

Journal of the Senate

SECOND REGULAR SESSION

SIXTY-FIRST DAY—WEDNESDAY, APRIL 28, 2004

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

“Out of the depths I cry to thee, O Lord! Lord hear my voice! Let thy ears be attentive to the voice of my supplications!” (Psalm 130:1-2)

Merciful and gracious God, we call upon You as yet another one we have cared for has died. We commend Ron Kirchoff to Your tender care and trust in Your mercy. Bless and comfort his family who are in shock at the suddenness of this illness and death; be an ever present help and comfort them with the memory of Your goodness. And Lord we pray, let each of us know the blessed assurance of Your abiding presence as grief again has touched this Senate family. 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.

Photographers from KMIZ-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during

the day’s proceedings:

Present—Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel—34		

Absent with leave—Senators—None

The Lieutenant Governor was present.

The Senate paused for a moment of silence in memory of Ron Kirchoff.

Senator Bartle assumed the Chair.

RESOLUTIONS

Senator Gross offered Senate Resolution No. 1830, regarding the Francis Howell R-III School District, St. Charles, which was adopted.

CONCURRENT RESOLUTIONS

Senator Nodler offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 49

WHEREAS, the General Assembly favors a sound dollar that reflects economic fundamentals, but not one that is so excessively strong as to be overvalued; and

WHEREAS, the value of the U.S. dollar against other major currencies has risen thirty percent since 1997 and has reached the highest level in sixteen years despite the fact that economic fundamentals have moved in the opposite direction; and

WHEREAS, this rise in the value of the dollar is imposing the equivalent of a thirty percent added tariff on U.S. exports and permits imports to be sold at artificially low prices in the United States—with the effect of severely hampering the exports of American manufactured goods, artificially increasing imports above what they otherwise would be, and distorting the earnings of U.S. affiliates overseas; and

WHEREAS, since August 2000, U.S. manufactured goods exports fell one hundred forty billion dollars, which accounted for nearly forty percent of the decline in U.S. manufacturing production and employment and for the loss of more than five hundred thousand factory jobs; and

WHEREAS, a broad range of U.S. industries have seen a sharp decline in their ability to compete against imports since the dollar began its climb in 1997, with commensurate additional losses of American jobs; and

WHEREAS, both small and large companies are being affected, and after rising steadily throughout the 1990s, the proportion of small- and medium-sized companies exporting at least twenty-five percent of their production has now declined to the lowest level since the National Association of Manufacturers began surveying; and

WHEREAS, the trade and job losses related to the excessive strength of the dollar are decreasing support for free trade policies and leading to increased pressures for protectionism; and

WHEREAS, the value of the dollar has failed to move in the direction of an equilibrium that would end trade distortions, principally because of market imperfections such as a belief that governments will intervene to keep currency relationships at their present levels:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Second General Assembly, Second Regular Session, the House of Representatives concurring therein, urge the President of the United States of America and Congress to consider actions that can be taken to enable the dollar and other major currencies to move toward their equilibrium rates by correcting market imperfections, countering foreign country currency manipulations, and seeking cooperation among major countries in taking coordinated actions as appropriate; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies

of this resolution for the President of the United States and the members of the Missouri Congressional delegation.

THIRD READING OF SENATE BILLS

SS for SCS for SB 1034, introduced by Senator Childers, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1034

An Act to amend chapter 407, RSMo, by adding thereto six new sections relating to vacation clubs, with penalty provisions.

Was taken up.

Senator Nodler assumed the Chair.

On motion of Senator Childers, **SS for SCS for SB 1034** was read the 3rd time and passed by the following vote:

YEAS—Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Yeckel—33			

NAYS—Senators—None

Absent—Senator Wheeler—1

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

SS for SB 1023, introduced by Senator Griesheimer, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 1023

An Act to repeal section 570.300, RSMo, and to enact in lieu thereof two new sections relating to the criminal use of audiovisual recording devices, with penalty provisions.

Was taken up.

On motion of Senator Griesheimer, **SS** for **SB 1023** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel—32

NAYS—Senators—None

Absent—Senators

Foster	Quick—2
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Absent with leave—Senators—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 Gibbons moved that motion lay on the table, which motion prevailed.

SCS for **SB 810**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 810

An Act to repeal section 258.100, RSMo, and to enact in lieu thereof one new section relating to immunity from civil liability for certain landowners.

Was taken up by Senator Klindt.

On motion of Senator Klindt, **SCS** for **SB 810**

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

YEAS—Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Vogel	Wheeler	Yeckel—31	

NAYS—Senator Jacob—1

Absent—Senators

Quick	Stoll—2
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Absent with leave—Senators—None

Senator Bartle assumed the Chair.

The President declared the bill passed.

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

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

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

SENATE BILLS FOR PERFECTION

SB 1366, with **SCS**, was placed on the Informal Calendar.

Senator Klindt moved that **SB 1196**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 1196**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1196

An Act to repeal sections 320.106, 320.111, 320.116, 320.126, 320.131, 320.136, 320.146, 320.151, and 320.161, RSMo, and to enact in lieu thereof nine new sections relating to fireworks regulations, with penalty provisions.

Was taken up.

Senator Klindt moved that **SCS** for **SB 1196** be adopted.

Senator Klindt offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 1196, Page 11, Section 320.136, by striking all of said section and insert in lieu thereof the following:

“320.136. (1) Ground salutes commonly known as “cherry bombs”, “M-80’s”, “M-100’s”, “M-1000’s”, and [various] **any** other tubular salutes **or any items described as prohibited chemical components or forbidden devices as listed in the American Pyrotechnics Association Standard 87-1 or** which exceed the federal limits set for fireworks UNO336, 1.4G formerly known as class C common fireworks, by the United States Department of Transportation for explosive composition are expressly prohibited from shipment into, manufacture, possession, sale, [and] **or** use within the state of Missouri for any purpose. Possession, sale, manufacture, or transport of this type of illegal explosive shall be punished as provided by the provisions of section 571.020, RSMo.

(2) **Display fireworks UNO335, 1.3G, and proximate fireworks UNO431, 1.4F/UNO432, 1.4S as classified by the United States Department of Transportation are prohibited for consumer use. Possession and use of display and proximate fireworks shall be limited to a holder of applicable permits.”**; and

Further amend the title and enacting clause accordingly.

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

Senator Klindt moved that **SCS** for **SB 1196**, as amended, be adopted, which motion prevailed.

On motion of Senator Klindt, **SCS** for **SB 1196**, as amended, was declared perfected and ordered printed.

Senator Caskey moved that **SB 1096**, with **SCS**, be taken up for perfection, which motion

prevailed.

SCS for **SB 1096**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1096

An Act to amend chapter 700, RSMo, by adding thereto fifteen new sections relating to regulating the installation of manufactured homes, with penalty provisions.

Was taken up.

Senator Caskey moved that **SCS** for **SB 1096** be adopted, which motion prevailed.

On motion of Senator Caskey, **SCS** for **SB 1096** was declared perfected and ordered printed.

SB 735, with **SCS**, was placed on the Informal Calendar.

Senator Cauthorn moved that **SB 1153** be taken up for perfection, which motion prevailed.

On motion of Senator Cauthorn, **SB 1153** was declared perfected and ordered printed.

MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HS** for **HCS** for **HB 1003**. Representatives: Bearden, Lager, Stevenson, Harris (23) and Fraser.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HS** for **HCS** for **HB 1004**. Representatives: Bearden, Lager, Icet, Muckler and Zweifel.

Also,

Mr. President: I am instructed by the House of

Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HS** for **HCS** for **HB 1005**, as amended. Representatives: Bearden, Lager, Icet, Villa and Liese.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HS** for **HCS** for **HB 1006**. Representatives: Bearden, Lager, Icet, Whorton and Kuessner.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HS** for **HCS** for **HB 1007**, as amended. Representatives: Bearden, Lager, Icet, Lowe and Boykins.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HS** for **HCS** for **HB 1008**. Representatives: Bearden, Lager, Icet, Barnitz and Wildberger.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HS** for **HCS** for **HB 1009**. Representatives: Bearden, Lager, Stevenson, Ward and Meadows.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HS** for **HCS** for **HB 1010**, as amended. Representatives: Bearden, Lager, Icet, Wilson (25) and Johnson (61).

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HS** for **HCS** for **HB 1011**, as amended. Representatives: Bearden, Lager, Icet, Campbell and Sanders Brooks.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HS** for **HCS** for **HB 1012**, as amended. Representatives: Bearden, Lager, Icet, LeVota and Donnelly.

On motion of Senator Gibbons, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Kinder.

A quorum was established by the following vote:

Present—Senators

Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dougherty	Gibbons	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Shields	Yeckel—24

Absent—Senators

Bland	Coleman	Dolan	Foster
Goode	Scott	Steelman	Stoll
Vogel	Wheeler—10		

Absent with leave—Senators—None

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

Senator Russell requested unanimous consent of the Senate that the Senate conferees on **SCS** for **HS** for **HCS** for **HBs 1002** through **1012** be

allowed to meet while the Senate is in session, which request was granted.

MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that Representative Stevenson will be replacing Representative Icet on the Conference Committee for **SCS for HS for HCS for HB 1010** as amended and **SCS for HS for HCS for HB 1012** as amended.

SENATE BILLS FOR PERFECTION

Senator Foster moved that **SB 906**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for SB 906, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 906

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to health carriers.

Was taken up.

Senator Foster moved that **SCS for SB 906** be adopted.

Senator Foster offered **SS for SCS for SB 906**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 906

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to health carriers.

Senator Foster moved that **SS for SCS for SB 906** be adopted.

Senator Childers assumed the Chair.

Senator Kennedy offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 906, Page 1, Section 376.381, Line 17, by inserting after all of said line the following:

“379.938. 1. A health benefit plan subject to sections 379.930 to 379.952 shall be renewable with respect to all eligible employees and dependents, at the option of the small employer, except in any of the following cases:

- (1) Nonpayment of the required premiums;
- (2) Fraud or misrepresentation of the small employer or, with respect to coverage of individual insureds, the insureds or their representatives;
- (3) Noncompliance with the carrier's minimum participation requirements;
- (4) Noncompliance with the carrier's employer contribution requirements;
- (5) Repeated misuse of a provider network provision; or

(6) The small employer carrier elects to discontinue all or some of its health benefit plans delivered or issued for delivery to small employers in this state as part of a plan of administrative simplification provided that the small employer carrier, through itself or an affiliated carrier, guarantees issue of another health benefit plan in a similar class of business to those eligible employees and dependents covered under the discontinued plan and the small employer carrier, or its affiliated carrier providing such guaranteed issue, treats the impacted eligible employees and dependents as if they had continuous coverage from the date that they first became covered under the discontinued plan;

(7) The small employer carrier elects to nonrenew all of its health benefit plans delivered or issued for delivery to small employers in this state. In such a case the carrier shall:

- (a) Provide advance notice of its decision under this subdivision to the insurance supervisory

official in each state in which it is licensed; and

(b) Provide notice of the decision not to renew coverage to all affected small employers and to the insurance supervisory official in each state in which an affected covered individual is known to reside at least one hundred eighty days prior to the nonrenewal of any health benefit plan by the carrier. Notice to the insurance supervisory official under this paragraph shall be provided at least three working days prior to the notice to the affected small employers;

[(7)] (8) The director finds that the continuation of the coverage would:

(a) Not be in the best interests of the policyholders or certificate holders; or

(b) Impair the carrier's ability to meet its contractual obligations.

In such instance the director shall assist affected small employers in finding replacement coverage.

2. A small employer carrier that elects not to renew a health benefit plan under subdivision (6) of subsection 1 of this section shall be prohibited from writing new business in the small employer market in this state for a period of five years from the date of notice to the director.

3. In the case of a small employer carrier doing business in one established geographic service area of the state, the provisions of this section shall apply only to the carrier's operations in such service area.”; and

Further amend the title and enacting clause accordingly.

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

Senator Steelman offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 906, Page 1, Section A, Line 3, by inserting after all of said line the following:

“354.001. 1. Any health services corporation, health maintenance organization, or other entity organized pursuant to this chapter shall not require, as a condition of participation in the provider network of the corporation, organization, or other entity, that a physician maintain a medical malpractice insurance policy that is deemed by the director of the department of insurance to be excessive pursuant to the provisions of section 379.318, RSMo.

2. The director of the department of insurance is authorized to promulgate rules and regulations to effectuate the purposes 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, 2004, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Steelman moved that the above amendment be adopted.

At the request of Senator Foster, SB 906, with SCS, SS for SCS and SA 2 (pending), was placed on the Informal Calendar.

Senator Nodler assumed the Chair.

Senator Kinder moved that SB 1221 and SB 1305, with SCS, SS for SCS, SA 1 and SA 1 to SA 1 (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 to SA 1 was again taken up.

At the request of Senator Jacob, the above amendment was withdrawn.

SA 1 was again taken up.

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

Senator Jacob offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1221 and 1305, Page 4, Section 8.665, Line 5, by inserting after all of said line, the following:

“135.1100. 1. As used in this section, the following words or phrases shall mean:

(1) **“Eligible employee”, a person who is hired on or after August 28, 2004, by the eligible employer claiming the credit allowed pursuant to subsection 2 of this section, and who has been retained as a full-time employee of the eligible employer for a period of not less than twelve consecutive months immediately preceding the date upon which the credit is claimed, who is a graduate of a Missouri college, university, or vocational or technical school, and who received scholarship benefits pursuant to the Missouri college guarantee program established pursuant to the provisions of sections 173.810 to 173.830, RSMo;**

(2) **“Eligible employer”, any person, firm, corporation, partnership, or association that is actively engaged in business within this state, except that an eligible employer shall not be an eligible employee in the same tax year;**

(3) **“Full-time employee”, a person who is an employee of the eligible employer and who works not less than thirty-five hours during an average work week for the employer. The term “full-time employee” does not include independent contractors, part-time employees, temporary or substitute employees, partners or owners.**

2. In order to encourage employment of

recipients of Missouri college guarantee scholarships, an eligible employer shall be allowed a credit of ten thousand dollars per eligible employee against the tax otherwise due pursuant to chapter 143, RSMo, not including sections 143.191 to 143.265, RSMo. An eligible employer may not claim the credit authorized by this section more than one time for any particular individual who qualifies as an eligible employee.

3. The tax credit allowed by this section shall be claimed by the taxpayer at the time such taxpayer files a return. Any amount of tax credit which exceeds the tax due shall be carried over to any of the next five subsequent taxable years, but shall not be refunded and shall not be transferable.

4. The department of revenue shall administer the tax credit authorized by this section. The director of revenue is authorized to promulgate rules and regulations 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, 2004, shall be invalid and void.

5. The tax credits issued pursuant to this section shall not exceed a total for all tax credits issued of five million dollars per fiscal year.

6. The provisions of subsections 1 to 3 of this section shall become effective on January 1, 2005, and shall apply to all taxable years beginning after December 31, 2004.

143.171. 1. For all tax years beginning before January 1, 1994, for an individual taxpayer and for all tax years beginning before September 1, 1993, for a corporate taxpayer, the taxpayer shall be allowed a deduction for his federal income tax liability under chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by section 31 (tax withheld on wages), section 27 (tax of foreign country and United States possessions), and section 34 (tax on certain uses of gasoline, special fuels, and lubricating oils).

2. For all tax years beginning on or after January 1, 1994, an individual taxpayer shall be allowed a deduction for his federal income tax liability under chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed, not to exceed five thousand dollars on a single taxpayer's return or ten thousand dollars on a combined return, after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by section 31 (tax withheld on wages), section 27 (tax of foreign country and United States possessions), and section 34 (tax on certain uses of gasoline, special fuels, and lubricating oils).

3. For all tax years beginning on or after September 1, 1993 **and ending before January 1, 2005, and all tax years beginning January 1 after all bonds issued pursuant to subsection 9 of section 8.665 have been retired**, a corporate taxpayer shall be allowed a deduction for fifty percent of its federal income tax liability under chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by section 31 (tax withheld on

wages), section 27 (tax of foreign country and United States possessions), and section 34 (tax on certain uses of gasoline, special fuels and lubricating oils).

4. If a federal income tax liability for a tax year prior to the applicability of sections 143.011 to 143.996 for which he was not previously entitled to a Missouri deduction is later paid or accrued, he may deduct the federal tax in the later year to the extent it would have been deductible if paid or accrued in the prior year.

5. The commissioner of administration shall estimate the difference in the amount of revenue raised by the provisions of subsection 3 of this section in the last full calendar year in which the provisions of subsection 3 of this section allowed a deduction, compared to the amount of revenue raised annually as a result of the removal of such deduction, and shall cause such difference in the amount of revenue to be allocated annually to provide debt service and debt retirement for bonds issued pursuant to subsection 9 of section 8.665, RSMo; any remaining amount after such allocation shall be transferred to the Missouri college guarantee fund established pursuant to the provisions of sections 173.810 to 173.830, RSMo.”; and

Further amend the title and enacting clause accordingly.

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

Senator Bartle assumed the Chair.

Senator Nodler assumed the Chair.

Senator Champion offered SA 3, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1221 and 1305, Page 3, Section 8.665, Line 10, by inserting after the word “science”, the following: **“renovation and construction”**.

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

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

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1221 and 1305, Page 4, Section B, Lines 6-10, by striking all of said lines from the bill; and further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted.

Senator Kinder requested a roll call vote be taken on the adoption of **SA 4** and was joined in his request by Senators Bartle, Cauthorn, Griesheimer and Shields.

SA 4 failed of adoption by the following vote:

YEAS—Senators

Bland	Bray	Coleman	Days
Gibbons	Jacob	Mathewson	Quick—8

NAYS—Senators

Bartle	Callahan	Caskey	Cauthorn
Champion	Childers	Clemens	Dolan
Dougherty	Foster	Goode	Griesheimer
Gross	Kennedy	Kinder	Klindt
Loudon	Nodler	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel—26		

Absent—Senators—None

Absent with leave—Senators—None

Senator Kinder moved that **SS** for **SCS** for **SBs 1221** and **1305**, as amended, be adopted, which motion prevailed.

On motion of Senator Kinder, **SS** for **SCS** for **SBs 1221** and **1305**, as amended, was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were

referred **SCS** for **SB 1196**; **SCS** for **SB 1096**; and **SB 1153**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

RESOLUTIONS

Senator Champion offered Senate Resolution No. 1831, regarding the Forty-Fifth Wedding Anniversary of Mr. and Mrs. Edgar McElhannon, Springfield, which was adopted.

Senator Kennedy offered Senate Resolution No. 1832, regarding the Il Pensiero Newspaper's One Hundredth Anniversary, which was adopted.

Senator Stoll offered Senate Resolution No. 1833, regarding Nicole Voss, DeSoto, which was adopted.

Senator Stoll offered Senate Resolution No. 1834, regarding Shirley Voss, DeSoto, which was adopted.

Senator Stoll offered Senate Resolution No. 1835, regarding the Big River VFW Post 5331, Cedar Hill, which was adopted.

Senator Bland offered the following resolution:

SENATE RESOLUTION NO. 1836

WHEREAS, the Missouri Senate recognizes the importance of empowering citizens to actively participate in the democratic process; and

WHEREAS, the Missouri Senate has a long tradition of rendering assistance to those organizations that sponsor projects in the interest of good citizenship; and

WHEREAS, the Youth Leadership Conference sponsored by the Missouri Legislative Black Caucus Foundation is an educational experience in state government for youth by allowing such youth to participate in the democratic process;

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-second General Assembly, hereby grant the Youth Leadership Conference permission to use the Senate Chamber on Thursday, June 24, 2004, through Sunday, June 27, 2004.

Senator Bland requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 1836** up for adoption, which

request was granted.

On motion of Senator Bland, **SR 1836** was adopted.

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 **HS** for **HCS** for **SCS** for **SB 1160**, entitled:

An Act to amend chapter 196, RSMo, by adding thereto six new sections relating to the prescription drug repository program, with penalty provisions.

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 **HS** for **HCS** for **SS** for **SCS** for **SB 1081**, entitled:

An Act to amend chapter 431, RSMo, by adding thereto eight new sections relating to resolution of disputes concerning alleged defective residential construction.

With House Amendments Nos. 1, 2 and 4.

HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 1081, Page 11, Section 431.306, Line 3, by inserting after all of said line the following: “**or**”.

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Substitute for

Senate Committee Substitute for Senate Bill No. 1081, Page 19, Section 431.315, Line 24, by inserting immediately after all of said line the following:

“**4. The provisions of sections 431.300 to 431.315 shall not apply to an action brought by an insurer, subrogated to the rights of a claimant, if payment was made by the insurer pursuant to a claim under an insurance policy.**”.

HOUSE AMENDMENT NO. 4

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 1081, Page 14, Section 431.306, Line 15, by inserting after “**defects**” the following: “**including defective garage doors**”; and

Further amend said section and page, line 16, by inserting after “**defects**” the following: “**including defective garage doors**”.

In which the concurrence of the Senate is respectfully requested.

INTRODUCTIONS OF GUESTS

Senator Bland introduced to the Senate, Velda Cook, Kansas City.

Senator Caskey introduced to the Senate, Eugene and Wilma Ruth Hubbard, Hermann.

Senator Nodler introduced to the Senate, Lisa Keele and her daughters, Karli, Alison and Michaela, students from College Heights Christian School, Joplin.

Senator Champion introduced to the Senate, Lynn Vogel and twenty-four eighth grade students and parents from St. Agnes School, Springfield.

Senator Russell introduced to the Senate, Don and Cathern Long and members of Wright County and Texas County University Extension Excel Class, Hartville.

Senator Childers introduced to the Senate,

Mrs. Pat Schweitzer, Mrs. Karen Woods, Mr. Greg May and members of the Reeds Spring Schools Honor Society, Reeds Spring; and Travis Caldwell, Kyle Cooper, Sobrina Deets and Laura Duncan were made honorary pages.

Senator Foster introduced to the Senate, Linda and Don Scowden, Greenville.

Senator Jacob introduced to the Senate, winners of the Mel Carnahan PAC, twelfth grade students, Chelsea Kinney and Crystal Hemphill from Stockton High School; eleventh grade students, Kari Salmon and Kourtney Robinson, and tenth grade students, Melissa Whiteside and Keaton Paylor from Hermitage High School.

Senator Cauthorn introduced to the Senate, Chief Ken Hoover, Mexico; Mary Beth and Scott Ray and Thomas L. Jones, Monroe County.

Senator Klindt introduced to the Senate, Carl, Diana and Garrett Bennett, Bethany; and Garrett was made an honorary page.

Senator Kinder introduced to the Senate, Jim Woeltje and twenty-six seventh and eighth grade students and adults from St. Paul's Lutheran School, Jackson.

Senator Greisheimer introduced to the Senate, Dennis Wojciechowicz, Wright City; Mike Owenby, Meg Lefferdink, Keith Smith, and Ed McCormick, Warrenton Fire Protection District.

Senator Jacob introduced to the Senate, Mike Hall, Columbia.

Senator Yeckel introduced to the Senate, Tim Dorsey, Creve Couer; and Paul Mercurio, St. Louis County.

Senator Kennedy introduced to the Senate, the Physician of the Day, Dr. Gregory K. Terpstra, D.O., Potosi.

Senator Griesheimer introduced to the Senate, fourth grade students from St. Gertrude Catholic School, Krakow.

Senator Griesheimer introduced to the Senate, Dave Phipps, Rick Friedmann and Mary and Katelyn Biermann, Pacific.

Senator Stoll introduced to the Senate, sixty-five fourth grade students and parents from Antonia Elementary School, Jefferson County; and Taylor Hurley, Otto Schmidt and Chris Melton were made honorary pages.

Senator Gibbons introduced to the Senate, Tara Bopp, Anne Fisher, Lara Bopp, Tiffany Izard, Erica Wunderlich, Drew Korfe, Jesse Youngstrom, Travis Hawk, Frederick Doss, Joshua Mugg and Lisa Autry, Kirkwood.

Senator Yeckel introduced to the Senate, Holly Kunze and eighty-three fourth grade students and adults from Kennerly Elementary School, St. Louis.

Senator Griesheimer introduced to the Senate, seventh grade students from Lonedell R-14 School, Lonedell.

Senator Kennedy introduced to the Senate, Michelle Raby, St. Louis; Tyler Green, Webb City; Adam Jones, Maywood; and Michele, Kai-Lea and Dixie Troyer, Patton.

Senator Gibbons introduced to the Senate, seventy-five fourth grade students from Tillman Elementary School, Kirkwood; and Avery Warrick, Maroun Abou-Nader and Suzy Bambini were made honorary pages.

Senator Bray introduced to the Senate, Marilyn Daffer, Blue Springs; and Linda Hess, Independence.

Senator Dolan introduced to the Senate, Master Sgt. John H. Campbell and his wife, Susan, Holts Summit.

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

SENATE CALENDAR

SIXTY-SECOND DAY-THURSDAY, APRIL 29, 2004

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 1196-Klindt
SCS for SB 1096-Caskey

SB 1153-Cauthorn

SENATE BILLS FOR PERFECTION

SB 1185-Gross

HOUSE BILLS ON THIRD READING

1. HCS for HBs 795, 972, 1128 & 1161,
with SCS (Childers)
2. HS for HCS for HB 978-Baker
(Yeckel) (In Fiscal Oversight)
3. HCS for HB 959, with SCS (Yeckel)
4. HB 1493-Emery, et al, with SCS
(Steelman)
5. HCS for HB 1288, with SCS
(Griesheimer)
6. HCS for HB 1040 & HCS for HB 1041,
with SCS (Nodler) (In Fiscal
Oversight)
7. HS for HCS for HBs 1268 & 1211-
Smith (118), with SCS (Loudon)
(In Fiscal Oversight)
8. HCS for HB 1177, with SCS
(Cauthorn)
9. HCS for HB 980 (Klindt)
10. HCS for HB 1115 (Gross)
11. HCS for HBs 998 & 905 (Griesheimer)
12. HCS for HB 833, with SCS (Vogel)
13. HCS for HB 898, with SCS (Shields)
14. HCS for HBs 946, 1106 & 952, with
SCS (Dolan)
15. HS for HB 1487-Self (Scott)
16. HCS for HB 1055 (Vogel) (In Fiscal
Oversight)
17. HCS for HB 1215, with SCS (Bartle)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 728-Steelman, with SCS

SB 735-Foster, et al, with SCS

SBs 738 & 790-Loudon, with SCS & SS for SCS (pending)	SB 1128-Cauthorn, with SCS
SS for SS for SCS for SB 755-Shields	SB 1132-Steelman, et al, with SCS
SBs 774 & 915-Wheeler, with SCS	SB 1138-Bartle
SB 787-Childers, with SCS, SA 1 & SSA 1 for SA 1 (pending)	SB 1159-Foster and Dougherty
SB 809-Klindt, with SCS, SS for SCS & SA 2 (pending)	SB 1180-Shields and Kinder, with SCS
SB 817-Kennedy and Griesheimer, with SCS	SB 1198-Russell, with SCA 1
SB 856-Loudon, with SCS, SS for SCS, SS for SS for SCS, SA 2 & SSA 1 for SA 2 (pending)	SB 1213-Steelman and Gross, with SCS
SB 906-Foster, with SCS, SS for SCS & SA 2 (pending)	SB 1227-Russell, et al, with SCS
SBs 908 & 719-Cauthorn, with SCS	SB 1232-Clemens, et al, with SCS (pending)
SB 933-Yeckel, et al	SB 1234-Mathewson and Childers, with SCS, SS for SCS, SA 4 & point of order (pending)
SB 989-Gross, et al, with SCS (pending)	SB 1254-Klindt, with SCS
SB 990-Loudon, with SCS	SB 1277-Yeckel, with SCS
SB 1037-Steelman and Stoll, with SCS	SBs 1332 & 1341-Caskey and Mathewson, with SCS
SBs 1069, 1068, 1025, 1005 & 1089-Gross and Griesheimer, with SCS, SS for SCS, SA 2 & SA 2 to SA 2 (pending)	SB 1355-Days
SB 1124-Goode and Steelman, with SCS	SB 1366-Yeckel, with SCS
	SJR 24-Caskey and Bartle, with SCS
	SJR 25-Yeckel
	SJR 26-Yeckel
	SJR 40-Stoll
	SJR 41-Kinder, et al, with SCS

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HOUSE BILLS ON THIRD READING

HB 969-Cooper, et al, with SA 1 (pending) (Bartle)	HS for HCS for HB 1566-Stefanick, with SCS, SS for SCS, SS for SS for SCS, SA 1 & SSA 1 for SA 1 (pending) (Cauthorn)
HCS for HB 1182, with SCS (Klindt)	
SCS for HCS for HB 1305 (Scott) (In Fiscal Oversight)	

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 741-Klindt

Reported 3/15

SB 1189-Scott, with SCS

House Bills

Reported 4/5

SCS for HBs 1071, 801, 1275 & 989-
Goodman (Childers)

HB 975-Johnson (47), et al (Wheeler)

Reported 4/7

HB 1070-Miller, et al (Scott)
HB 938-Luetkemeyer, with SCS (Loudon)
HCS for HB 985 (Childers)

HB 970-Portwood, et al (Shields)
HS for HCS for HB 1290-Portwood, with
SCS (Steelman)

Unofficial
Reported 4/13

HB 822-Luetkemeyer, et al, with SCS
(Vogel)
HB 1187-Ervin, et al (Quick)
HCS for HB 1321, with SCS (Klindt)
HB 1362-Hobbs, et al (Cauthorn)
HB 1377-Sutherland, et al (Griesheimer)
HB 1398-Lager (Klindt)

HB 1407-Mayer and Villa (Dolan)
HCS for HB 1456 & HB 824, with SCS
(Foster)
HB 1494-Ervin (Quick)
HBs 1613, 1445, 1454, 1462, HCS for
HB 1471, HBs 1608, 1612 & 1635-
Morris, with SCS (Champion)

Reported 4/14

HB 1603-Lager (Klindt)
HCS for HBs 1529 & 1655 (Griesheimer)
HCS for HB 1136, with SCS (Dolan)
HCS for HB 1422 (Cauthorn)
HCS for HB 1171 (Klindt)
HB 1259-Threlkeld (Griesheimer)
HB 1126-Seigfreid, et al (Mathewson)
HCS for HB 1198 (Loudon)
HB 1502-Wilson (42), et al (Wheeler)
HB 1217-Johnson (47), et al, with SCS
(Wheeler)

HB 1572-St. Onge, et al (Loudon)
HCS for HB 1614 (Steelman) (In Fiscal
Oversight)
HCS for HB 1253, with SCS (Loudon)
HB 884-Ward (Loudon)
HCS for HB 1233 (Griesheimer)
HCS for HB 1090 (Quick)
HB 1440-Deeken, with SCS (Scott)
HB 1508-Baker (Bartle)
HCS for HB 1660, with SCS (Klindt)
HB 1616-Hanaway, et al (Gibbons)

HB 1444-Moore, et al (Vogel)
HCS for HB 988 (Bartle)

HB 1634-Behnen, with SCS (Gross)

Reported 4/15

HB 1317-Kingery, et al (Gibbons)
HCS for HB 1405 (Callahan)
HB 1114-Skaggs (Loudon)
HB 1167-Kelly (144), et al (Clemens)
HCS for HB 1284 (Dolan)
HCS for HB 912 (Goode)
HCS for HB 1449 (Vogel)
HB 1149-May, et al (Steelman)
HB 1442-Lipke, et al (Kinder)
HB 960-Roark, with SCS (Champion)
HBs 1029, 1438 & 1610-Henke, with SCS
(Dolan)
HB 826 & HCS for HB 883-Kelley (144),
with SCS (Russell)
HBs 996, 1142, HCS for HB 1201 &
HB 1489-Dusenberg, et al, with SCS (Bartle)

HCS for HB 928, HCS for HB 1123 & HCS
for HB 1280-Bivins, with SCS
(Yeckel)
HCS for HB 1179 (Days)
HCS for HBs 1631 & 1623 (Champion)
HCS for HB 798, with SCS (Klindt)
HB 1364-Bishop, et al, with SCS (Quick)
HB 1188-Lipke, et al, with SCS (Bartle)
HB 904-Luetkemeyer (Vogel)
HB 1427-Portwood (Wheeler)
HB 994-Cunningham (145), et al (Scott)
HB 869-Townley, et al (Caskey)
HCS for HB 1192, with SCS (Cauthorn)
HB 1048-Parker, et al (Klindt)

SENATE BILLS WITH HOUSE AMENDMENTS

SS for SCS for SBs 740, 886 & 1178-
Klindt, with HCS, as amended
SS for SCS for SB 1081-Kinder, et al,
with HS for HCS, as amended

SCS for SB 1160-Shields, et al, with HS
for HCS

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

SB 739-Klindt, with HCS,
as amended
HS for HCS for HB 1002-Bearden, with
SCS, as amended (Russell)

HS for HCS for HB 1003-Bearden, with
SCS (Russell)
HS for HCS for HB 1004-Bearden, with
SCS (Russell)

HS for HCS for HB 1005-Bearden, with
SCS, as amended (Russell)

HS for HCS for HB 1006-Bearden, with
SCS (Russell)

HS for HCS for HB 1007-Bearden, with
SCS, as amended (Russell)

HS for HCS for HB 1008-Bearden, with
SCS (Russell)

HS for HCS for HB 1009-Bearden, with
SCS (Russell)

HS for HCS for HB 1010-Bearden, with
SCS, as amended (Russell)

HS for HCS for HB 1011-Bearden, with
SCS, as amended (Russell)

HS for HCS for HB 1012-Bearden, with
SCS, as amended (Russell)

RESOLUTIONS

To be Referred

SCR 49-Nodler

Unofficial
Reported from Committee

SR 1451-Yeckel

SCR 44-Yeckel

SCR 45-Dougherty

SCR 46-Gross

SCR 47-Griesheimer

HCR 10-Myers (Klindt)

HCR 12-Kelly (36) (Mathewson)

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