the district, as approved by the department in accordance with applicable federal regulations;

(7) "Free and reduced lunch threshold" shall be calculated by dividing the total free and reduced lunch pupil count of every performance district that falls entirely above the bottom five percent and entirely below the top five percent of average daily attendance, when such districts are rank-ordered based on their current operating expenditures per average daily attendance, by the total average daily attendance of all included performance districts;

(8) "Limited English proficiency pupil count", the number in the preceding school year of pupils aged three through twenty-one enrolled or preparing to enroll in an elementary school or secondary school who were not born in the United States or whose native language is a language other

than English or are Native American or Alaskan native, or a native resident of the outlying areas, and come from an environment where a language other than English has had a significant impact on such individuals' level of English language proficiency, or are migratory, whose native language is a language other than English, and who come from an environment where a language other than English is dominant; and have difficulties in speaking, reading, writing, or understanding the English language sufficient to deny such individuals the ability to meet the state's proficient level of achievement on state assessments described in Public Law 107-10, the ability to achieve successfully in classrooms where the language of instruction is English, or the opportunity to participate fully in society;

(9) "Limited English proficiency threshold" shall be calculated by dividing the total limited English proficiency pupil count of every performance district that falls entirely above the bottom five percent and entirely below the top five percent of average daily attendance, when such districts are rank-ordered based on their current operating expenditures per average daily attendance, by the total average daily attendance of all included performance districts;

(10) "Local effort":

(a) For the fiscal year 2007 calculation, "local effort" shall be computed as the equalized assessed valuation of the property of a school district in calendar year 2004 divided by one hundred and multiplied by the performance levy less the percentage retained by the county assessor and collector plus one hundred percent of the amount received in fiscal year 2005 for school purposes from intangible taxes, fines, escheats, payments in lieu of taxes and receipts from state-assessed railroad and utility tax, one hundred percent of the amount received for school purposes pursuant to the merchants' and manufacturers' taxes under sections 150.010 to 150.370, RSMo, one hundred percent of the amounts received for school

purposes from federal properties under sections 12.070 and 12.080, RSMo, except when such amounts are used in the calculation of federal impact aid pursuant to P.L. 81-874, fifty percent of Proposition C revenues received for school purposes from the school district trust fund under section 163.087, and one hundred percent of any local earnings or income taxes received by the district for school purposes. Under this paragraph, for a special district established under sections 162.815 to 162.940, RSMo, in a county with a charter form of government and with more than one million inhabitants, a tax levy of zero shall be utilized in lieu of the performance levy for the special school district;

(b) In every year subsequent to fiscal year 2007, "local effort" shall be the amount calculated under paragraph (a) of this subdivision plus any increase in the amount received for school purposes from fines or less any decrease in the amount received for school purposes from fines in any school district located entirely within any county with a charter form of government and with more than two hundred fifty thousand but fewer than three hundred fifty thousand inhabitants that creates a county municipal court after January 1, 2006. If a district's assessed valuation has decreased subsequent to the calculation outlined in paragraph (a) of this subdivision, the district's local effort shall be calculated using the district's current assessed valuation in lieu of the assessed valuation utilized in calculation outlined in paragraph (a) of this subdivision;

(11) "Membership" shall be the average of:

(a) The number of resident full-time students and the full-time equivalent number of part-time students who were enrolled in the public schools of the district on the last Wednesday in September of the previous year and who were in attendance one day or more during the preceding ten school days; and

(b) The number of resident full-time students and the full-time equivalent number of part-time

students who were enrolled in the public schools of the district on the last Wednesday in January of the previous year and who were in attendance one day or more during the preceding ten school days, plus the full-time equivalent number of summer school pupils.

“Full-time equivalent number of part-time students” is determined by dividing the total number of hours for which all part-time students are enrolled by the number of hours in the school term. “Full-time equivalent number of summer school pupils” is determined by dividing the total number of hours for which all summer school pupils were enrolled by the number of hours required pursuant to section 160.011, RSMo, in the school term. Only students eligible to be counted for average daily attendance shall be counted for membership;

(12) “Operating levy for school purposes”, the sum of tax rates levied for teachers' and incidental funds plus the operating levy or sales tax equivalent pursuant to section 162.1100, RSMo, of any transitional school district containing the school district, in the payment year, not including any equalized operating levy for school purposes levied by a special school district in which the district is located;

(13) “Performance district”, any district that has met all performance standards and indicators as established by the department of elementary and secondary education for purposes of accreditation under section 161.092, RSMo, and as reported on the final annual performance report for that district each year;

(14) “Performance levy”, three dollars and forty-three cents;

(15) “School purposes” pertains to teachers' and incidental funds;

(16) “Special education pupil count”, the number of public school students with a current individualized education program and receiving services from the resident district as of December

first of the preceding school year **and nonpublic students served through the federal Individuals with Disabilities Education Act by the district in which the nonpublic school is located**, except for special education services provided through a school district established under sections 162.815 to 162.940, RSMo, in a county with a charter form of government and with more than one million inhabitants, in which case the sum of the students in each district within the county exceeding the special education threshold of each respective district within the county shall be counted within the special district and not in the district of residence for purposes of distributing the state aid derived from the special education pupil count;

(17) “Special education threshold” shall be calculated by dividing the total special education pupil count of every performance district that falls entirely above the bottom five percent and entirely below the top five percent of average daily attendance, when such districts are rank-ordered based on their current operating expenditures per average daily attendance, by the total average daily attendance of all included performance districts;

(18) “State adequacy target”, the sum of the current operating expenditures of every performance district that falls entirely above the bottom five percent and entirely below the top five percent of average daily attendance, when such districts are rank-ordered based on their current operating expenditures per average daily attendance, divided by the total average daily attendance of all included performance districts. The department of elementary and secondary education shall first calculate the state adequacy target for fiscal year 2007 and recalculate the state adequacy target every two years using the most current available data. The recalculation shall never result in a decrease from the previous state adequacy target amount. Should a recalculation result in an increase in the state adequacy target amount, fifty percent of that increase shall be included in the state adequacy target amount in the year of recalculation, and fifty percent of that

increase shall be included in the state adequacy target amount in the subsequent year. The state adequacy target may be adjusted to accommodate available appropriations;

(19) “Teacher”, any teacher, teacher-secretary, substitute teacher, supervisor, principal, supervising principal, superintendent or assistant superintendent, school nurse, social worker, counselor or librarian who shall, regularly, teach or be employed for no higher than grade twelve more than one-half time in the public schools and who is certified under the laws governing the certification of teachers in Missouri;

(20) “Weighted average daily attendance”, the average daily attendance plus the product of twenty-five hundredths multiplied by the free and reduced lunch pupil count that exceeds the free and reduced lunch threshold, plus the product of seventy-five hundredths multiplied by the number of special education pupil count that exceeds the special education threshold, and plus the product of six-tenths multiplied by the number of limited English proficiency pupil count that exceeds the limited English proficiency threshold. For special districts established under sections 162.815 to 162.940, RSMo, in a county with a charter form of government and with more than one million inhabitants, weighted average daily attendance shall be the average daily attendance plus the product of twenty-five hundredths multiplied by the free and reduced lunch pupil count that exceeds the free and reduced lunch threshold, plus the product of seventy-five hundredths multiplied by the sum of the special education pupil count that exceeds the threshold for each county district, plus the product of six-tenths multiplied by the limited English proficiency pupil count that exceeds the limited English proficiency threshold. None of the districts comprising a special district established under sections 162.815 to 162.940, RSMo, in a county with a charter form of government and with more than one million inhabitants, shall use any special education pupil count in calculating their weighted average daily attendance.”; and

Further amend the title and enacting clause accordingly.

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

Senator Coleman offered SA 4:

SENATE AMENDMENT NO. 4

Amend House Bill No. 267, Page 3, Section 162.961, Line 70, by inserting immediately after all of said line the following:

**“Section 1. Whenever any school district in this state attains a score or displays criteria for classification of the district on its annual performance review consistent with the classification of “unaccredited”, the state board of education shall, within ninety days, study all of the pertinent, current data from the district and shall either classify the district as “unaccredited” or issue a report to the general assembly and the governor delineating the factors considered and the reasons for not classifying the district as “unaccredited”. Should the state board vote to classify a district as “unaccredited”, the board may vote to apply such classification prospectively to a date no later than ten days after the last scheduled day of classes for the district in the current academic year.”; and**

Further amend the title and enacting clause accordingly.

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

Senator Smith offered SA 5:

SENATE AMENDMENT NO. 5

Amend House Bill No. 267, Page 1, Section A, Line 2, by inserting after all of said line the following:

**“161.660. The department of elementary and secondary education shall designate, by July 1, 2008, a teacher assessment program for use by all school districts within this state. Such**

assessment shall be a comprehensive, performance-based evaluation of the teacher. The assessment designated by the department shall be an existing assessment tool, such as the Praxis Examination, the National Teacher Examination, or another existing assessment tool. Multiple assessments shall be designated in order to assess each teacher according to the specific subject area taught by the teacher. The department may promulgate rules in order to effectuate the provisions of this section, including objective measures to determine whether a teacher demonstrates a minimum level of competency in the teacher's subject area, as well as whether a teacher demonstrates a high level of competency in the teacher's subject area based on a score of ninety percent or better on the assessment. 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.”; and

Further amend said bill, page 3, section 162.961, line 70, by inserting immediately after said line the following:

“**162.1162. 1. Beginning August 28, 2008, any school district that is not fully accredited by the state board of education shall require each teacher to be assessed every five years to determine the competency of the teacher in the teacher's subject area or areas.**

**2. The school district shall utilize one or**

**more of the assessments designated by the department of elementary and secondary education in section 161.660, RSMo. The school district shall notify each teacher of the results of the assessment by certified mail sent to the teacher.**

**3. Any teacher who fails to demonstrate a minimum level of competency, based on the results of the assessment required by subsection 1 of this section, shall be allowed to re-take the assessment no more than one time within three months after receiving notification of the failure.**

**4. Notwithstanding the provisions of sections 168.221, RSMo and 168.281, RSMo, a teacher that fails to demonstrate a minimum level of competency shall not be considered a permanent employee of the school district.**

**5. A teacher that demonstrates a high level of competency, as determined by rules promulgated by the department of elementary and secondary education under authority granted in section 161.660, RSMo, shall be exempt from the assessment required by this section for the next five-year period.**

**6. The provisions of this section shall not apply to a teacher for five years after the teacher first obtains licensure in this state. Any teacher that demonstrates a high level of competency on the initial licensure examination is exempted from the provisions of this section for a period of ten years from the date of initial licensure as a teacher.”; and**

Further amend the title and enacting clause accordingly.

Senator Smith moved that the above amendment be adopted.

At the request of Senator Rupp, **HB 267**, with **SA 5** (pending), was placed on the Informal Calendar.

**HCS for HBs 444, 217, 225, 239, 243, 297,**

**402** and **172**, with **SCS**, entitled:

An Act to amend chapter 143, RSMo, by adding thereto one new section relating to an income tax deduction.

Was called from the Informal Calendar and taken up by Senator Crowell.

**SCS** for **HCS** for **HBs 444, 217, 225, 239, 243, 297, 402** and **172**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILLS NOS. 444, 217, 225, 239, 243,  
297, 402 and 172

An Act to amend chapter 143, RSMo, by adding thereto one new section relating to an income tax deduction.

Was taken up.

Senator Crowell moved that **SCS** for **HCS** for **HBs 444, 217, 225, 239, 243, 297, 402** and **172** be adopted.

Senator Crowell offered **SS** for **SCS** for **HCS** for **HBs 444, 217, 225, 239, 243, 297, 402** and **172**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILLS NOS. 444, 217, 225, 239, 243,  
297, 402, & 172

An Act to repeal section 143.124, RSMo, and to enact in lieu thereof two new sections relating to income tax deductions.

Senator Crowell moved that **SS** for **SCS** for **HCS** for **HBs 444, 217, 225, 239, 243, 297, 402** and **172** be adopted.

Senator Green offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 444, 217, 225, 239, 243, 297, 402 and 172, Page 1, Section A, Line 3,

by inserting after all of said line the following:

“143.121. 1. The Missouri adjusted gross income of a resident individual shall be the taxpayer's federal adjusted gross income subject to the modifications in this section.

2. There shall be added to the taxpayer's federal adjusted gross income:

(a) The amount of any federal income tax refund received for a prior year which resulted in a Missouri income tax benefit;

(b) Interest on certain governmental obligations excluded from federal gross income by Section 103 of the Internal Revenue Code. The previous sentence shall not apply to interest on obligations of the state of Missouri or any of its political subdivisions or authorities and shall not apply to the interest described in subdivision (a) of subsection 3 of this section. The amount added pursuant to this paragraph shall be reduced by the amounts applicable to such interest that would have been deductible in computing the taxable income of the taxpayer except only for the application of Section 265 of the Internal Revenue Code. The reduction shall only be made if it is at least five hundred dollars;

(c) The amount of any deduction that is included in the computation of federal taxable income pursuant to Section 168 of the Internal Revenue Code as amended by the Job Creation and Worker Assistance Act of 2002 to the extent the amount deducted relates to property purchased on or after July 1, 2002, but before July 1, 2003, and to the extent the amount deducted exceeds the amount that would have been deductible pursuant to Section 168 of the Internal Revenue Code of 1986 as in effect on January 1, 2002; and

(d) The amount of any deduction that is included in the computation of federal taxable income for net operating loss allowed by Section 172 of the Internal Revenue Code of 1986, as amended, other than the deduction allowed by Section 172(b)(1)(G) and Section 172(i) of the

Internal Revenue Code of 1986, as amended, for a net operating loss the taxpayer claims in the tax year in which the net operating loss occurred or carries forward for a period of more than twenty years and carries backward for more than two years. Any amount of net operating loss taken against federal taxable income but disallowed for Missouri income tax purposes pursuant to this paragraph after June 18, 2002, may be carried forward and taken against any income on the Missouri income tax return for a period of not more than twenty years from the year of the initial loss.

3. There shall be subtracted from the taxpayer's federal adjusted gross income the following amounts to the extent included in federal adjusted gross income:

(a) Interest or dividends on obligations of the United States and its territories and possessions or of any authority, commission or instrumentality of the United States to the extent exempt from Missouri income taxes pursuant to the laws of the United States. The amount subtracted pursuant to this paragraph shall be reduced by any interest on indebtedness incurred to carry the described obligations or securities and by any expenses incurred in the production of interest or dividend income described in this paragraph. The reduction in the previous sentence shall only apply to the extent that such expenses including amortizable bond premiums are deducted in determining the taxpayer's federal adjusted gross income or included in the taxpayer's Missouri itemized deduction. The reduction shall only be made if the expenses total at least five hundred dollars;

(b) The portion of any gain, from the sale or other disposition of property having a higher adjusted basis to the taxpayer for Missouri income tax purposes than for federal income tax purposes on December 31, 1972, that does not exceed such difference in basis. If a gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to

one-half of such portion of the gain;

(c) The amount necessary to prevent the taxation pursuant to this chapter of any annuity or other amount of income or gain which was properly included in income or gain and was taxed pursuant to the laws of Missouri for a taxable year prior to January 1, 1973, to the taxpayer, or to a decedent by reason of whose death the taxpayer acquired the right to receive the income or gain, or to a trust or estate from which the taxpayer received the income or gain;

(d) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the extent that the same are included in federal adjusted gross income;

(e) The amount of any state income tax refund for a prior year which was included in the federal adjusted gross income;

(f) The portion of capital gain specified in section 135.357, RSMo, that would otherwise be included in federal adjusted gross income;

(g) The amount that would have been deducted in the computation of federal taxable income pursuant to Section 168 of the Internal Revenue Code as in effect on January 1, 2002, to the extent that amount relates to property purchased on or after July 1, 2002, but before July 1, 2003, and to the extent that amount exceeds the amount actually deducted pursuant to Section 168 of the Internal Revenue Code as amended by the Job Creation and Worker Assistance Act of 2002;

(h) For all tax years beginning on or after January 1, 2005, the amount of any income received for military service while the taxpayer serves in a combat zone which is included in federal adjusted gross income and not otherwise excluded therefrom. As used in this section, "combat zone" means any area which the President of the United States by Executive Order designates as an area in which armed forces of the United States are or have engaged in combat. Service is performed in a combat zone only if performed on

or after the date designated by the President by Executive Order as the date of the commencing of combat activities in such zone, and on or before the date designated by the President by Executive Order as the date of the termination of combatant activities in such zone; [and]

(i) For all tax years ending on or after July 1, 2002, with respect to qualified property that is sold or otherwise disposed of during a taxable year by a taxpayer and for which an addition modification was made under paragraph (c) of subsection 2 of this section, the amount by which addition modification made under paragraph (c) of subsection 2 of this section on qualified property has not been recovered through the additional subtractions provided in paragraph (g) of this subsection; **and**

**(j) The amount of any qualified higher education expenses determined under section 143.1014.**

4. There shall be added to or subtracted from the taxpayer's federal adjusted gross income the taxpayer's share of the Missouri fiduciary adjustment provided in section 143.351.

5. There shall be added to or subtracted from the taxpayer's federal adjusted gross income the modifications provided in section 143.411.

6. In addition to the modifications to a taxpayer's federal adjusted gross income in this section, to calculate Missouri adjusted gross income there shall be subtracted from the taxpayer's federal adjusted gross income any gain recognized pursuant to Section 1033 of the Internal Revenue Code of 1986, as amended, arising from compulsory or involuntary conversion of property as a result of condemnation or the imminence thereof.”; and

Further amend said bill, Page 10, Section 143.125, Line 16, by inserting after all of said line the following:

**“143.1014. 1. This section shall be known and may be cited as the “Higher Education**

**Expenses Deduction”.**

**2. As used in this section, the following terms mean:**

**(1) “Department”, the department of revenue;**

**(2) “Director”, the director of the department of revenue;**

**(3) “Higher education institution”, an institution that meets the standards for accreditation as determined by either the North Central Association of Colleges and Secondary Schools or by other accrediting bodies recognized by the United States Department of Education or by utilizing accreditation standards applicable to non-degree granting institutions as established by the coordinating board for higher education.**

**(4) “Tax liability”, the tax due under chapter 143, other than taxes withheld under sections 143.191 to 143.265; and**

**(5) “Taxpayer”, any student filing income tax returns or a taxpayer who claims a student as a dependent.**

**3. If any taxpayer with a federal adjusted gross income of less than two hundred thousand dollars incurs tuition or fee expenses for enrollment of at least half time at a higher education institution, such taxpayer shall subtract from such taxpayer's federal adjusted gross income an amount equal to one hundred percent of such costs the taxpayer paid during the taxable year.**

**4. The department may 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.**

**5. The provisions of this section shall apply to all tax years beginning on or after January 1, 2008.”; and**

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Coleman, Justus, McKenna and Smith.

**SA 1 failed of adoption by the following vote:**

YEAS—Senators

Barnitz	Bray	Callahan	Coleman
Days	Graham	Green	Justus
Kennedy	McKenna	Shoemyer	Smith
Wilson—13			

NAYS—Senators

Bartle	Champion	Crowell	Engler
Gibbons	Griesheimer	Koster	Lager
Loudon	Mayer	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Stouffer	Vogel—18		

Absent—Senators

Clemens	Gross—2
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Absent with leave—Senator Goodman—1

Vacancies—None

Senator Green offered SA 2:

**SENATE AMENDMENT NO. 2**

Amend Senate Substitute for Senate Committee Substitute for House Committee

Substitute for House Bills Nos. 444, 217, 225, 239, 243, 297, 402 and 172, Page 1, Section A, Line 3, by inserting immediately after said line the following:

**“135.237. 1. This section shall be known and may be cited as the “Small Business Health Insurance Expenses Deduction”.**

**2. As used in this section, the following terms mean:**

**(1) “Department”, the department of revenue;**

**(2) “Director”, the director of the department of revenue;**

**(3) “Farmer”, any person who derives at least two-thirds of such person's income from using or cultivating land for the production of agricultural crops, livestock, or livestock products, poultry, or poultry products, milk or dairy products, or fruit or other horticultural products. The term shall not include a person who processes farm products or distributes farming supplies by contracting to provide spraying, harvesting, or other farming services;**

**(4) “Small business”, a for-profit enterprise consisting of fewer than fifty full- or part-time employees;**

**(5) “Taxpayer”, any small business or farmer that incurs expenses in providing health insurance for its employees.**

**3. If any taxpayer incurs expenses for providing its employees with health insurance, such taxpayer may subtract from its federal adjusted gross income an amount equal to one hundred percent of such costs paid during the taxable year. In the case of a S corporation or small business corporation described in section 143.471, RSMo, or a partnership, in computing the Missouri taxable income of the taxpayer, a deduction apportioned in proportion to their share of ownership of the business on the last day of the taxpayer's tax period for which such**

**tax deductions are being claimed shall be allowed from their Missouri adjusted gross income in the amount of one hundred percent of qualified employee health insurance expenses. In the case of a sole proprietorship, the sole proprietor shall be allowed a tax deduction in an amount equal to one hundred percent of any qualified employee health insurance expenses.**

**4. The department may 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.**

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

143.121. 1. The Missouri adjusted gross income of a resident individual shall be the taxpayer's federal adjusted gross income subject to the modifications in this section.

2. There shall be added to the taxpayer's federal adjusted gross income:

(a) The amount of any federal income tax refund received for a prior year which resulted in a Missouri income tax benefit;

(b) Interest on certain governmental obligations excluded from federal gross income by Section 103 of the Internal Revenue Code. The previous sentence shall not apply to interest on

obligations of the state of Missouri or any of its political subdivisions or authorities and shall not apply to the interest described in subdivision (a) of subsection 3 of this section. The amount added pursuant to this paragraph shall be reduced by the amounts applicable to such interest that would have been deductible in computing the taxable income of the taxpayer except only for the application of Section 265 of the Internal Revenue Code. The reduction shall only be made if it is at least five hundred dollars;

(c) The amount of any deduction that is included in the computation of federal taxable income pursuant to Section 168 of the Internal Revenue Code as amended by the Job Creation and Worker Assistance Act of 2002 to the extent the amount deducted relates to property purchased on or after July 1, 2002, but before July 1, 2003, and to the extent the amount deducted exceeds the amount that would have been deductible pursuant to Section 168 of the Internal Revenue Code of 1986 as in effect on January 1, 2002; and

(d) The amount of any deduction that is included in the computation of federal taxable income for net operating loss allowed by Section 172 of the Internal Revenue Code of 1986, as amended, other than the deduction allowed by Section 172(b)(1)(G) and Section 172(i) of the Internal Revenue Code of 1986, as amended, for a net operating loss the taxpayer claims in the tax year in which the net operating loss occurred or carries forward for a period of more than twenty years and carries backward for more than two years. Any amount of net operating loss taken against federal taxable income but disallowed for Missouri income tax purposes pursuant to this paragraph after June 18, 2002, may be carried forward and taken against any income on the Missouri income tax return for a period of not more than twenty years from the year of the initial loss.

3. There shall be subtracted from the taxpayer's federal adjusted gross income the

following amounts to the extent included in federal adjusted gross income:

(a) Interest or dividends on obligations of the United States and its territories and possessions or of any authority, commission or instrumentality of the United States to the extent exempt from Missouri income taxes pursuant to the laws of the United States. The amount subtracted pursuant to this paragraph shall be reduced by any interest on indebtedness incurred to carry the described obligations or securities and by any expenses incurred in the production of interest or dividend income described in this paragraph. The reduction in the previous sentence shall only apply to the extent that such expenses including amortizable bond premiums are deducted in determining the taxpayer's federal adjusted gross income or included in the taxpayer's Missouri itemized deduction. The reduction shall only be made if the expenses total at least five hundred dollars;

(b) The portion of any gain, from the sale or other disposition of property having a higher adjusted basis to the taxpayer for Missouri income tax purposes than for federal income tax purposes on December 31, 1972, that does not exceed such difference in basis. If a gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to one-half of such portion of the gain;

(c) The amount necessary to prevent the taxation pursuant to this chapter of any annuity or other amount of income or gain which was properly included in income or gain and was taxed pursuant to the laws of Missouri for a taxable year prior to January 1, 1973, to the taxpayer, or to a decedent by reason of whose death the taxpayer acquired the right to receive the income or gain, or to a trust or estate from which the taxpayer received the income or gain;

(d) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the extent that the same are included in federal adjusted gross income;

(e) The amount of any state income tax refund for a prior year which was included in the federal adjusted gross income;

(f) The portion of capital gain specified in section 135.357, RSMo, that would otherwise be included in federal adjusted gross income;

(g) The amount that would have been deducted in the computation of federal taxable income pursuant to Section 168 of the Internal Revenue Code as in effect on January 1, 2002, to the extent that amount relates to property purchased on or after July 1, 2002, but before July 1, 2003, and to the extent that amount exceeds the amount actually deducted pursuant to Section 168 of the Internal Revenue Code as amended by the Job Creation and Worker Assistance Act of 2002;

(h) For all tax years beginning on or after January 1, 2005, the amount of any income received for military service while the taxpayer serves in a combat zone which is included in federal adjusted gross income and not otherwise excluded therefrom. As used in this section, "combat zone" means any area which the President of the United States by Executive Order designates as an area in which armed forces of the United States are or have engaged in combat. Service is performed in a combat zone only if performed on or after the date designated by the President by Executive Order as the date of the commencing of combat activities in such zone, and on or before the date designated by the President by Executive Order as the date of the termination of combatant activities in such zone; [and]

(i) For all tax years ending on or after July 1, 2002, with respect to qualified property that is sold or otherwise disposed of during a taxable year by a taxpayer and for which an addition modification was made under paragraph (c) of subsection 2 of this section, the amount by which addition modification made under paragraph (c) of subsection 2 of this section on qualified property has not been recovered through the additional subtractions provided in paragraph (g) of this

subsection; and

**(j) The amount of any qualified employee health insurance expenses incurred by a small business or farmer as determined under section 135.237, RSMo.**

4. There shall be added to or subtracted from the taxpayer's federal adjusted gross income the taxpayer's share of the Missouri fiduciary adjustment provided in section 143.351.

5. There shall be added to or subtracted from the taxpayer's federal adjusted gross income the modifications provided in section 143.411.

6. In addition to the modifications to a taxpayer's federal adjusted gross income in this section, to calculate Missouri adjusted gross income there shall be subtracted from the taxpayer's federal adjusted gross income any gain recognized pursuant to Section 1033 of the Internal Revenue Code of 1986, as amended, arising from compulsory or involuntary conversion of property as a result of condemnation or the imminence thereof.”; and

Further amend the title and enacting clause accordingly.

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

**SA 2** failed of adoption by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Coleman
Days	Graham	Green	Justus
Kennedy	McKenna	Shoemyer	Smith
Wilson—13			

NAYS—Senators

Bartle	Champion	Crowell	Gibbons
Griesheimer	Gross	Lager	Loudon
Mayer	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Stouffer
Vogel—17			

Absent—Senators

Clemens Engler Koster—3

Absent with leave—Senator Goodman—1

Vacancies—None

Senator Green offered **SA 3**:

**SENATE AMENDMENT NO. 3**

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 444, 217, 225, 239, 243, 297, 402 and 172, Page 1, Section A, Line 3, by inserting immediately after all of said line the following “143.113. 1. For all taxable years beginning on or after January 1, 2000, an individual taxpayer [who is an employee within the meaning of Section 401 (c) (1) of the Internal Revenue Code of 1986, as amended,] shall be allowed to subtract from the taxpayer’s Missouri adjusted gross income to determine Missouri taxable income an amount equal to **one-hundred percent** of the amount which the taxpayer has paid during the taxable year for insurance which constitutes medical care for the taxpayer, the taxpayer’s spouse, and dependents [to the extent that such amounts qualify as deductible pursuant to Section 162(1) of the Internal Revenue Code of 1986, as amended, for the same taxable year, and shall only be deductible to the extent that such amounts are not deducted on the taxpayer’s federal income tax return for that taxable year].

2. The director of the department of revenue shall promulgate rules and regulations to administer the provisions of this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.”;

And further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted and requested a roll call

vote be taken. He was joined in his request by Senators Bray, Coleman, Shoemyer and Smith.

**SA 3** failed of adoption by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Coleman
Days	Engler	Graham	Green
Griesheimer	Justus	Kennedy	Koster
McKenna	Shoemyer	Smith	Wilson—16

NAYS—Senators

Bartle	Champion	Crowell	Gibbons
Gross	Lager	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel—16

Absent—Senator Clemens—1

Absent with leave—Senator Goodman—1

Vacancies—None

Senator Shoemyer offered **SA 4**:

**SENATE AMENDMENT NO. 4**

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 444, 217, 225, 239, 243, 297, 402 and 172, Page 10, Section 143.125, Line 16, by inserting immediately after all of said line the following **“Section 1. Any health care provider who qualifies to participate in a system for coordinated health care services under section 191.411 shall be allowed to subtract from the taxpayer’s Missouri adjusted gross income to determine Missouri taxable income an amount equal to twenty percent of the health care provider’s adjusted gross income or ten-thousand dollars, whichever is less.”**

And further amend the title and enacting clause accordingly.

Senator Shoemyer moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Days, Graham, Green and Justus.

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

YEAS—Senators

Barnitz	Bray	Callahan	Coleman
Days	Graham	Green	Justus
Kennedy	McKenna	Shoemyer	Smith
Wilson—13			

NAYS—Senators

Bartle	Champion	Crowell	Engler
Gibbons	Griesheimer	Gross	Lager
Loudon	Mayer	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Stouffer	Vogel—18		

Absent—Senators

Clemens	Koster—2
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Absent with leave—Senator Goodman—1

Vacancies—None

Senator Justus offered **SA 5**:

**SENATE AMENDMENT NO. 5**

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 444, 217, 225, 239, 243, 297, 402 and 172, Page 1, Section A, Line 3, by inserting after all of said line the following:

**“135.406. 1. A taxpayer shall be allowed a tax credit against any liability incurred by such taxpayer pursuant to the provisions of chapter 143, RSMo, excluding sections 143.191 to 143.265, RSMo, and related provisions, equal to twenty percent of the earned income credit allowed under Section 32 of the federal Internal Revenue Code.**

**2. If the credit exceeds the tax owed, the department of revenue shall treat such excess as an overpayment and shall refund such amount to the taxpayer.**

**3. The director of the department of revenue shall make efforts every year to inform taxpayers who may be eligible to receive the**

**credit provided under this section.**

**4. Pursuant to section 23.253, RSMo, of the Missouri Sunset Act:**

**(1) Any new program authorized under this section shall automatically sunset six years after the effective date of this section unless reauthorized by an act of the general assembly; and**

**(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and**

**(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which a program authorized under this section is sunset.”; and**

Further amend the title and enacting clause accordingly.

Senator Justus moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Barnitz, Callahan, Coleman and Smith.

Senator Engler assumed the Chair.

**SA 5** failed of adoption by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Coleman
Days	Engler	Graham	Green
Justus	Kennedy	McKenna	Shoemyer
Smith	Wilson—14		

NAYS—Senators

Bartle	Champion	Crowell	Gibbons
Griesheimer	Gross	Lager	Loudon
Mayer	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Stouffer
Vogel—17			

Absent—Senators

Clemens	Koster—2
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Absent with leave—Senator Goodman—1

Vacancies—None

Senator Bray offered **SA 6**:

**SENATE AMENDMENT NO. 6**

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 444, 217, 225, 239, 243, 297, 402 and 172, Page 1, In The Title, Lines 2-3, by striking the following: “income tax deductions” and inserting in lieu thereof the following: “income taxation”; and

Further amend said bill, Page 1, Section A, Line 3, by inserting after all of said line the following:

“143.121. 1. The Missouri adjusted gross income of a resident individual shall be the taxpayer's federal adjusted gross income subject to the modifications in this section.

2. There shall be added to the taxpayer's federal adjusted gross income:

(a) The amount of any federal income tax refund received for a prior year which resulted in a Missouri income tax benefit;

(b) Interest on certain governmental obligations excluded from federal gross income by Section 103 of the Internal Revenue Code. The previous sentence shall not apply to interest on obligations of the state of Missouri or any of its political subdivisions or authorities and shall not apply to the interest described in subdivision (a) of subsection 3 of this section. The amount added pursuant to this paragraph shall be reduced by the amounts applicable to such interest that would have been deductible in computing the taxable income of the taxpayer except only for the application of Section 265 of the Internal Revenue Code. The reduction shall only be made if it is at least five hundred dollars;

(c) The amount of any deduction that is

included in the computation of federal taxable income pursuant to Section 168 of the Internal Revenue Code as amended by the Job Creation and Worker Assistance Act of 2002 to the extent the amount deducted relates to property purchased on or after July 1, 2002, but before July 1, 2003, and to the extent the amount deducted exceeds the amount that would have been deductible pursuant to Section 168 of the Internal Revenue Code of 1986 as in effect on January 1, 2002; [and]

(d) The amount of any deduction that is included in the computation of federal taxable income for net operating loss allowed by Section 172 of the Internal Revenue Code of 1986, as amended, other than the deduction allowed by Section 172(b)(1)(G) and Section 172(i) of the Internal Revenue Code of 1986, as amended, for a net operating loss the taxpayer claims in the tax year in which the net operating loss occurred or carries forward for a period of more than twenty years and carries backward for more than two years. Any amount of net operating loss taken against federal taxable income but disallowed for Missouri income tax purposes pursuant to this paragraph after June 18, 2002, may be carried forward and taken against any income on the Missouri income tax return for a period of not more than twenty years from the year of the initial loss; **and**

**(e) For nonresident individuals in all taxable years ending on or after December 31, 2006, the amount of any property taxes paid to another state or a political subdivision of another state for which a deduction was allowed on such nonresident's federal return in the taxable year.**

3. There shall be subtracted from the taxpayer's federal adjusted gross income the following amounts to the extent included in federal adjusted gross income:

(a) Interest or dividends on obligations of the United States and its territories and possessions or of any authority, commission or instrumentality of

the United States to the extent exempt from Missouri income taxes pursuant to the laws of the United States. The amount subtracted pursuant to this paragraph shall be reduced by any interest on indebtedness incurred to carry the described obligations or securities and by any expenses incurred in the production of interest or dividend income described in this paragraph. The reduction in the previous sentence shall only apply to the extent that such expenses including amortizable bond premiums are deducted in determining the taxpayer's federal adjusted gross income or included in the taxpayer's Missouri itemized deduction. The reduction shall only be made if the expenses total at least five hundred dollars;

(b) The portion of any gain, from the sale or other disposition of property having a higher adjusted basis to the taxpayer for Missouri income tax purposes than for federal income tax purposes on December 31, 1972, that does not exceed such difference in basis. If a gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to one-half of such portion of the gain;

(c) The amount necessary to prevent the taxation pursuant to this chapter of any annuity or other amount of income or gain which was properly included in income or gain and was taxed pursuant to the laws of Missouri for a taxable year prior to January 1, 1973, to the taxpayer, or to a decedent by reason of whose death the taxpayer acquired the right to receive the income or gain, or to a trust or estate from which the taxpayer received the income or gain;

(d) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the extent that the same are included in federal adjusted gross income;

(e) The amount of any state income tax refund for a prior year which was included in the federal adjusted gross income;

(f) The portion of capital gain specified in

section 135.357, RSMo, that would otherwise be included in federal adjusted gross income;

(g) The amount that would have been deducted in the computation of federal taxable income pursuant to Section 168 of the Internal Revenue Code as in effect on January 1, 2002, to the extent that amount relates to property purchased on or after July 1, 2002, but before July 1, 2003, and to the extent that amount exceeds the amount actually deducted pursuant to Section 168 of the Internal Revenue Code as amended by the Job Creation and Worker Assistance Act of 2002;

(h) For all tax years beginning on or after January 1, 2005, the amount of any income received for military service while the taxpayer serves in a combat zone which is included in federal adjusted gross income and not otherwise excluded therefrom. As used in this section, "combat zone" means any area which the President of the United States by Executive Order designates as an area in which armed forces of the United States are or have engaged in combat. Service is performed in a combat zone only if performed on or after the date designated by the President by Executive Order as the date of the commencing of combat activities in such zone, and on or before the date designated by the President by Executive Order as the date of the termination of combatant activities in such zone; and

(i) For all tax years ending on or after July 1, 2002, with respect to qualified property that is sold or otherwise disposed of during a taxable year by a taxpayer and for which an addition modification was made under paragraph (c) of subsection 2 of this section, the amount by which addition modification made under paragraph (c) of subsection 2 of this section on qualified property has not been recovered through the additional subtractions provided in paragraph (g) of this subsection.

4. There shall be added to or subtracted from the taxpayer's federal adjusted gross income the taxpayer's share of the Missouri fiduciary

adjustment provided in section 143.351.

5. There shall be added to or subtracted from the taxpayer's federal adjusted gross income the modifications provided in section 143.411.

6. In addition to the modifications to a taxpayer's federal adjusted gross income in this section, to calculate Missouri adjusted gross income there shall be subtracted from the taxpayer's federal adjusted gross income any gain recognized pursuant to Section 1033 of the Internal Revenue Code of 1986, as amended, arising from compulsory or involuntary conversion of property as a result of condemnation or the imminence thereof.""; and

Further amend said bill, Page 10, Section 143.125, Line 16, by inserting after all of said line the following:

"143.431. 1. The Missouri taxable income of a corporation taxable under sections 143.011 to 143.996 shall be so much of its federal taxable income for the taxable year, with the modifications specified in subsections 2 to 4 of this section, as is derived from sources within Missouri as provided in section 143.451. The tax of a corporation shall be computed on its Missouri taxable income at the rates provided in section 143.071.

2. There shall be added to or subtracted from federal taxable income the modifications to adjusted gross income provided in section 143.121, **with the exception of subdivision (e) of subsection 2 of section 143.121**, and the applicable modifications to itemized deductions provided in section 143.141. There shall be subtracted the federal income tax deduction provided in section 143.171. There shall be subtracted, to the extent included in federal taxable income, corporate dividends from sources within Missouri.

3. (1) If an affiliated group of corporations files a consolidated income tax return for the taxable year for federal income tax purposes and fifty percent or more of its income is derived from

sources within this state as determined in accordance with section 143.451, then it may elect to file a Missouri consolidated income tax return. The federal consolidated taxable income of the electing affiliated group for the taxable year shall be its federal taxable income.

(2) So long as a federal consolidated income tax return is filed, an election made by an affiliated group of corporations to file a Missouri consolidated income tax return may be withdrawn or revoked only upon substantial change in the law or regulations adversely changing tax liability under this chapter, or with permission of the director of revenue upon the showing of good cause for such action. After such a withdrawal or revocation with respect to an affiliated group, it may not file a Missouri consolidated income tax return for five years thereafter, except with the approval of the director of revenue, and subject to such terms and conditions as he may prescribe.

(3) No corporation which is part of an affiliated group of corporations filing a Missouri consolidated income tax return shall be required to file a separate Missouri corporate income tax return for the taxable year.

(4) For each taxable year an affiliated group of corporations filing a federal consolidated income tax return does not file a Missouri consolidated income tax return, for purposes of computing the Missouri income tax, the federal taxable income of each member of the affiliated group shall be determined as if a separate federal income tax return had been filed by each such member.

(5) The director of revenue may prescribe such regulations not inconsistent with the provisions of this chapter as he may deem necessary in order that the tax liability of any affiliated group of corporations making a Missouri consolidated income tax return, and of each corporation in the group, before, during, and after the period of affiliation, may be returned, determined, computed, assessed, collected, and adjusted, in such manner as clearly to reflect the

Missouri taxable income derived from sources within this state and in order to prevent avoidance of such tax liability.

4. If a net operating loss deduction is allowed for the taxable year, there shall be added to federal taxable income the amount of the net operating loss modification for each loss year as to which a portion of the net operating loss deduction is attributable. As used in this subsection, the following terms mean:

(1) "Loss year", the taxable year in which there occurs a federal net operating loss that is carried back or carried forward in whole or in part to another taxable year;

(2) "Net addition modification", for any taxable year, the amount by which the sum of all required additions to federal taxable income provided in this chapter, except for the net operating loss modification, exceeds the combined sum of the amount of all required subtractions from federal taxable income provided in this chapter;

(3) "Net operating loss deduction", a net operating loss deduction allowed for federal income tax purposes under Section 172 of the Internal Revenue Code of 1986, as amended, or a net operating loss deduction allowed for Missouri income tax purposes under paragraph (d) of subsection 2 of section 143.121, but not including any net operating loss deduction that is allowed for federal income tax purposes but disallowed for Missouri income tax purposes under paragraph (d) of subsection 2 of section 143.121;

(4) "Net operating loss modification", an amount equal to the lesser of the amount of the net operating loss deduction attributable to that loss year or the amount by which the total net operating loss in the loss year is less than the sum of:

(a) The net addition modification for that loss year; and

(b) The cumulative net operating loss deductions attributable to that loss year allowed for

the taxable year and all prior taxable years.

5. For all tax years ending on or after July 1, 2002, federal taxable income may be a positive or negative amount. Subsection 4 of this section shall be effective for all tax years with a net operating loss deduction attributable to a loss year ending on or after July 1, 2002, and the net operating loss modification shall only apply to loss years ending on or after July 1, 2002.”; and

Further amend the title and enacting clause accordingly.

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

Senator Loudon offered **SA 7**:

#### SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 444, 217, 225, 239, 243, 297, 402 and 172, Page 1, Section A, Line 3, by inserting immediately after all of said line the following:

“143.121. 1. The Missouri adjusted gross income of a resident individual shall be the taxpayer's federal adjusted gross income subject to the modifications in this section.

2. There shall be added to the taxpayer's federal adjusted gross income:

(a) The amount of any federal income tax refund received for a prior year which resulted in a Missouri income tax benefit;

(b) Interest on certain governmental obligations excluded from federal gross income by Section 103 of the Internal Revenue Code. The previous sentence shall not apply to interest on obligations of the state of Missouri or any of its political subdivisions or authorities and shall not apply to the interest described in subdivision (a) of subsection 3 of this section. The amount added pursuant to this paragraph shall be reduced by the amounts applicable to such interest that would

have been deductible in computing the taxable income of the taxpayer except only for the application of Section 265 of the Internal Revenue Code. The reduction shall only be made if it is at least five hundred dollars;

(c) The amount of any deduction that is included in the computation of federal taxable income pursuant to Section 168 of the Internal Revenue Code as amended by the Job Creation and Worker Assistance Act of 2002 to the extent the amount deducted relates to property purchased on or after July 1, 2002, but before July 1, 2003, and to the extent the amount deducted exceeds the amount that would have been deductible pursuant to Section 168 of the Internal Revenue Code of 1986 as in effect on January 1, 2002; and

(d) The amount of any deduction that is included in the computation of federal taxable income for net operating loss allowed by Section 172 of the Internal Revenue Code of 1986, as amended, other than the deduction allowed by Section 172(b)(1)(G) and Section 172(i) of the Internal Revenue Code of 1986, as amended, for a net operating loss the taxpayer claims in the tax year in which the net operating loss occurred or carries forward for a period of more than twenty years and carries backward for more than two years. Any amount of net operating loss taken against federal taxable income but disallowed for Missouri income tax purposes pursuant to this paragraph after June 18, 2002, may be carried forward and taken against any income on the Missouri income tax return for a period of not more than twenty years from the year of the initial loss.

3. There shall be subtracted from the taxpayer's federal adjusted gross income the following amounts to the extent included in federal adjusted gross income:

(a) Interest or dividends on obligations of the United States and its territories and possessions or of any authority, commission or instrumentality of the United States to the extent exempt from

Missouri income taxes pursuant to the laws of the United States. The amount subtracted pursuant to this paragraph shall be reduced by any interest on indebtedness incurred to carry the described obligations or securities and by any expenses incurred in the production of interest or dividend income described in this paragraph. The reduction in the previous sentence shall only apply to the extent that such expenses including amortizable bond premiums are deducted in determining the taxpayer's federal adjusted gross income or included in the taxpayer's Missouri itemized deduction. The reduction shall only be made if the expenses total at least five hundred dollars;

(b) The portion of any gain, from the sale or other disposition of property having a higher adjusted basis to the taxpayer for Missouri income tax purposes than for federal income tax purposes on December 31, 1972, that does not exceed such difference in basis. If a gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to one-half of such portion of the gain;

(c) The amount necessary to prevent the taxation pursuant to this chapter of any annuity or other amount of income or gain which was properly included in income or gain and was taxed pursuant to the laws of Missouri for a taxable year prior to January 1, 1973, to the taxpayer, or to a decedent by reason of whose death the taxpayer acquired the right to receive the income or gain, or to a trust or estate from which the taxpayer received the income or gain;

(d) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the extent that the same are included in federal adjusted gross income;

(e) The amount of any state income tax refund for a prior year which was included in the federal adjusted gross income;

(f) The portion of capital gain specified in section 135.357, RSMo, that would otherwise be

included in federal adjusted gross income;

(g) The amount that would have been deducted in the computation of federal taxable income pursuant to Section 168 of the Internal Revenue Code as in effect on January 1, 2002, to the extent that amount relates to property purchased on or after July 1, 2002, but before July 1, 2003, and to the extent that amount exceeds the amount actually deducted pursuant to Section 168 of the Internal Revenue Code as amended by the Job Creation and Worker Assistance Act of 2002;

(h) For all tax years beginning on or after January 1, 2005, the amount of any income received for military service while the taxpayer serves in a combat zone which is included in federal adjusted gross income and not otherwise excluded therefrom. As used in this section, "combat zone" means any area which the President of the United States by Executive Order designates as an area in which armed forces of the United States are or have engaged in combat. Service is performed in a combat zone only if performed on or after the date designated by the President by Executive Order as the date of the commencing of combat activities in such zone, and on or before the date designated by the President by Executive Order as the date of the termination of combatant activities in such zone; and

(i) For all tax years ending on or after July 1, 2002, with respect to qualified property that is sold or otherwise disposed of during a taxable year by a taxpayer and for which an addition modification was made under paragraph (c) of subsection 2 of this section, the amount by which addition modification made under paragraph (c) of subsection 2 of this section on qualified property has not been recovered through the additional subtractions provided in paragraph (g) of this subsection.

4. There shall be added to or subtracted from the taxpayer's federal adjusted gross income the taxpayer's share of the Missouri fiduciary adjustment provided in section 143.351.

5. There shall be added to or subtracted from the taxpayer's federal adjusted gross income the modifications provided in section 143.411.

6. In addition to the modifications to a taxpayer's federal adjusted gross income in this section, to calculate Missouri adjusted gross income there shall be subtracted from the taxpayer's federal adjusted gross income any gain recognized pursuant to Section 1033 of the Internal Revenue Code of 1986, as amended, arising from compulsory or involuntary conversion of property as a result of condemnation or the imminence thereof.

**7. (1) As used in this subsection, “qualified health insurance premium” means the amount paid during the tax year by such taxpayer for any insurance policy primarily providing health care coverage for the taxpayer, the taxpayer's spouse, or the taxpayer's dependents.**

**(2) In addition to the subtractions in subsection 3 of this section, one hundred percent of the amount of qualified health insurance premiums shall be subtracted from the taxpayer's federal adjusted gross income to the extent the amount paid for such premiums is included in federal taxable income. The taxpayer shall provide the department of revenue with proof of the amount of qualified health insurance premiums paid.”; and**

Further amend the title and enacting clause accordingly.

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

Senator Coleman offered **SA 8**:

**SENATE AMENDMENT NO. 8**

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 444, 217, 225, 239, 243, 297, 402 and 172, Page 1, In The Title, Lines 3-4, by striking the following: “income tax deductions” and inserting in lieu thereof the

following: “income taxation”; and

Further amend said bill, Page 10, Section 143.125, Line 16 of said page, by inserting after all of said line the following:

**“143.1008. 1. In each taxable year beginning on or after January 1, 2008, each individual or corporation entitled to a tax refund in an amount sufficient to make a designation under this section may designate that one dollar or any amount in excess of one dollar on a single return, and two dollars or any amount in excess of two dollars on a combined return, of the refund due be credited to the after-school retreat reading and assessment grant program fund. The contribution designation authorized by this section shall be clearly and unambiguously printed on the first page of each income tax return form provided by this state. If any individual or corporation that is not entitled to a tax refund in an amount sufficient to make a designation under this section wishes to make a contribution to the after-school retreat reading and assessment grant program fund, such individual or corporation may, by separate check, draft, or other negotiable instrument, send in with the payment of taxes, or may send in separately, that amount, clearly designated for the after-school retreat reading and assessment grant program fund, the individual or corporation wishes to contribute. The department of revenue shall deposit such amount to the after-school retreat reading and assessment grant program fund as provided in subsection 2 of this section.**

**2. The director of revenue shall deposit at least monthly all contributions designated by individuals under this section to the state treasurer for deposit to the after-school retreat reading and assessment grant program fund. The fund shall be administered by the department of elementary and secondary education with moneys in the fund distributed**

as provided under section 167.680, RSMo.

3. The director of revenue shall deposit at least monthly all contributions designated by the corporations under this section, less an amount sufficient to cover the cost of collection, handling, and administration by the department of revenue during fiscal year 2008, to the after-school retreat reading and assessment grant program fund.

4. A contribution designated under this section shall only be deposited in the after-school retreat reading and assessment grant program fund after all other claims against the refund from which such contribution is to be made have been satisfied.

5. Moneys deposited in the after-school retreat reading and assessment grant program fund shall be distributed by the department of elementary and secondary education in accordance with the provisions of this section and section 167.680, RSMo.

6. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

7. Pursuant to section 23.253, RSMo, of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset six years after August 28, 2007, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on December thirty-first of the calendar year immediately following the calendar year in which the program authorized under this

section is sunset.”; and

Further amend the title and enacting clause accordingly.

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

Senator Bray offered SA 9:

#### SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 444, 217, 225, 239, 243, 297, 402 and 172, Page 4, Section 143.124, Line 23, by inserting immediately after “older” the following: “**and whose income is forty thousand dollars or less if the taxpayer's filing status is single, head of household, or married filing separately, or fifty thousand dollars or less if the taxpayer's filing status is married filing combined**”; and

Further amend said bill and section, page 5, line 6, by inserting immediately after “older” the following: “**and whose income is forty thousand dollars or less if the taxpayer's filing status is single, head of household, or married filing separately, or fifty thousand dollars or less if the taxpayer's filing status is married filing combined**”; and

Further amend said bill, section and page, line 16, by inserting immediately after “older” the following: “**and whose income is forty thousand dollars or less if the taxpayer's filing status is single, head of household, or married filing separately, or fifty thousand dollars or less if the taxpayer's filing status is married filing combined**”; and

Further amend said bill, section, and page, line 27, by inserting immediately after “older” the following: “**and whose income is forty thousand dollars or less if the taxpayer's filing status is single, head of household, or married filing separately, or fifty thousand dollars or less if the taxpayer's filing status is married filing**

**combined**”; and

Further amend said bill and section, page 6, line 10, by inserting immediately after “older” the following: **“and whose income is forty thousand dollars or less if the taxpayer's filing status is single, head of household, or married filing separately, or fifty thousand dollars or less if the taxpayer's filing status is married filing combined”**; and

Further amend said bill, section and page, line 20, by inserting immediately after “older” the following: **“and whose income is forty thousand dollars or less if the taxpayer's filing status is single, head of household, or married filing separately, or fifty thousand dollars or less if the taxpayer's filing status is married filing combined”**; and

Further amend said bill, page 8, section 143.125, line 20, by inserting immediately after “individual” the following: **“whose income is forty thousand dollars or less if the taxpayer's filing status is single, head of household, or married filing separately; or fifty thousand dollars or less if the taxpayer's filing status is married filing combined”**.

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

**SA 9** failed of adoption by the following vote:

YEAS—Senators

Barnitz	Bray	Coleman	Days
Engler	Graham	Green	Justus
Kennedy	McKenna	Shoemyer	Smith
Wilson—13			

NAYS—Senators

Bartle	Callahan	Crowell	Gibbons
Griesheimer	Koster	Lager	Loudon
Mayer	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Stouffer
Vogel—17			

Absent—Senators

Champion      Clemens      Gross—3

Absent with leave—Senator Goodman—1

Vacancies—None

Senator Barnitz offered **SA 10**:

**SENATE AMENDMENT NO. 10**

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 444, 217, 225, 239, 243, 297, 402 and 172, Page 4, Section 143.124, Line 1, by inserting immediately after “2002” the following: **“, and a maximum of the first six thousand six hundred sixty dollars of any retirement allowance received from any privately funded sources for the tax year beginning on or after January 1, 2007 and ending on or before December 31, 2007, and a maximum of the first seven thousand three hundred twenty dollars of any retirement allowance received from any privately funded sources for the tax year beginning on or after January 1, 2008 and ending on or before December 31, 2008, and a maximum of the first seven thousand nine hundred eighty dollars of any retirement allowance received from any privately funded sources for the tax year beginning on or after January 1, 2009 and ending on or before December 31, 2009, and a maximum of the first eight thousand six hundred forty dollars of any retirement allowance received from any privately funded sources for the tax year beginning on or after January 1, 2010 and ending on or before December 31, 2010, and a maximum of the first nine thousand three hundred dollars of any retirement allowance received from any privately funded sources for the tax year beginning on or after January 1, 2011 and ending on or before December 31, 2011, and a maximum of the first ten thousand dollars of any retirement allowance received from any**

**privately funded sources for all tax years beginning on or after January 1, 2012”.**

Senator Barnitz moved that the above amendment be adopted.

At the request of Senator Crowell, **HCS** for **HBs 444, 217, 225, 239, 243, 297, 402** and **172**, with **SCS, SS** for **SCS** and **SA 10** (pending), was placed on the Informal Calendar.

President Pro Tem Gibbons assumed the Chair.

### **SIGNING OF BILLS**

The President Pro Tem announced that all other business would be suspended and **HCS** for **HB 405**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

Senator Engler assumed the Chair.

### **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 **SCS** for **SBs 62** and **41**, 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 seven new sections relating to the criminal justice system, with penalty provisions.

With House Amendment No. 2 to House Amendment No. 1, House Amendment No. 1, as amended, and House Amendment No. 2.

#### **HOUSE AMENDMENT NO. 2 TO HOUSE AMENDMENT NO. 1**

Amend House Amendment No. 1 to House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 62 & 41, Page 1,

Line 5 by deleting from said line the word **“absolute”** and inserting in lieu thereof the word **“affirmative”**; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### **HOUSE AMENDMENT NO. 1**

Amend House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 62 & 41, Page 3, Section 563.058, Lines 1 through 3, by deleting all of said lines and inserting in lieu thereof the following:

**“563.058. 1. A person who uses force as described in sections 563.031, 563.041, 563.046, 563.051, 563.056, and 563.061 is justified in using such force and such fact shall be an absolute defense to criminal prosecution or civil liability, unless the person against whom”**; and

Further amend said section, Page 3, Lines 7 through 9 by deleting all of the following sentence:

**“As used in this subsection, the term “criminal prosecution” includes arresting, detaining in custody, and charging or prosecuting the defendant.”**; and

Further amend said bill, Page 4, Section 571.030, Line 33, by inserting after the word, **“jurisdiction,”** the following, **“or all qualified retired peace officers, as defined in subsection 10 of this section, and who carry the identification required by subsection 11 of this section,”**;

Further amend said section, Page 6, Line 97, by inserting after all of said line the following:

**“10. As used in this section “qualified retired peace officer” means an individual who:**

**(1) Retired in good standing from service with a public agency as a peace officer, other than for reasons of mental instability;**

**(2) Before such retirement, was authorized by law to engage in or supervise the prevention,**

detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest;

(3) Before such retirement, was regularly employed as a peace officer for an aggregate of fifteen years or more; or

retired from service with such agency, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by such agency;

(4) Has a nonforfeitable right to benefits under the retirement plan of the agency;

(5) During the most recent twelve-month period, has met, at the expense of the individual, the standards for training and qualification for active peace officers to carry firearms;

(6) Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and

(7) Is not prohibited by federal law from receiving a firearm.

11. The identification required by this subsection is:

(1) A photographic identification issued by the agency from which the individual retired from service as a peace officer that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the agency to meet the standards established by the agency for training and qualification for active peace officers to carry a firearm of the same type as the concealed firearm; or

(2) A photographic identification issued by the agency from which the individual retired from service as a peace officer; and

(3) A certification issued by the state in which the individual resides that indicates that

the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the state to meet the standards established by the state for training and qualification for active peace officers to carry a firearm of the same type as the concealed firearm.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 62 & 41, Section 571.111, Page 9, Line 75 by inserting immediately after said Line the following:

“630.140. 1. Information and records compiled, obtained, prepared or maintained by the residential facility, day program operated, funded or licensed by the department or otherwise, specialized service, or by any mental health facility or mental health program in which people may be civilly detained pursuant to chapter 632, RSMo, in the course of providing services to either voluntary or involuntary patients, residents or clients shall be confidential.

2. The facilities or programs shall disclose information and records including medication given, dosage levels, and individual ordering such medication to the following upon their request:

(1) The parent of a minor patient, resident or client;

(2) The guardian or other person having legal custody of the patient, resident or client;

(3) The attorney of a patient, resident or client who is a ward of the juvenile court, an alleged incompetent, an incompetent ward or a person detained under chapter 632, RSMo, as evidenced by court orders of the attorney's appointment;

(4) An attorney or personal physician as

authorized by the patient, resident or client;

(5) Law enforcement officers and agencies, information about patients, residents or clients committed pursuant to chapter 552, RSMo, but only to the extent necessary to carry out the responsibilities of their office, and all such law enforcement officers shall be obligated to keep such information confidential;

(6) The entity or agency authorized to implement a system to protect and advocate the rights of persons with developmental disabilities under the provisions of 42 U.S.C. Sections 15042 to 15044. The entity or agency shall be able to obtain access to the records of a person with developmental disabilities who is a client of the entity or agency if such person has authorized the entity or agency to have such access; and the records of any person with developmental disabilities who, by reason of mental or physical condition is unable to authorize the entity or agency to have such access, if such person does not have a legal guardian, conservator or other legal representative, and a complaint has been received by the entity or agency with respect to such person or there is probable cause to believe that such person has been subject to abuse or neglect. The entity or agency obtaining access to a person's records shall meet all requirements for confidentiality as set out in this section;

(7) The entity or agency authorized to implement a system to protect and advocate the rights of persons with mental illness under the provisions of 42 U.S.C. 10801 shall be able to obtain access to the records of a patient, resident or client who by reason of mental or physical condition is unable to authorize the system to have such access, who does not have a legal guardian, conservator or other legal representative and with respect to whom a complaint has been received by the system or there is probable cause to believe that such individual has been subject to abuse or neglect. The entity or agency obtaining access to a person's records shall meet all requirements for

confidentiality as set out in this section. The provisions of this subdivision shall apply to a person who has a significant mental illness or impairment as determined by a mental health professional qualified under the laws and regulations of the state;

(8) To mental health coordinators, but only to the extent necessary to carry out their duties under chapter 632, RSMo.

3. The facilities or services may disclose information and records under any of the following:

(1) As authorized by the patient, resident or client;

(2) To persons or agencies responsible for providing health care services to such patients, residents or clients;

(3) To the extent necessary for a recipient to make a claim or for a claim to be made on behalf of a recipient for aid or insurance;

(4) To qualified personnel for the purpose of conducting scientific research, management audits, financial audits, program evaluations or similar studies; provided, that such personnel shall not identify, directly or indirectly, any individual patient, resident or client in any report of such research, audit or evaluation, or otherwise disclose patient, resident or client identities in any manner;

(5) To the courts as necessary for the administration of chapter 211, RSMo, 475, RSMo, 552, RSMo, or 632, RSMo;

(6) To law enforcement officers or public health officers, but only to the extent necessary to carry out the responsibilities of their office, and all such law enforcement and public health officers shall be obligated to keep such information confidential;

(7) Pursuant to an order of a court or administrative agency of competent jurisdiction;

(8) To the attorney representing petitioners,

but only to the extent necessary to carry out their duties under chapter 632, RSMo;

(9) To the department of social services or the department of health and senior services as necessary to report or have investigated abuse, neglect, or rights violations of patients, residents, or clients;

(10) To a county board established pursuant to sections 205.968 to 205.972, RSMo 1986, but only to the extent necessary to carry out their statutory responsibilities. The county board shall not identify, directly or indirectly, any individual patient, resident or client;

(11) To parents, legal guardians, treatment professionals, law enforcement officers, and other individuals who by having such information could mitigate the likelihood of a suicide. The facility treatment team shall have determined that the consumer's safety is at some level of risk.

4. The facility or program shall document the dates, nature, purposes and recipients of any records disclosed under this section and sections 630.145 and 630.150.

5. The records and files maintained in any court proceeding under chapter 632, RSMo, shall be confidential and available only to the patient, the patient's attorney, guardian, or, in the case of a minor, to a parent or other person having legal custody of the patient, [and] to the petitioner and the petitioner's attorney, **and to the Missouri state highway patrol for reporting to the National Instant Criminal Background Check System (NICS)**. In addition, the court may order the release or use of such records or files only upon good cause shown, and the court may impose such restrictions as the court deems appropriate.

6. Nothing contained in this chapter shall limit the rights of discovery in judicial or administrative procedures as otherwise provided for by statute or rule.

7. The fact of admission of a voluntary or involuntary patient to a mental health facility under

chapter 632, RSMo, may only be disclosed as specified in subsections 2 and 3 of this section.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SB 376**, as amended, and has taken up and passed **CCS** for **HCS** for **SB 376**.

Emergency clause adopted.

Bill ordered enrolled.

#### REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HCS** for **HB 1055**, begs leave to report that it has considered the same and recommends that the bill do pass with Senate Committee Amendment No. 1.

#### SENATE COMMITTEE AMENDMENT NO. 1

Amend House Committee Substitute for House Bill No. 1055, Page 5, Section 188.325, Line 29, by striking all of said lines and inserting in lieu thereof the following: “**for one year after birth. The agency or**”; and further amend line 35, by inserting after “section.” the following: “**Nothing in this act shall require the public and private agencies or entities providing services or counseling pursuant to the alternatives to abortion program to provide services or counseling relating to any means of contraception or birth control. Nothing shall prevent such agencies or entities from**

**counseling or referring clients to services relating to future pregnancies, but in no event shall such counseling include any positive reference to, or referral for, abortion.”.**

### RESOLUTIONS

Senator Engler offered Senate Resolution No. 1151, regarding Susan H. Bowman, which was adopted.

Senator Engler offered Senate Resolution No. 1152, regarding Willa Berry, which was adopted.

Senator Engler offered Senate Resolution No. 1153, regarding Christine Ward, which was adopted.

Senator Engler offered Senate Resolution No. 1154, regarding Maurice Lynn Creason, which was adopted.

Senator Engler offered Senate Resolution No. 1155, regarding Jan Woods, which was adopted.

Senator Engler offered Senate Resolution No. 1156, regarding Stephen R. Alexander, which was adopted.

Senator Engler offered Senate Resolution No. 1157, regarding John Davis, which was adopted.

Senator Engler offered Senate Resolution No. 1158, regarding Mark Hardy, which was adopted.

Senator Engler offered Senate Resolution No. 1159, regarding Charlie Meadows, which was adopted.

Senator Engler offered Senate Resolution No. 1160, regarding Marc Scoggin, which was adopted.

Senator Engler offered Senate Resolution No. 1161, regarding Patsy Wallace, which was adopted.

Senator Engler offered Senate Resolution

No. 1162, regarding Stan Walden, which was adopted.

Senator Engler offered Senate Resolution No. 1163, regarding Ronnie J. Storie, which was adopted.

Senator Engler offered Senate Resolution No. 1164, regarding Donna L. Bouchard, which was adopted.

Senator Engler offered Senate Resolution No. 1165, regarding Jenny Gowen, which was adopted.

Senator Shoemyer offered Senate Resolution No. 1166, regarding Robert A. Leake, Palmyra, which was adopted.

### INTRODUCTIONS OF GUESTS

Senator Lager introduced to the Senate, sixth grade students from Meadville Elementary School.

Senator Justus introduced to the Senate, Mary Pendleton, Tony Moore and Zach Knoch, Kansas City; and Zach was made an honorary page.

Senator Ridgeway introduced to the Senate, the Physician of the Day, Dr. Jim DiRenna, D.O., Clay County.

Senator Loudon introduced to the Senate, Melissa Biehl and seventy fourth grade students from Bellerive Elementary School, Creve Coeur.

Senator Gibbons introduced to the Senate, forty-eight fourth grade students from St. Peter School, Kirkwood; and Devin Barnett, Andrew Grunik, Madeleine La Valle and Haley Williams were made honorary pages.

Senator Loudon introduced to the Senate, Jim Swope, Lee's Summit; and representatives of Farmers Insurance Group from around the state.

Senator Griesheimer introduced to the Senate, Bill Juergens, Sullivan.

Senator Purgason introduced to the Senate, Martha and Maggie Hiatt, Willow Springs.

Senator Bray introduced to the Senate, Donna

Lohman, Tyler Harger and thirty-five fourth grade students from Mary Institute Country Day School, Ladue.

On behalf of Senator Engler and himself, Senator Barnitz introduced to the Senate, Rachel

Gore and sixth grade students from Bunker Elementary School.

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

## SENATE CALENDAR

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SIXTY-FOURTH DAY—WEDNESDAY, MAY 2, 2007

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## FORMAL CALENDAR

### THIRD READING OF SENATE BILLS

SS for SB 570-Clemens

SS#4 for SCS for SB 430-Shields

### SENATE BILLS FOR PERFECTION

1. SB 644-Griesheimer
2. SBs 372 & 366-Justus and Koster, with SCS
3. SB 388-Mayer, with SCS
4. SB 225-Stouffer, with SCS
5. SB 571-Mayer, with SCS
6. SB 652-Coleman and Gibbons, with SCS
7. SB 699-Lager, with SCS
8. SB 11-Coleman, with SCS
9. SB 536-Lager, with SCS
10. SB 552-Bartle
11. SB 484-Stouffer, with SCS
12. SBs 348, 626 & 461-Koster, et al, with SCS
13. SJR 15-Green
14. SB 629-Smith, with SCS
15. SB 122-Bray and Days, with SCS
16. SB 491-Ridgeway

### HOUSE BILLS ON THIRD READING

1. HCS for HB 551, with SCS (Koster)
2. HB 791-Wilson (130), et al, with SCS (Mayer)
3. HCS for HB 74 (Scott) (In Fiscal Oversight)
4. HCS for HB 184 (Rupp)
5. HCS for HB 741 (Koster)
6. HCS for HB 182
7. HB 686-Smith (150) and Tilley (Stouffer)
8. HB 488-Wasson (Stouffer) (In Fiscal Oversight)
9. HCS for HB 165, with SCS
10. HB 579-Dempsey, et al (Shields)

- |   |                                      |
|---|--------------------------------------|
| 11. HB 462-Munzlinger, et al (Purgason)                   | 15. HCS for HBs 654 & 938 (Crowell)  |
| 12. HB 134-Guest, et al (Nodler)<br>(In Fiscal Oversight) | 16. HJR 19-Bearden, et al (Ridgeway) |
| 13. HCS for HB 894, with SCS (Days)                       | 17. HCS for HB 181 (Rupp)            |
| 14. HB 1014-Wright, et al, with SCS (Mayer)               | 18. HCS#2 for HB 28 (Mayer)          |
|   | 19. HCS for HB 1055, with SCA 1      |

## INFORMAL CALENDAR

### THIRD READING OF SENATE BILLS

SS for SB 303-Loudon

### SENATE BILLS FOR PERFECTION

- |  |   |
|--|---|
| SB 2-Gibbons, with SCS   | SB 287-Crowell and Vogel, with SS<br>(pending)                          |
| SB 17-Shields, with SCS  | SB 292-Mayer  |
| SB 20-Griesheimer, with SCS  | SB 297-Loudon, with SCS   |
| SB 27-Bartle and Koster  | SB 300-Bartle   |
| SB 53-Koster and Engler, with SCS                                  | SB 341-Goodman, with SCS  |
| SB 101-Mayer   | SB 363-Bartle   |
| SB 131-Rupp  | SB 364-Koster, with SCS, SS for SCS,<br>SA 1 & SSA 1 for SA 1 (pending) |
| SB 153-Engler, et al, with SCS                                     | SBs 370, 375 & 432-Scott and Koster,<br>with SCS & SA 5 (pending)       |
| SB 155-Engler, with SCS & SS for SCS<br>(pending)                  | SB 385-Gibbons, with SCS  |
| SB 160-Rupp, with SCS  | SB 400-Crowell, et al   |
| SB 168-Mayer and Crowell, with SCS, SS<br>for SCS & SA 1 (pending) | SB 444-Goodman  |
| SB 169-Rupp, with SCS, SS for SCS & SA 3<br>(pending)              | SB 453-Scott, with SCS  |
| SB 205-Stouffer and Gibbons, with SCS                              | SB 458-Gibbons  |
| SB 212-Goodman   | SB 476-Crowell  |
| SB 213-McKenna   | SB 480-Ridgeway, et al, with SCS  |
| SB 242-Nodler, with SCS  | SB 492-Crowell  |
| SB 250-Ridgeway and Vogel  | SB 499-Engler and Clemens, with SCS                                     |
| SB 252-Ridgeway and McKenna  | SB 511-Scott, with SCS  |
| SB 254-Nodler, et al, with SCS                                     | SB 521-Lager, et al, with SCS   |
| SBs 260 & 71-Koster, et al, with SCS                               | SB 523-Scott, with SCS  |
| SB 274-Shields   | SB 531-Gibbons, with SCS  |
| SB 282-Griesheimer, with SCS & SS for<br>SCS (pending)             | SB 534-Nodler   |
|  | SB 537-Lager  |

SB 542-Scott, with SCS  
SBs 555 & 38-Gibbons, with SCS  
SB 563-Lager, with SCS & SS for SCS  
(pending)  
SB 572-Vogel  
SB 586-Crowell, with SCS  
SB 592-Scott, with SCS

SB 599-Engler, with SCS  
SB 627-Ridgeway  
SB 635-Loudon, with SCS  
SBs 660, 553, 557, 167, 258, 114 &  
378-Mayer, with SCS  
SB 698-Ridgeway, et al, with SCS

#### HOUSE BILLS ON THIRD READING

HCS for HB 39, with SCS (Koster)  
HB 41-Portwood, with SCS (Loudon)  
HB 46-Viebrock and Stevenson (Stouffer)  
HB 69-Day, with SCS (Barnitz)  
HB 125-Franz, with SCS (Shoemyer)  
HCS for HB 135, with SCS (Koster)  
HB 155-Dusenberg, et al (Ridgeway)  
HB 220-Stevenson (Nodler)  
HCS for HB 221 (Loudon)  
HB 255-Bruns, with SCS (Vogel)  
HB 265-Cunningham (86), with SA 5  
(pending) (Rupp)  
HB 267-Jones (117) and Cunningham (86),  
with SA 5 (pending) (Rupp)  
HB 269-Nolte, et al (Ridgeway)  
HCS for HB 272 (Goodman)  
HCS for HB 298, with SCS (Engler)  
HCS for HB 346 (Clemens)

HCS for HBs 444, 217, 225, 239, 243,  
297, 402 & 172, with SCS, SS for SCS  
& SA 10 (pending) (Crowell)  
HB 454-Jetton, et al (Mayer)  
HCS for HB 469, with SCS (Crowell)  
HB 489-Baker (123), et al, with SCS  
(Shields)  
HB 526-Pratt (Loudon)  
HB 596-St. Onge, with SCS (Stouffer)  
HCS for HB 620, with SCS (Ridgeway)  
HB 744-St. Onge (Stouffer)  
HCS for HB 774 (Crowell)  
HCS for HB 780, with SCS (Scott)  
HB 875-Franz, with SCS (Purgason)  
HCS for HJR 1, with SCS (Rupp)  
HJR 7-Nieves, et al, with SCS (pending)  
(Engler)

#### 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 576-Cooper (120), et al (Clemens)

## SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SBs 62 & 41-Goodman and Koster,  
with HCS, as amendedSCS for SB 302-Loudon, with HA 1  
SB 416-Goodman, with HCSBILLS IN CONFERENCE AND BILLS  
CARRYING REQUEST MESSAGES

## In Conference

SB 30-Nodler and Ridgeway, with HCS, as  
amended

SB 233-Crowell, with HAs 1, 2, 3, 4 &amp; 5

SCS for SB 308-Crowell, et al, with HCS,  
as amended

HB 1 (Icet), with SCS (Gross)

HCS for HB 2, with SCS (Gross)

HCS for HB 3, with SCS (Gross)

HCS for HB 4, with SCS (Gross)

HCS for HB 5, with SCS (Gross)

HCS for HB 6, with SCS (Gross)

HCS for HB 7, with SCS (Gross)

HCS for HB 8, with SCS (Gross)

HCS for HB 9, with SCS (Gross)

HCS for HB 10, with SCS (Gross)

HCS for HB 11, with SCS, as amended  
(Gross)

HCS for HB 12, with SCS (Gross)

HCS for HB 13, with SCS (Gross)

HCS for HB 327, with SS for SCS, as  
amended (Griesheimer)

## Requests to Recede or Grant Conference

SB 25-Champion, with HCS, as amended  
(Senate requests House recede  
or grant conference)SCS for SB 64-Goodman and Koster, with  
HCS, as amended  
(Senate requests House recede  
or grant conference)

SB 81-Griesheimer, with HCS, as amended  
(Senate requests House recede  
or grant conference)

SCS for SB 198-Mayer, with HCS  
(Senate requests House recede  
or grant conference)

RESOLUTIONS

Reported from Committee

HCR 15-Threlkeld, et al, with SCS  
(Shields)

SCR 10-Koster and Shields  
HCR 25-Yates, et al (Bartle)

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