

Journal of the Senate

SECOND REGULAR SESSION

SIXTY-THIRD DAY—MONDAY, MAY 3, 2004

The Senate met pursuant to adjournment.

Senator Bartle in the Chair.

Reverend Carl Gauck offered the following prayer:

“Thus far the Lord has helped us.” (1 Samuel 7:12b)

Thus far You have helped us almighty God and we are grateful for Your guidance. We pray, continue to bless and lead us as we enter these last two weeks of deliberations and action. And Lord make us mindful of our obligations to seek justice and do good in all that we do here. 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 for Thursday, April 29, 2004, was read and approved.

Photographers from the Associated Press 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

RESOLUTIONS

Senator Gross offered Senate Resolution No. 1844, regarding Feldewerth-Thebeau, Inc., St. Charles, which was adopted.

Senator Gross offered Senate Resolution No. 1845, regarding Quilogy, Inc., St. Charles, which was adopted.

Senator Gross offered Senate Resolution No. 1846, regarding Wiegmann Associates, St. Charles, which was adopted.

Senator Mathewson offered Senate Resolution No. 1847, regarding Jack L. Osborn, Sedalia, which was adopted.

Senator Bland offered Senate Resolution No. 1848, regarding the late Joanne Kay Stone and the Joanne Stone Lupus Assistance Fund, Kansas City, which was adopted.

Senator Quick offered Senate Resolution No. 1849, regarding Seth Thomas “Tommy” Johnsen,

Kearney, which was adopted.

Senator Bland offered Senate Resolution No. 1850, regarding Dr. Nabih I. Abdou, Ph.D., Prairie Village, Kansas, which was adopted.

Senator Quick offered Senate Resolution No. 1851, regarding James Parker Southworth, Kearney, which was adopted.

Senator Bray offered Senate Resolution No. 1852, regarding Traci E. Daffer, which was adopted.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
April 30, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Jeffrey N. Davis, Republican, 1010 El Dorado Drive, Jefferson City, Cole County, Missouri 65101, as a member of the Public Service Commission, for a term ending May 5, 2006, and until his successor is duly appointed and qualified; vice, Kelvin Simmons, resigned.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
April 30, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Karen M. Graves, Republican, 12518 Lakeland Drive, St. Joseph, Andrew County, Missouri 64506, as a member of the Tourism Commission, for a term ending January 15, 2007, and until her successor is duly appointed and qualified; vice, Peter Brown, term expired.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
April 30, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Shirley Langley Hindman, Ph.D., Democrat, 2045 Highway F, Harviell, Butler County, Missouri 63945, as a member of the State Board of Education, for a term ending July 1, 2008, and until her successor is duly appointed and qualified; vice, Patt A. Sharp, resigned.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
April 30, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Stephen B. Hoven, Republican, 645 Huntley Heights, Manchester, St. Louis County, Missouri 63021, as a member of the Health and Educational Facilities Authority of the State of Missouri, for a term ending July 30, 2008, and until his successor is duly appointed and qualified; vice, Robert Bell, term expired.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
April 30, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Penny V. Hubbard, Democrat, 1025 N. 16th Street, St. Louis City, Missouri 63106, as a member of the Board of Probation and Parole, for a term ending April 3, 2010, and until her successor is duly appointed and qualified; vice, Darrel Ashlock, term expired.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
April 30, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Diane Janice Seif, 4341 NE Maplegate Drive, Lee’s Summit, Jackson County, Missouri 64064, as a member of the Life Sciences Research Board, for a term ending April 8, 2008, and until her successor is duly appointed and qualified; vice, RSMo 196.1103.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
April 30, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Thomas L. Slight, 4361 East Berkeley St., Springfield, Greene County, Missouri 65809, as a member of the Life Sciences Research Board, for a term ending April 8, 2006, and until his successor is duly appointed and qualified; vice, RSMo 196.1103.

Respectfully submitted,
BOB HOLDEN
Governor

President Pro Tem Kinder referred the above appointments to the Committee on gubernatorial appointments.

HOUSE BILLS ON THIRD READING

HB 822, with **SCS**, introduced by Representative Luetkemeyer, et al, entitled:

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to amateur radio antenna regulations.

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

SCS for **HB 822**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 822

An Act to amend chapter 67, RSMo, by

adding thereto one new section relating to amateur radio antenna regulations.

Was taken up.

Senator Vogel moved that **SCS** for **HB 822** be adopted, which motion prevailed.

On motion of Senator Vogel, **SCS** for **HB 822** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Caskey
Cauthorn	Childers	Clemens	Days
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel—29			

NAYS—Senator Jacob—1

Absent—Senator Dolan—1

Absent with leave—Senators

Bland Champion Coleman—3

The President declared the bill passed.

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

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

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

HCS for **HB 1321**, with **SCS**, entitled:

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to neighborhood improvement districts.

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

SCS for **HCS** for **HB 1321**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1321

An Act to repeal sections 67.457 and 67.469, RSMo, and to enact in lieu thereof three new

sections relating to neighborhood improvement districts.

Was taken up.

Senator Klindt moved that **SCS** for **HCS** for **HB 1321** be adopted, which motion prevailed.

On motion of Senator Klindt, **SCS** for **HCS** for **HB 1321** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Bland	Champion	Coleman—3
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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.

HCS for **HB 1456** and **HB 824**, introduced by Representative Seigfreid, with **SCS**, entitled respectively:

An Act to amend chapter 94, RSMo, by adding thereto one new section relating to transient guest taxes.

An Act to repeal section 94.834, RSMo, and to enact in lieu thereof one new section relating to municipal transient guest taxes.

Were called from the Consent Calendar and taken up by Senator Foster.

SCS for **HCS** for **HB 1456** and **HB 824**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1456
AND HOUSE BILL NO. 824

An Act to repeal section 94.834, RSMo, and to enact in lieu thereof two new sections relating to transient guest taxes.

Was taken up.

Senator Foster moved that **SCS** for **HCS** for **HB 1456** and **HB 824** be adopted, which motion prevailed.

On motion of Senator Foster, **SCS** for **HCS** for **HB 1456** and **HB 824** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Caskey
Cauthorn	Childers	Clemens	Coleman
Days	Dolan	Foster	Gibbons
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel—29			

NAYS—Senators—None

Absent—Senators

Dougherty	Goode	Quick—3
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Absent with leave—Senators

Bland	Champion—2
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The President declared the bill passed.

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

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

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

HCS for **HB 1136**, with **SCS**, entitled:

An Act to amend chapter 194, RSMo, by adding thereto six new sections relating to the

disposition of fetal remains act.

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

SCS for HCS for HB 1136, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1136

An Act to repeal sections 193.165 and 193.255, RSMo, and to enact in lieu thereof eight new sections relating to miscarriages and stillbirths.

Was taken up.

Senator Dolan moved that **SCS for HCS for HB 1136** be adopted.

Senator Childers assumed the Chair.

A quorum was established by the following vote:

Present—Senators

Bray	Callahan	Caskey	Childers
Clemens	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel—28

Absent—Senators

Bartle	Coleman	Quick—3
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Absent with leave—Senators

Bland	Cauthorn	Champion—3
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Senator Dolan moved that **SCS for HCS for HB 1136** be adopted, which motion prevailed.

On motion of Senator Dolan, **SCS for HCS for HB 1136** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bland	Bray	Callahan
Caskey	Childers	Clemens	Days
Dolan	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Russell	Scott	Shields

Steelman	Stoll	Vogel	Wheeler
Yeckel—29			

NAYS—Senators—None

Absent—Senators

Coleman	Dougherty	Quick—3
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Absent with leave—Senators

Cauthorn	Champion—2
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The President declared the bill passed.

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

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

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

Senator Russell requested unanimous consent of the Senate for the Senate conferees on **SCS for HS for HCS for HBs 1002 through 1012** to be allowed to meet while the Senate is in session, which request was granted.

HCS for HB 959, with **SCS**, entitled:

An Act to repeal sections 33.103, 166.435, 408.032, 408.140, 408.190, 408.232, 432.045, 443.130, and 575.120, RSMo, and to enact in lieu thereof twenty-seven new sections relating to banking, with penalty provisions.

Was taken up by Senator Yeckel.

SCS for HCS for HB 959, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 959

An Act to repeal sections 33.103, 166.415, 166.435, 408.032, 408.140, 408.190, 408.232, 443.130, 506.290, and 541.033, RSMo, and sections 570.223 and 570.224 as truly agreed to and finally passed by the second regular session of the ninety-second general assembly in senate committee substitute for house bill no. 916, and to enact in lieu thereof thirty-two new sections relating to banking, with penalty provisions.

Was taken up.

Senator Yeckel moved that **SCS** for **HCS** for **HB 959** be adopted.

Senator Bartle assumed the Chair.

Senator Caskey offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 959, Page 27, Section 1, Line 8, by inserting immediately after the word "rate" the following: "**provided that no more than twenty percent of the debt of the public entity to be outstanding on the day after the issuance of any variable rate debt shall be variable rate debt**".

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

Senator Shields offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 959, Page 23, Section 506.290, Line 17, by inserting after all of said line the following:

"513.430. 1. The following property shall be exempt from attachment and execution to the extent of any person's interest therein:

(1) Household furnishings, household goods, wearing apparel, appliances, books, animals, crops or musical instruments that are held primarily for personal, family or household use of such person or a dependent of such person, not to exceed [one] **three** thousand dollars in value in the aggregate;

(2) **A wedding ring not to exceed one thousand five hundred dollars in value and other** jewelry held primarily for the personal, family or household use of such person or a dependent of such person, not to exceed five hundred dollars in value in the aggregate;

(3) Any other property of any kind, not to exceed in value [four] **six** hundred dollars in the aggregate;

(4) Any implements, professional books or

tools of the trade of such person or the trade of a dependent of such person not to exceed [two] **three** thousand dollars in value in the aggregate;

(5) Any motor vehicle **in the aggregate**, not to exceed [one] **three** thousand dollars in value;

(6) Any mobile home used as the principal residence **but not on or attached to real property in which the debtor has a fee interest**, not to exceed [one] **five** thousand dollars in value;

(7) Any one or more unmaturing life insurance contracts owned by such person, other than a credit life insurance contract;

(8) The amount of any accrued dividend or interest under, or loan value of, any one or more unmaturing life insurance contracts owned by such person under which the insured is such person or an individual of whom such person is a dependent; provided, however, that if proceedings under Title 11 of the United States Code are commenced by or against such person, the amount exempt in such proceedings shall not exceed in value one hundred fifty thousand dollars in the aggregate less any amount of property of such person transferred by the life insurance company or fraternal benefit society to itself in good faith if such transfer is to pay a premium or to carry out a nonforfeiture insurance option and is required to be so transferred automatically under a life insurance contract with such company or society that was entered into before commencement of such proceedings. No amount of any accrued dividend or interest under, or loan value of, any such life insurance contracts shall be exempt from any claim for child support. Notwithstanding anything to the contrary, no such amount shall be exempt in such proceedings under any such insurance contract which was purchased by such person within one year prior to the commencement of such proceedings;

(9) Professionally prescribed health aids for such person or a dependent of such person;

(10) Such person's right to receive:

(a) A Social Security benefit, unemployment compensation or a local public assistance benefit;

(b) A veteran's benefit;

(c) A disability, illness or unemployment benefit;

(d) Alimony, support or separate maintenance, not to exceed [five] **seven** hundred **fifty** dollars a month;

(e) Any payment under a stock bonus plan, pension plan, disability or death benefit plan, profit-sharing plan, nonpublic retirement plan or any plan described, defined, or established pursuant to section 456.072, RSMo, the person's right to a participant account in any deferred compensation program offered by the state of Missouri or any of its political subdivisions, or annuity or similar plan or contract on account of illness, disability, death, age or length of service, to the extent reasonably necessary for the support of such person and any dependent of such person unless:

a. Such plan or contract was established by or under the auspices of an insider that employed such person at the time such person's rights under such plan or contract arose;

b. Such payment is on account of age or length of service; and

c. Such plan or contract does not qualify under Section 401(a), 403(a), 403(b), 408, 408A or 409 of the Internal Revenue Code of 1986, as amended, (26 U.S.C. 401(a), 403(a), 403(b), 408, 408A or 409);

except that any such payment to any person shall be subject to attachment or execution pursuant to a qualified domestic relations order, as defined by Section 414(p) of the Internal Revenue Code of 1986, as amended, issued by a court in any proceeding for dissolution of marriage or legal separation or a proceeding for disposition of property following dissolution of marriage by a court which lacked personal jurisdiction over the absent spouse or lacked jurisdiction to dispose of marital property at the time of the original judgment of dissolution;

(f) Any money or assets, payable to a participant or beneficiary from, or any interest of

any participant or beneficiary in, a retirement plan or profit-sharing plan that is qualified under Section 401(a), 403(a), 403(b), 408, 408A or 409 of the Internal Revenue Code of 1986, as amended, except as provided in this paragraph. Any plan or arrangement described in this paragraph shall not be exempt from the claim of an alternate payee under a qualified domestic relations order; however, the interest of any and all alternate payees under a qualified domestic relations order shall be exempt from any and all claims of any creditor, other than the state of Missouri through its division of family services. As used in this paragraph, the terms "alternate payee" and "qualified domestic relations order" have the meaning given to them in Section 414(p) of the Internal Revenue Code of 1986, as amended.

If proceedings under Title 11 of the United States Code are commenced by or against such person, no amount of funds shall be exempt in such proceedings under any such plan, contract, or trust which is fraudulent as defined in section 456.630, RSMo, and for the period such person participated within three years prior to the commencement of such proceedings. For the purposes of this section, when the fraudulently conveyed funds are recovered and after, such funds shall be deducted and then treated as though the funds had never been contributed to the plan, contract, or trust;

(11) The debtor's right to receive, or property that is traceable to, a payment on account of the wrongful death of an individual of whom the debtor was a dependent, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor.

2. Nothing in this section shall be interpreted to exempt from attachment or execution for a valid judicial or administrative order for the payment of child support or maintenance any money or assets, payable to a participant or beneficiary from, or any interest of any participant or beneficiary in, a retirement plan which is qualified pursuant to Section 408A of the Internal Revenue Code of 1986, as amended.

513.440. Each head of a family may select and hold, exempt from execution, any other property, real, personal or mixed, or debts and wages, not exceeding in value the amount of [eight hundred fifty dollars plus two hundred] **one thousand two hundred fifty dollars plus three hundred fifty dollars** for each of such person's unmarried dependent children under the age of eighteen years **or dependent as defined by the Internal Revenue Code of 1986, as amended, determined to be disabled by the Social Security Administration**, except ten percent of any debt, income, salary or wages due such head of a family.”; and

Further amend the title and enacting clause accordingly.

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

Senator Jacob offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 959, Page 6, Section 166.435, Line 1, by deleting said section and amend the title and enacting clause accordingly.

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

Senator Yeckel moved that **SCS for HCS for HB 959**, as amended, be adopted, which motion prevailed.

Senator Yeckel moved that **SCS for HCS for HB 959**, as amended, be read the 3rd time and finally passed.

Senator Yeckel was recognized to close.

At the request of Senator Yeckel, **SCS for HCS for HB 959**, as amended, was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **HCS for HB 1614; HCS for HB 1055; SCS for HCS for HB 1305; HS for HCS for HB 978; HS for HCS for HBs 1268 and 1211**, with **SCS; HCS for HB 1040 and HCS for HB 1041**, with **SCS**; and **SS for SCS for HCS for HBs 795, 972, 1128 and 1161**, begs leave to report that it has considered the same and recommends that the bills do pass.

HOUSE BILLS ON THIRD READING

Senator Childers moved that **SS for SCS for HCS for HBs 795, 972, 1128 and 1161**, as amended, be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS for SCS for HCS for HBs 795, 972, 1128 and 1161, as amended, 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
Wheeler	Yeckel—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

The President declared the bill passed.

The emergency clause was adopted 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
Wheeler	Yeckel—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

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.

Senator Scott moved that **SCS** for **HCS** for **HB 1305**, as amended, be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SCS for **HCS** for **HB 1305**, as amended, 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	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel—33			

NAYS—Senator Loudon—1

Absent—Senators—None

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

Senator Yeckel moved that **SCS** for **HCS** for **HB 959**, as amended, be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

President Pro Tem Kinder referred **SCS** for **HCS** for **HB 959**, as amended, to the Committee on Governmental Accountability and Fiscal Oversight.

REFERRALS

President Pro Tem Kinder referred **HCS** for **HB 1278**, with **SCS**; and **HS** for **HCS** for **HB 1453**, with **SCS**, to the Committee on Governmental Accountability and Fiscal Oversight.

HOUSE BILLS ON THIRD READING

HCS for **HB 1182**, with **SCS**, entitled:

An Act to repeal sections 148.330, 348.430, and 348.432, RSMo, and to enact in lieu thereof three new sections relating to tax credits.

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

SCS for **HCS** for **HB 1182**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1182

An Act to repeal sections 148.330, 348.430, and 348.432, RSMo, and to enact in lieu thereof three new sections relating to tax credits.

Was taken up.

Senator Klindt moved that **SCS** for **HCS** for **HB 1182** be adopted.

Senator Klindt offered **SS** for **SCS** for **HCS** for **HB 1182**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1182

An Act to repeal sections 148.330, 348.430,

and 348.432, RSMo, and to enact in lieu thereof three new sections relating to tax credits.

Senator Klindt moved that **SS** for **SCS** for **HCS** for **HB 1182** be adopted.

Senator Wheeler offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1182, Page 1, Section A, Line 4, by inserting after all of said line the following:

“135.481. 1. (1) Any taxpayer who incurs eligible costs for a new residence located in a distressed community or within a census block group as described in subdivision (10) of section 135.478, or for a multiple unit condominium described in subdivision (2) of this subsection, shall receive a tax credit equal to fifteen percent of such costs against his or her tax liability. The tax credit shall not exceed forty thousand dollars per new residence in any ten-year period.

(2) For the purposes of this section, a "multiple unit condominium" is one that is intended to be owner occupied, which is constructed on property subject to an industrial development contract as defined in section 100.310, RSMo, and which lies within an area with a city zoning classification of urban redevelopment district established after January 1, 2000, and before December 31, 2001, and which is constructed in connection with the qualified rehabilitation of a structure more than ninety years old eligible for the historic structures rehabilitation tax credit described in sections 253.545 to 253.559, RSMo, and is under way by January 1, 2000, and completed by January 1, 2002.

2. Any taxpayer who incurs eligible costs for a new residence located within a census block as described in subdivision (6) of section 135.478 shall receive a tax credit equal to fifteen percent of such costs against his or her tax liability. The tax credit shall not exceed twenty-five thousand dollars per new residence in any ten-year period.

3. Any taxpayer who is not performing substantial rehabilitation and who incurs eligible costs for rehabilitation of an eligible residence or a qualifying residence shall receive a tax credit equal to twenty-five percent of such costs against his or her tax liability. The minimum eligible costs for rehabilitation of an eligible residence shall be ten thousand dollars. The minimum eligible costs for rehabilitation of a qualifying residence shall be five thousand dollars. The tax credit shall not exceed twenty-five thousand dollars in any ten-year period.

4. Any taxpayer who incurs eligible costs for substantial rehabilitation of a qualifying residence shall receive a tax credit equal to thirty-five percent of such costs against his or her tax liability. The minimum eligible costs for substantial rehabilitation of a qualifying residence shall be ten thousand dollars. The tax credit shall not exceed seventy thousand dollars in any ten-year period.

5. A taxpayer shall be eligible to receive tax credits for new construction or rehabilitation pursuant to only one subsection of this section.

6. No tax credit shall be issued pursuant to this section for any structure which is in violation of any municipal or county property, maintenance or zoning code.

7. No tax credit shall be issued pursuant to sections 135.475 to 135.487 for the construction or rehabilitation of rental property.

8. Any taxpayer who has obtained approvals of multiple phase projects before December 31, 2004, and who incurs eligible costs for a new residence in an area described in subsection 2 of this section that is constructed on property subject to the industrial development provisions of sections 100.300 to 100.600 and that lies within an area with a city zoning classification of urban redevelopment district may reallocate the tax credits within the phases in an amount not to exceed thirty-five percent of such costs up to seventy thousand dollars per residence in any ten-year period.”;
and

Further amend the title and enacting clause accordingly.

Senator Wheeler moved that the above amendment be adopted.

Senator Kennedy raised the point of order that SA 1 is out of order as it goes beyond the scope and purpose of the bill.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

SA 1 was again taken up.

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

Senator Kennedy offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1182, Page 1, Section A, Line 4, by inserting immediately after said line the following:

“135.562. 1. This section shall be known and may be cited as the “Accessible Home Tax Credit Program”.

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) **“Disability”, a physical impairment which substantially limits one or more of a person's major life activities;**

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

(5) **“Taxpayer”, any non-corporate taxpayer.**

3. If any taxpayer with a federal adjusted gross income of thirty thousand dollars or less who incurs costs for the purpose of making all or

any portion of such taxpayer's principal dwelling accessible to an individual with a disability who permanently resides with the taxpayer, such taxpayer shall receive a tax credit against such taxpayer's Missouri income tax liability in an amount equal to the lesser of one hundred percent of such costs or two thousand five hundred dollars. Tax credits issued pursuant to this subsection are refundable in an amount not to exceed two thousand five hundred dollars per tax year and shall be subject to appropriation.

4. Any taxpayer with a federal adjusted gross income greater than thirty thousand dollars but less than sixty thousand dollars who incurs costs for the purpose of making all or any portion of such taxpayer's principal dwelling accessible to an individual with a disability who permanently resides with the taxpayer, such taxpayer shall receive a tax credit against such taxpayer's Missouri income tax liability in an amount equal to the lesser of fifty percent of such costs or two thousand five hundred dollars per tax year. Tax credits issued pursuant to this subsection are refundable in an amount not to exceed two thousand five hundred dollars per tax year.

5. In no event shall the aggregate amount of all tax credits allowed pursuant to this section exceed one hundred thousand dollars. The tax credits issued pursuant to this subsection will be on a first-come, first-served filing basis.

6. Eligible costs for which the credit may be claimed include:

(1) **Constructing entrance or exit ramps;**

(2) **Widening exterior or interior doorways;**

(3) **Widening hallways;**

(4) **Installing handrails or grab bars;**

(5) **Moving electrical outlets and switches;**

(6) **Installing stairway lifts;**

(7) **Installing or modifying fire alarms, smoke detectors, and other alerting systems;**

(8) **Modifying hardware of doors; or**

(9) Modifying bathrooms.

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

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

9. 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, 2004, shall be invalid and void.

10. The provisions of this section shall apply to all tax years beginning on or after January 1, 2005.

11. The provisions of this section shall expire December 31, 2010.”; and

Further amend the title and enacting clause accordingly.

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

Senator Mathewson offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1182, Page 1, Section A, Line 4, by inserting after all of said line the following:

“100.710. As used in sections 100.700 to 100.850, the following terms mean:

(1) “Assessment”, an amount of up to five percent of the gross wages paid in one year by an eligible industry to all eligible employees in new jobs, or up to ten percent if the economic development project is located within a distressed community as defined in section 135.530, RSMo;

(2) “Board”, the Missouri development finance board as created by section 100.265;

(3) “Certificates”, the revenue bonds or notes authorized to be issued by the board pursuant to section 100.840;

(4) “Credit”, the amount agreed to between the board and an eligible industry, but not to exceed the assessment attributable to the eligible industry's project;

(5) “Department”, the Missouri department of economic development;

(6) “Director”, the director of the department of economic development;

(7) “Economic development project”:

(a) The acquisition of any real property by the board, the eligible industry, or its affiliate; or

(b) The fee ownership of real property by the eligible industry or its affiliate; and

(c) For both paragraphs (a) and (b) of this subdivision, “economic development project” shall also include the development of the real property including construction, installation, or equipping of a project, including fixtures and equipment, and facilities necessary or desirable for improvement of the real property, including surveys; site tests and inspections; subsurface site work; excavation; removal of structures, roadways, cemeteries and other surface obstructions; filling, grading and

provision of drainage, storm water retention, installation of utilities such as water, sewer, sewage treatment, gas, electricity, communications and similar facilities; off-site construction of utility extensions to the boundaries of the real property; and the acquisition, installation, or equipping of facilities on the real property, for use and occupancy by the eligible industry or its affiliates;

(8) “Eligible employee”, a person employed on a full-time basis in a new job at the economic development project averaging at least thirty-five hours per week who was not employed by the eligible industry or a related taxpayer in this state at any time during the twelve-month period immediately prior to being employed at the economic development project. For an essential industry, a person employed on a full-time basis in an existing job at the economic development project averaging at least thirty-five hours per week may be considered an eligible employee for the purposes of the program authorized by sections 100.700 to 100.850;

(9) “Eligible industry”, a business located within the state of Missouri which is engaged in interstate or intrastate commerce for the purpose of manufacturing, processing or assembling products, conducting research and development, or providing services in interstate commerce, office industries, or agricultural processing, but excluding retail, health or professional services. “Eligible industry” does not include a business which closes or substantially reduces its operation at one location in the state and relocates substantially the same operation to another location in the state. This does not prohibit a business from expanding its operations at another location in the state provided that existing operations of a similar nature located within the state are not closed or substantially reduced. This also does not prohibit a business from moving its operations from one location in the state to another location in the state for the purpose of expanding such operation provided that the board determines that such expansion cannot reasonably be accommodated within the municipality in which such business is located, or in the case of a business located in an incorporated

area of the county, within the county in which such business is located, after conferring with the chief elected official of such municipality or county and taking into consideration any evidence offered by such municipality or county regarding the ability to accommodate such expansion within such municipality or county. An eligible industry must:

(a) Invest a minimum of fifteen million dollars, or ten million dollars for an office industry, in an economic development project; and

(b) Create a minimum of one hundred new jobs for eligible employees at the economic development project or a minimum of five hundred jobs if the economic development project is an office industry or a minimum of two hundred new jobs if the economic development project is an office industry located within a distressed community as defined in section 135.530, RSMo, **in the case of an approved company for a project for a world headquarters of a business whose primary function is tax return preparation in any home rule city with more than four hundred thousand inhabitants and located in more than one county, create a minimum of one hundred new jobs for eligible employees at the economic development project.** An industry that meets the definition of “essential industry” may be considered an eligible industry for the purposes of the program authorized by sections 100.700 to 100.850;

(10) “Essential industry”, a business that otherwise meets the definition of eligible industry except an essential industry shall:

(a) Be a targeted industry;

(b) Be located in a home rule city with more than twenty-six thousand but less than twenty-seven thousand inhabitants located in any county with a charter form of government and with more than one million inhabitants;

(c) Have maintained at least two thousand jobs at the proposed economic development project site each year for a period of four years preceding the year in which application for the program authorized by sections 100.700 to 100.850 is made

and during the year in which said application is made;

(d) For the duration of the certificates, retain at the proposed economic development project site the level of employment that existed at the site in the taxable year immediately preceding the year in which application for the program authorized by sections 100.700 to 100.850 is made; and

(e) Invest a minimum of five hundred million dollars in the economic development project by the end of the third year after the issuance of the certificates under this program;

(11) "New job", a job in a new or expanding eligible industry not including jobs of recalled workers, replacement jobs or jobs that formerly existed in the eligible industry in the state. For an essential industry, an existing job may be considered a new job for the purposes of the program authorized by sections 100.700 to 100.850;

(12) "Office industry", a regional, national or international headquarters, a telecommunications operation, a computer operation, an insurance company, or a credit card billing and processing center;

(13) "Program costs", all necessary and incidental costs of providing program services including payment of the principal of premium, if any, and interest on certificates, including capitalized interest, issued to finance a project, and funding and maintenance of a debt service reserve fund to secure such certificates. Program costs shall include:

(a) Obligations incurred for labor and obligations incurred to contractors, subcontractors, builders and materialmen in connection with the acquisition, construction, installation or equipping of an economic development project;

(b) The cost of acquiring land or rights in land and any cost incidental thereto, including recording fees;

(c) The cost of contract bonds and of insurance of all kinds that may be required or

necessary during the course of acquisition, construction, installation or equipping of an economic development project which is not paid by the contractor or contractors or otherwise provided for;

(d) All costs of architectural and engineering services, including test borings, surveys, estimates, plans and specifications, preliminary investigations and supervision of construction, as well as the costs for the performance of all the duties required by or consequent upon the acquisition, construction, installation or equipping of an economic development project;

(e) All costs which are required to be paid under the terms of any contract or contracts for the acquisition, construction, installation or equipping of an economic development project; and

(f) All other costs of a nature comparable to those

100.850. 1. The approved company shall remit to the board a job development assessment fee, not to exceed five percent of the gross wages of each eligible employee whose job was created as a result of the economic development project, or not to exceed ten percent if the economic development project is located within a distressed community as defined in section 135.530, RSMo, for the purpose of retiring bonds which fund the economic development project.

2. Any approved company remitting an assessment as provided in subsection 1 of this section shall make its payroll books and records available to the board at such reasonable times as the board shall request and shall file with the board documentation respecting the assessment as the board may require.

3. Any assessment remitted pursuant to subsection 1 of this section shall cease on the date the bonds are retired.

4. Any approved company which has paid an assessment for debt reduction shall be allowed a tax credit equal to the amount of the assessment. The tax credit may be claimed against taxes otherwise imposed by chapters 143 and 148,

RSMo, except withholding taxes imposed under the provisions of sections 143.191 to 143.265, RSMo, which were incurred during the tax period in which the assessment was made.

5. In no event shall the aggregate amount of tax credits authorized by subsection 4 of this section exceed eleven million dollars annually. **If the approved company shall be a project for a world headquarters of a business whose primary function is tax return preparation in any home rule city with more than four hundred thousand inhabitants and located in more than one county, the aggregate amount of tax credits authorized by subsection 4 of this section shall be increased to eleven million nine hundred fifty thousand dollars annually.**

6. The director of revenue shall issue a refund to the approved company to the extent that the amount of credits allowed in subsection 4 of this section exceeds the amount of the approved company's income tax.”; and

Further amend the title and enacting clause accordingly.

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

Senator Loudon offered SA 4:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1182, Page 1, Section A, Line 4, by inserting after all of said line the following:

“137.100. The following subjects are exempt from taxation for state, county or local purposes:

(1) Lands and other property belonging to this state;

(2) Lands and other property belonging to any city, county or other political subdivision in this state, including market houses, town halls and other public structures, with their furniture and equipments, and on public squares and lots kept open for health, use or ornament;

(3) Nonprofit cemeteries;

(4) The real estate and tangible personal property which is used exclusively for agricultural or horticultural societies organized in this state, including not-for-profit agribusiness associations;

(5) All property, real and personal, actually and regularly used exclusively for religious worship, for schools and colleges, or for purposes purely charitable and not held for private or corporate profit, except that the exemption herein granted does not include real property not actually used or occupied for the purpose of the organization but held or used as investment even though the income or rentals received therefrom is used wholly for religious, educational or charitable purposes;

(6) Household goods, furniture, wearing apparel and articles of personal use and adornment, as defined by the state tax commission, owned and used by a person in his home or dwelling place; [and]

(7) Motor vehicles leased for a period of at least one year to this state or to any city, county, or political subdivision; **and**

(8) Real or personal property leased or otherwise transferred by an interstate compact agency created pursuant to sections 70.370 to 70.430, RSMo, or sections 238.010 to 238.100, RSMo, to another for which or whom such property is not exempt when immediately after the lease or transfer, the interstate compact agency enters into a leaseback or other agreement that directly or indirectly gives such interstate compact agency a right to use, control, and possess the property; provided, however, that in the event of a conveyance of such property, the interstate compact agency must retain an option to purchase the property at a future date or, within the limitations period for reverters, the property must revert back to the interstate compact agency. Property will no longer be exempt under this subdivision in the event of a conveyance as of the date, if any, when:

(a) The right of the interstate compact agency to use, control, and possess the property is terminated;

(b) The interstate compact agency no longer has an option to purchase or otherwise acquire the property; and

(c) There is no provisions for reverter of the property within the limitation period for reverters.

144.030. 1. There is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and from the computation of the tax levied, assessed or payable pursuant to sections 144.010 to 144.525 such retail sales as may be made in commerce between this state and any other state of the United States, or between this state and any foreign country, and any retail sale which the state of Missouri is prohibited from taxing pursuant to the Constitution or laws of the United States of America, and such retail sales of tangible personal property which the general assembly of the state of Missouri is prohibited from taxing or further taxing by the constitution of this state.

2. There are also specifically exempted from the provisions of the local sales tax law as defined in section 32.085, RSMo, section 238.235, RSMo, and sections 144.010 to 144.525 and 144.600 to 144.745 and from the computation of the tax levied, assessed or payable pursuant to the local sales tax law as defined in section 32.085, RSMo, section 238.235, RSMo, and sections 144.010 to 144.525 and 144.600 to 144.745:

(1) Motor fuel or special fuel subject to an excise tax of this state, unless all or part of such excise tax is refunded pursuant to section 142.584, RSMo; or upon the sale at retail of fuel to be consumed in manufacturing or creating gas, power, steam, electrical current or in furnishing water to be sold ultimately at retail; or feed for livestock or poultry; or grain to be converted into foodstuffs which are to be sold ultimately in processed form at retail; or seed, limestone or fertilizer which is to be used for seeding, liming or fertilizing crops which when harvested will be sold at retail or will be fed to livestock or poultry to be sold ultimately

in processed form at retail; economic poisons registered pursuant to the provisions of the Missouri pesticide registration law (sections 281.220 to 281.310, RSMo) which are to be used in connection with the growth or production of crops, fruit trees or orchards applied before, during, or after planting, the crop of which when harvested will be sold at retail or will be converted into foodstuffs which are to be sold ultimately in processed form at retail;

(2) Materials, manufactured goods, machinery and parts which when used in manufacturing, processing, compounding, mining, producing or fabricating become a component part or ingredient of the new personal property resulting from such manufacturing, processing, compounding, mining, producing or fabricating and which new personal property is intended to be sold ultimately for final use or consumption; and materials, including without limitation, gases and manufactured goods, including without limitation, slagging materials and firebrick, which are ultimately consumed in the manufacturing process by blending, reacting or interacting with or by becoming, in whole or in part, component parts or ingredients of steel products intended to be sold ultimately for final use or consumption;

(3) Materials, replacement parts and equipment purchased for use directly upon, and for the repair and maintenance or manufacture of, motor vehicles, watercraft, railroad rolling stock or aircraft engaged as common carriers of persons or property;

(4) Replacement machinery, equipment, and parts and the materials and supplies solely required for the installation or construction of such replacement machinery, equipment, and parts, used directly in manufacturing, mining, fabricating or producing a product which is intended to be sold ultimately for final use or consumption; and machinery and equipment, and the materials and supplies required solely for the operation, installation or construction of such machinery and equipment, purchased and used to establish new, or to replace or expand existing, material recovery processing plants in this state. For the purposes of

this subdivision, a “material recovery processing plant” means a facility which converts recovered materials into a new product, or a different form which is used in producing a new product, and shall include a facility or equipment which is used exclusively for the collection of recovered materials for delivery to a material recovery processing plant but shall not include motor vehicles used on highways. For purposes of this section, the terms “motor vehicle” and “highway” shall have the same meaning pursuant to section 301.010, RSMo;

(5) Machinery and equipment, and parts and the materials and supplies solely required for the installation or construction of such machinery and equipment, purchased and used to establish new or to expand existing manufacturing, mining or fabricating plants in the state if such machinery and equipment is used directly in manufacturing, mining or fabricating a product which is intended to be sold ultimately for final use or consumption;

(6) Tangible personal property which is used exclusively in the manufacturing, processing, modification or assembling of products sold to the United States government or to any agency of the United States government;

(7) Animals or poultry used for breeding or feeding purposes;

(8) Newsprint, ink, computers, photosensitive paper and film, toner, printing plates and other machinery, equipment, replacement parts and supplies used in producing newspapers published for dissemination of news to the general public;

(9) The rentals of films, records or any type of sound or picture transcriptions for public commercial display;

(10) Pumping machinery and equipment used to propel products delivered by pipelines engaged as common carriers;

(11) Railroad rolling stock for use in transporting persons or property in interstate commerce and motor vehicles licensed for a gross weight of twenty-four thousand pounds or more or trailers used by common carriers, as defined in

section 390.020, RSMo, solely in the transportation of persons or property in interstate commerce;

(12) Electrical energy used in the actual primary manufacture, processing, compounding, mining or producing of a product, or electrical energy used in the actual secondary processing or fabricating of the product, or a material recovery processing plant as defined in subdivision (4) of this subsection, in facilities owned or leased by the taxpayer, if the total cost of electrical energy so used exceeds ten percent of the total cost of production, either primary or secondary, exclusive of the cost of electrical energy so used or if the raw materials used in such processing contain at least twenty-five percent recovered materials as defined in section 260.200, RSMo. For purposes of this subdivision, “processing” means any mode of treatment, act or series of acts performed upon materials to transform and reduce them to a different state or thing, including treatment necessary to maintain or preserve such processing by the producer at the production facility;

(13) Anodes which are used or consumed in manufacturing, processing, compounding, mining, producing or fabricating and which have a useful life of less than one year;

(14) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring air pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices, and so certified as such by the director of the department of natural resources, except that any action by the director pursuant to this subdivision may be appealed to the air conservation commission which may uphold or reverse such action;

(15) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring water pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices, and so certified as such by

the director of the department of natural resources, except that any action by the director pursuant to this subdivision may be appealed to the Missouri clean water commission which may uphold or reverse such action;

(16) Tangible personal property purchased by a rural water district;

(17) All amounts paid or charged for admission or participation or other fees paid by or other charges to individuals in or for any place of amusement, entertainment or recreation, games or athletic events, including museums, fairs, zoos and planetariums, owned or operated by a municipality or other political subdivision where all the proceeds derived therefrom benefit the municipality or other political subdivision and do not inure to any private person, firm, or corporation;

(18) All sales of insulin and prosthetic or orthopedic devices as defined on January 1, 1980, by the federal Medicare program pursuant to Title XVIII of the Social Security Act of 1965, including the items specified in Section 1862(a)(12) of that act, and also specifically including hearing aids and hearing aid supplies and all sales of drugs which may be legally dispensed by a licensed pharmacist only upon a lawful prescription of a practitioner licensed to administer those items, including samples and materials used to manufacture samples which may be dispensed by a practitioner authorized to dispense such samples and all sales of medical oxygen, home respiratory equipment and accessories, hospital beds and accessories and ambulatory aids, all sales of manual and powered wheelchairs, stairway lifts, Braille writers, electronic Braille equipment and, if purchased by or on behalf of a person with one or more physical or mental disabilities to enable them to function more independently, all sales of scooters, reading machines, electronic print enlargers and magnifiers, electronic alternative and augmentative communication devices, and items used solely to modify motor vehicles to permit the use of such motor vehicles by individuals with disabilities or sales of over-the-counter or nonprescription drugs

to individuals with disabilities;

(19) All sales made by or to religious and charitable organizations and institutions in their religious, charitable or educational functions and activities and all sales made by or to all elementary and secondary schools operated at public expense in their educational functions and activities;

(20) All sales of aircraft to common carriers for storage or for use in interstate commerce and all sales made by or to not-for-profit civic, social, service or fraternal organizations, including fraternal organizations which have been declared tax-exempt organizations pursuant to Section 501(c)(8) or (10) of the 1986 Internal Revenue Code, as amended, solely in their civic or charitable functions and activities and all sales made to eleemosynary and penal institutions and industries of the state, and all sales made to any private not-for-profit institution of higher education not otherwise excluded pursuant to subdivision (19) of this subsection or any institution of higher education supported by public funds, and all sales made to a state relief agency in the exercise of relief functions and activities;

(21) All ticket sales made by benevolent, scientific and educational associations which are formed to foster, encourage, and promote progress and improvement in the science of agriculture and in the raising and breeding of animals, and by nonprofit summer theater organizations if such organizations are exempt from federal tax pursuant to the provisions of the Internal Revenue Code and all admission charges and entry fees to the Missouri state fair or any fair conducted by a county agricultural and mechanical society organized and operated pursuant to sections 262.290 to 262.530, RSMo;

(22) All sales made to any private not-for-profit elementary or secondary school, all sales of feed additives, medications or vaccines administered to livestock or poultry in the production of food or fiber, all sales of pesticides used in the production of crops, livestock or poultry for food or fiber, all sales of bedding used

in the production of livestock or poultry for food or fiber, all sales of propane or natural gas, electricity or diesel fuel used exclusively for drying agricultural crops, natural gas used in the primary manufacture or processing of fuel ethanol as defined in section 142.028, RSMo, and all sales of farm machinery and equipment, other than airplanes, motor vehicles and trailers. As used in this subdivision, the term “feed additives” means tangible personal property which, when mixed with feed for livestock or poultry, is to be used in the feeding of livestock or poultry. As used in this subdivision, the term “pesticides” includes adjuvants such as crop oils, surfactants, wetting agents and other assorted pesticide carriers used to improve or enhance the effect of a pesticide and the foam used to mark the application of pesticides and herbicides for the production of crops, livestock or poultry. As used in this subdivision, the term “farm machinery and equipment” means new or used farm tractors and such other new or used farm machinery and equipment and repair or replacement parts thereon, and supplies and lubricants used exclusively, solely, and directly for producing crops, raising and feeding livestock, fish, poultry, pheasants, chukar, quail, or for producing milk for ultimate sale at retail and one-half of each purchaser's purchase of diesel fuel therefor which is:

- (a) Used exclusively for agricultural purposes;
- (b) Used on land owned or leased for the purpose of producing farm products; and
- (c) Used directly in producing farm products to be sold ultimately in processed form or otherwise at retail or in producing farm products to be fed to livestock or poultry to be sold ultimately in processed form at retail;

(23) Except as otherwise provided in section 144.032, all sales of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil for domestic use and in any city not within a county, all sales of metered or unmetered water service for domestic use;

- (a) “Domestic use” means that portion of

metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil, and in any city not within a county, metered or unmetered water service, which an individual occupant of a residential premises uses for nonbusiness, noncommercial or nonindustrial purposes. Utility service through a single or master meter for residential apartments or condominiums, including service for common areas and facilities and vacant units, shall be deemed to be for domestic use. Each seller shall establish and maintain a system whereby individual purchases are determined as exempt or nonexempt;

(b) Regulated utility sellers shall determine whether individual purchases are exempt or nonexempt based upon the seller's utility service rate classifications as contained in tariffs on file with and approved by the Missouri public service commission. Sales and purchases made pursuant to the rate classification “residential” and sales to and purchases made by or on behalf of the occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, shall be considered as sales made for domestic use and such sales shall be exempt from sales tax. Sellers shall charge sales tax upon the entire amount of purchases classified as nondomestic use. The seller's utility service rate classification and the provision of service thereunder shall be conclusive as to whether or not the utility must charge sales tax;

(c) Each person making domestic use purchases of services or property and who uses any portion of the services or property so purchased for a nondomestic use shall, by the fifteenth day of the fourth month following the year of purchase, and without assessment, notice or demand, file a return and pay sales tax on that portion of nondomestic purchases. Each person making nondomestic purchases of services or property and who uses any portion of the services or property so purchased for domestic use, and each person making domestic purchases on behalf of occupants of residential apartments or condominiums through a single or

master meter, including service for common areas and facilities and vacant units, under a nonresidential utility service rate classification may, between the first day of the first month and the fifteenth day of the fourth month following the year of purchase, apply for credit or refund to the director of revenue and the director shall give credit or make refund for taxes paid on the domestic use portion of the purchase. The person making such purchases on behalf of occupants of residential apartments or condominiums shall have standing to apply to the director of revenue for such credit or refund;

(24) All sales of handcraft items made by the seller or the seller's spouse if the seller or the seller's spouse is at least sixty-five years of age, and if the total gross proceeds from such sales do not constitute a majority of the annual gross income of the seller;

(25) Excise taxes, collected on sales at retail, imposed by Sections 4041, 4061, 4071, 4081, 4091, 4161, 4181, 4251, 4261 and 4271 of Title 26, United States Code. The director of revenue shall promulgate rules pursuant to chapter 536, RSMo, to eliminate all state and local sales taxes on such excise taxes;

(26) Sales of fuel consumed or used in the operation of ships, barges, or waterborne vessels which are used primarily in or for the transportation of property or cargo, or the conveyance of persons for hire, on navigable rivers bordering on or located in part in this state, if such fuel is delivered by the seller to the purchaser's barge, ship, or waterborne vessel while it is afloat upon such river;

(27) All sales made to an interstate compact agency created pursuant to sections 70.370 to 70.430, RSMo, or sections 238.010 to 238.100, RSMo, in the exercise of the functions and activities of such agency as provided pursuant to the compact;

(28) Computers, computer software and computer security systems purchased for use by architectural or engineering firms headquartered in this state. For the purposes of this subdivision,

“headquartered in this state” means the office for the administrative management of at least four integrated facilities operated by the taxpayer is located in the state of Missouri;

(29) All livestock sales when either the seller is engaged in the growing, producing or feeding of such livestock, or the seller is engaged in the business of buying and selling, bartering or leasing of such livestock;

(30) All sales of barges which are to be used primarily in the transportation of property or cargo on interstate waterways;

(31) Electrical energy or gas, whether natural, artificial or propane, which is ultimately consumed in connection with the manufacturing of cellular glass products;

(32) Notwithstanding other provisions of law to the contrary, all sales of pesticides or herbicides used in the production of crops, aquaculture, livestock or poultry;

(33) Tangible personal property purchased for use or consumption directly or exclusively in the research and development of prescription pharmaceuticals consumed by humans or animals;

(34) All sales of grain bins for storage of grain for resale;

(35) All sales of feed which are developed for and used in the feeding of pets owned by a commercial breeder when such sales are made to a commercial breeder, as defined in section 273.325, RSMo, and licensed pursuant to sections 273.325 to 273.357, RSMo;

(36) All purchases by a contractor on behalf of an entity located in another state, provided that the entity is authorized to issue a certificate of exemption for purchases to a contractor under the provisions of that state's laws. For purposes of this subdivision, the term “certificate of exemption” shall mean any document evidencing that the entity is exempt from sales and use taxes on purchases pursuant to the laws of the state in which the entity is located. Any contractor making purchases on behalf of such entity shall maintain a copy of the

entity's exemption certificate as evidence of the exemption. If the exemption certificate issued by the exempt entity to the contractor is later determined by the director of revenue to be invalid for any reason and the contractor has accepted the certificate in good faith, neither the contractor or the exempt entity shall be liable for the payment of any taxes, interest and penalty due as the result of use of the invalid exemption certificate. Materials shall be exempt from all state and local sales and use taxes when purchased by a contractor for the purpose of fabricating tangible personal property which is used in fulfilling a contract for the purpose of constructing, repairing or remodeling facilities for the following:

(a) An exempt entity located in this state, if the entity is one of those entities able to issue project exemption certificates in accordance with the provisions of section 144.062; or

(b) An exempt entity located outside the state if the exempt entity is authorized to issue an exemption certificate to contractors in accordance with the provisions of that state's law and the applicable provisions of this section;

(37) Tangible personal property purchased for use or consumption directly or exclusively in research or experimentation activities performed by life science companies and so certified as such by the director of the department of economic development or the director's designees; except that, the total amount of exemptions certified pursuant to this section shall not exceed one million three hundred thousand dollars in state and local taxes per fiscal year. For purposes of this subdivision, the term "life science companies" means companies whose primary research activities are in agriculture, pharmaceuticals, biomedical or food ingredients, and whose North American Industry Classification System (NAICS) Codes fall under industry 541710 (biotech research or development laboratories), 621511 (medical laboratories) or 541940 (veterinary services). The exemption provided by this subdivision shall expire on June 30, 2003;

(38) All sales or other transfers of tangible

personal property to a lessor, who leases the property under a lease of one year or longer executed or in effect at the time of the sale or other transfer, to an interstate compact agency created pursuant to sections 70.370 to 70.430, RSMo, or sections 238.010 to 238.100, RSMo.

144.615. There are specifically exempted from the taxes levied in sections 144.600 to 144.745:

(1) Property, the storage, use or consumption of which this state is prohibited from taxing pursuant to the constitution or laws of the United States or of this state;

(2) Property, the gross receipts from the sale of which are required to be included in the measure of the tax imposed pursuant to the Missouri sales tax law;

(3) Tangible personal property, the sale **or other transfer** of which, if made in this state, would be exempt from or not subject to the Missouri sales tax pursuant to the provisions of subsections 2 and 3 of section 144.030;

(4) Motor vehicles, trailers, boats, and outboard motors subject to the tax imposed by section 144.440;

(5) Tangible personal property which has been subjected to a tax by any other state in this respect to its sales or use; provided, if such tax is less than the tax imposed by sections 144.600 to 144.745, such property, if otherwise taxable, shall be subject to a tax equal to the difference between such tax and the tax imposed by sections 144.600 to 144.745;

(6) Tangible personal property held by processors, retailers, importers, manufacturers, wholesalers, or jobbers solely for resale in the regular course of business;

(7) Personal and household effects and farm machinery used while an individual was a bona fide resident of another state and who thereafter became a resident of this state, or tangible personal property brought into the state by a nonresident for his own storage, use or consumption while temporarily within the state."; and

Further amend page 12, 348.432, line 7, by inserting after all of said line, the following:

“Section B. Because immediate action is necessary to protect the economic welfare of the citizens of this state, section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section A of this act shall be in full force and effect upon its passage and approval.”; and

Further amend the title and enacting clause accordingly.

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

Senator Shields offered SA 5:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1182, Page 1, Section A, Line 4, by inserting immediately after said line the following:

“144.530. As used in sections 144.530 to 144.563, the following terms shall mean:

(1) “Controlled substance”, any drug or substance, whether real or counterfeit, as defined in section 149.011 which is held, possessed, transported, transferred, sold, or offered to be sold in violation of state law, except that the term shall not include marijuana;

(2) “Dealer”, any person who illegally manufactures, produces, ships, transports or imports into the state or in any manner acquires or possesses more than twenty-eight grams of marijuana, or more than one gram of any controlled substance, or ten or more dosage units of any controlled substance which is not sold by weight. A pharmacist licensed in this state who is lawfully performing duties within the scope of his or her license shall not be construed to be a dealer;

(3) “Director”, the director of the

department of revenue;

(4) “Domestic marijuana plant”, any cannabis plant at any level of growth which is harvested or tended, manicured, irrigated, fertilized, or where there is other evidence that it has been treated in any other way in an effort to enhance growth;

(5) “Marijuana”, any marijuana, whether real or counterfeit, as defined in section 149.011 which is held, possessed, transported, transferred, sold, or offered to be sold.

144.533. 1. There is hereby imposed a tax upon marijuana, domestic marijuana plants and controlled substances at the following rates:

(1) On each gram of marijuana, or each portion of a gram, three dollars and fifty cents;

(2) On each gram of a wet domestic marijuana plant, forty cents;

(3) On each gram of a dry domestic marijuana plant, ninety cents;

(4) On each gram of controlled substance, or portion of a gram, two hundred dollars; and

(5) On each fifty dosage units of a controlled substance that is not sold by weight, or portion thereof, two thousand dollars.

2. For the purpose of calculating such tax, an ounce of marijuana or other controlled substance is measured by the weight of the substance in the dealer's possession. The weight of the marijuana or controlled substance includes all material, mixture or preparation that is added to the marijuana or controlled substance.

144.536. 1. The director shall administer the collection of the tax imposed pursuant to section 144.533. All tax payments shall be made to the director, and shall be accompanied by a form devised and furnished by the director.

2. The director shall adopt a uniform system of providing, affixing and displaying official stamps, labels or other indicia for marijuana and controlled substances upon which a tax is imposed.

3. The director may promulgate rules and regulations necessary to administer and enforce the provisions of sections 144.530 to 144.563.

144.539. 1. No dealer may possess any marijuana, domestic marijuana plant, or controlled substance upon which a tax is imposed pursuant to section 144.533 unless the tax has been paid as evidenced by an official stamp or other indicia.

2. Official stamps, labels, or other indicia to be affixed to all marijuana, domestic marijuana plants, or controlled substances shall be purchased from the director. The purchaser shall pay one hundred percent of face value for each stamp, label, or other indicia at the time of purchase. Each such stamp, label, or other indicia shall only be valid for three months after its date of issuance. The director shall issue the stamps, labels, or other indicia in denominations in multiples of ten dollars. Any person may purchase any such stamp, label, or other indicia without disclosing such person's identity.

3. When a dealer purchases, acquires, transports, or imports into this state marijuana, domestic marijuana plants, or controlled substances on which a tax is imposed pursuant to section 144.533 and if the indicia evidencing the payment of the tax have not already been affixed, the dealer shall have them permanently affixed on the marijuana, domestic marijuana plant, or controlled substance immediately after receiving the substance. Each stamp or other official indicia may be used only once.

4. Taxes imposed upon marijuana, domestic marijuana plants, or controlled substances pursuant to the provisions of sections 144.530 to 144.563 are due and payable immediately upon acquisition or possession in this state by a dealer.

144.542. 1. At such time as the director shall determine that a dealer has not paid the tax as directed pursuant to section 144.539 the director may immediately assess a tax based on personal knowledge or information available to

the director; mail to the taxpayer at the taxpayer's last known address or serve in person, a written notice of the amount of tax, penalties, and interest; and demand its immediate payment. If payment is not immediately made, because collection of every assessment made hereunder is presumed to be in jeopardy due to the nature of the commodity being taxed, the director may immediately collect the tax, penalties, and interest in any manner pursuant to section 144.563.

2. The taxpayer may appeal the assessment within fifteen days from the date of mailing of the notice or the date of personal service of the notice given pursuant to subsection 1 of this section, by requesting in writing a hearing by the director on the correctness of the assessment. The hearing shall be conducted in accordance with the provisions of chapter 536, RSMo. An appeal of the assessment shall not stay the collection of the assessment but shall stay the sale of real or personal property seized pursuant to section 144.563 until the director rules on the correctness of the assessment.

3. The tax, penalties, and interest assessed by the director are presumed to be valid and correctly determined and assessed. The burden is upon the taxpayer to show their incorrectness or invalidity. Any statement filed by the director with the court or any other certificate by the director of the amount of tax, penalties, and interest determined or assessed is admissible in evidence and constitutes prima facie evidence of the facts it contains.

4. In making an assessment pursuant to subsection 1 of this section, the director may consider a plea agreement or judicial determination made in any criminal case.

5. All taxes not paid to the director of revenue by the person required to remit the same on the date when the same becomes due and payable to the director of revenue shall bear interest at the rate determined by section 32.065, RSMo, from and after such date until paid.

144.545. Neither the director nor a public employee may reveal facts contained in a report or return required by sections 144.530 to 144.563. No information contained in such a report or return may be used against the dealer in any criminal proceeding unless independently obtained, except in connection with a proceeding involving taxes due pursuant to the provisions of sections 144.530 to 144.563 from the taxpayer making the return.

144.548. For the purpose of determining the correctness of any return, determining the amount of tax that should have been paid, determining whether or not the dealer should have made a return or paid taxes, or collecting any taxes pursuant to the provisions of sections 144.530 to 144.563, the director may examine, or cause to be examined, any books, papers, records, or memoranda, that may be relevant to making such determinations, whether the books, papers, records, or memoranda, are the property of or in the possession of the dealer or another person. The director may require the attendance of any person having knowledge or information that may be relevant, compel the production of books, papers, records, or memoranda by persons required to attend, take testimony on matters material to the determination, and administer oaths or affirmations. Upon demand of the director or any examiner or investigator, the court shall issue a subpoena for the attendance of a witness or the production of books, papers, records, or memoranda. The director may also issue subpoenas. Disobedience of subpoenas issued pursuant to the provisions of sections 144.530 to 144.563 is punishable by the circuit court of the county or city not within a county in which the subpoena is issued, or, if the subpoena is issued by the director, by the circuit court of the county or city not within a county in which the party served with the subpoena is located, in the same manner as contempt of court.

144.551. Any dealer violating the provisions of sections 144.530 to 144.563 is subject to a penalty of one hundred percent of the tax in

addition to the tax imposed pursuant to section 144.533.

144.554. Nothing in sections 144.530 to 144.563 shall in any manner provide immunity for a dealer from criminal prosecution.

144.557. The director shall submit annually fifty percent of all moneys received from the collection of taxes and from assessments of delinquent taxes and penalties imposed pursuant to the provisions of sections 144.530 to 144.563 to the state treasurer, who shall deposit one-half thereof in the MoSMART fund created pursuant to section 650.350, RSMo, and one-half thereof in the “controlled substances clean-up fund”, created in section 640.040, RSMo, to be used to provide training and necessary supplies and equipment pursuant to law enforcement and fire department personnel and to assist in the clean-up and disposal of components of controlled substances and administration thereof. The director shall remit annually the remaining fifty percent of all moneys received from the collection of taxes and from assessments of delinquent taxes and penalties imposed pursuant to the provisions of sections 144.530 to 144.563 as follows:

(1) If the law enforcement agency which conducted the investigation is a county agency, the entire amount shall not be considered state funds and shall be deposited in the county treasury and credited to a special law enforcement trust fund for use solely for law enforcement and criminal prosecution purposes; or

(2) If the law enforcement agency which conducted the investigation is a city agency, the entire amount shall not be considered state funds and shall be deposited in the city treasury and credited to a special law enforcement trust fund for use solely for law enforcement and criminal prosecution purposes; or

(3) If the law enforcement agency which conducted the investigation is a state agency, the entire amount shall be deposited in the state general revenue fund to be appropriated to the

state agency for use in law enforcement purposes; or

(4) If more than one law enforcement agency is substantially involved in the investigative process, the amount shall not be considered state funds and shall be distributed equally among the city, county and state law enforcement agencies involved and credited to the appropriate county and city special law enforcement trust funds and state law enforcement agency funds unless an alternate distribution is mutually agreed upon by the law enforcement agencies involved and submitted in writing to the director.

Funds received shall not be considered to be a source of revenue to meet normal operating expenses of law enforcement agencies.

144.563. 1. Whenever a taxpayer liable to pay any tax, penalty or interest assessed pursuant to section 144.542, refuses or neglects to immediately pay the amount due, the director may issue one or more warrants for the immediate collection of the amount due, directed to the chief law enforcement officer of any county or city not within a county commanding the chief law enforcement officer to seize and sell the real and personal property of the taxpayer found within the county or city not within a county to satisfy the amount specified on the warrant and the cost of executing the warrant. The director may also issue one or more warrants directed to any employee of the department of revenue commanding the employee to seize and sell the real and personal property of the taxpayer found anywhere within the state to satisfy the amount specified on the warrant and the cost of executing the warrant. A copy of the warrant shall also be mailed to the taxpayer at the taxpayer's last known address or served upon the taxpayer in person.

2. The chief law enforcement officer or department of revenue employee shall proceed to execute upon the warrant in the same manner as provided for distress warrants pursuant to

sections 136.180 and 136.190, RSMo, except as otherwise provided in this section. In the execution of a warrant issued to a department of revenue employee, the employee shall have all of the powers conferred by law upon a chief law enforcement officer. Any law enforcement officer may assist in the execution of a warrant if requested to do so by a department of revenue employee.

3. No law exempting any goods and chattels, land and tenements from forced sale under execution shall apply to a seizure and sale under any warrant.

4. A third party holding funds or other personal property of the taxpayer shall immediately, or as soon thereafter as possible, after service of the warrant on such third party, deliver such funds or other personal property to the chief law enforcement officer or department of revenue employee, who shall then deliver such to the director or the director's designee for deposit toward the balance due on the taxpayer's assessment pursuant to section 136.110.

5. The chief law enforcement officer or department of revenue employee shall proceed to levy, collect, and sell such property in the manner pursuant to sections 136.200 to 136.230, RSMo.

6. The taxpayer shall have the right to redeem real property within a period of six months from the date of the sale.

7. The director shall have the right at any time to issue alias warrants until the full amount of the tax, penalty, and interest is collected.”; and

Further amend said bill, Page 12, Section 348.432, Line 7, by inserting after all of said line the following:

“578.154. 1. A person commits the crime of possession of anhydrous ammonia in a nonapproved container if he or she possesses any quantity of anhydrous ammonia in [any container other than a tank truck, tank trailer, rail tank car,

bulk storage tank, field (nurse) tank or field applicator or any container approved for anhydrous ammonia by the department of agriculture or the United States Department of Transportation] a cylinder or other portable container that was not designed, fabricated, tested, constructed, marked and placarded in accordance with the United States Department of Transportation Hazardous Materials regulations contained in CFR 49 Parts 100 to 185, revised as of October 1, 2002, which are herein incorporated by reference, and approved for the storage and transportation of anhydrous ammonia, or any container that is not a tank truck, tank trailer, rail tank car, bulk storage tank, field (nurse) tank or field applicator.

2. Cylinder and other portable container valves and other fittings, or hoses attached thereto, used in anhydrous ammonia service shall be constructed of material resistant to anhydrous ammonia and shall not be constructed of brass, copper, silver, zinc, or other material subject to attack by ammonia. Each cylinder utilized for the storage and transportation of anhydrous ammonia shall be labeled, in a conspicuous location, with the words "ANHYDROUS AMMONIA" or "CAUTION: ANHYDROUS AMMONIA" and the UN number 1005 (UN 1005).

3. A violation of this section is a class D felony."; and

Further amend the title and enacting clause accordingly.

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

At the request of Senator Klindt, HCS for HB 1182, with SCS and SS for SCS, as amended, (pending), was placed on the Informal Calendar.

HOUSE BILLS ON SECOND READING

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

HS for HB 1021—Appropriations.

HB 1109—Transportation.

HS for HB 1339—Pensions and General Laws.

HS for HB 1599—Pensions and General Laws.

HS for HCS for HB 1150—Pensions and General Laws.

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 refuses to adopt SS for SCS, as amended, for HCS for HBs 795, 972, 1128 and 1161 and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt SCS, as amended, for HCS for HB 1305 and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

PRIVILEGED MOTIONS

Senator Childers moved that the Senate refuse to recede from its position on SS for SCS for HCS for HBs 795, 972, 1128 and 1161, as amended, and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on SS for SCS for HCS for HBs 795, 972, 1128 and 1161, as amended: Senators Childers, Griesheimer, Nodler, Mathewson and Caskey.

RESOLUTIONS

Senator Bartle offered Senate Resolution No.

1853, regarding Blue Springs High School, Blue Springs, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Griesheimer introduced to the Senate, Gary, Kathy, Hannah and Garrett VaLeu, Paul and Karyn Porter and Theodore Hamblin, Sullivan.

Senator Griesheimer introduced to the Senate, his wife, Rita, and Kathy Maune, Washington;

Janet Bell, Union; and Nancy Bruder, Gerald.

Senator Clemens introduced to the Senate, Cole and Kevin Michael, Rogersville.

Senator Scott introduced to the Senate, former State Representative Gaylen Browning and his wife, Myrna, Neosho.

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

SENATE CALENDAR

SIXTY-FOURTH DAY—TUESDAY, MAY 4, 2004

FORMAL CALENDAR

Unofficial
THIRD READING OF SENATE BILLS

SS for SCS for SBs 1221 & 1305-
Kinder (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 1185-Gross

Journal

HOUSE BILLS ON THIRD READING

- | | |
|--|--|
| 1. HS for HCS for HB 978-Baker (Yeckel) | 12. HCS for HBs 946, 1106 & 952, with SCS (Dolan) |
| 2. HB 1493-Emery, et al, with SCS (Steelman) | 13. HS for HB 1487-Self (Scott) |
| 3. HCS for HB 1288, with SCS (Griesheimer) | 14. HCS for HB 1055 (Vogel) |
| 4. HCS for HB 1040 & HCS for HB 1041, with SCS (Nodler) | 15. HCS for HB 1215, with SCS (Bartle) |
| 5. HS for HCS for HBs 1268 & 1211-Smith (118), with SCS (Loudon) | 16. HS for HCS for HB 1207-Icet (Loudon) |
| 6. HCS for HB 1177, with SCS (Cauthorn) | 17. HS for HB 1193-Self, with SCS (Loudon) |
| 7. HCS for HB 980 (Klindt) | 18. HCS for HB 1278, with SCS (Loudon) (In Fiscal Oversight) |
| 8. HCS for HB 1115 (Gross) | 19. HCS for HB 1209 (Kinder) |
| 9. HCS for HBs 998 & 905 (Griesheimer) | 20. HCS for HBs 1074 & 1129, with SCS (Kinder) |
| 10. HCS for HB 833, with SCS (Vogel) | 21. HCS for HB 1439 (Dolan) |
| 11. HCS for HB 898, with SCS (Shields) | |

- 22. HCS for HB 1617 (Bartle)
- 23. HB 1664-Hanaway, et al (Bartle)
- 24. HS for HCS for HB 1511-Byrd

- 25. HS for HCS for HB 1453-Hanaway,
with SCS (Shields) (In Fiscal Oversight)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
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| <ul style="list-style-type: none"> SB 728-Steelman, with SCS SB 735-Foster, et al, with SCS SBs 738 & 790-Loudon, with SCS & SS for
SCS (pending) SS for SS for SCS for SB 755-Shields SBs 774 & 915-Wheeler, with SCS SB 787-Childers, with SCS, SA 1 & SSA 1
for SA 1 (pending) SB 809-Klindt, with SCS, SS for SCS &
SA 2 (pending) SB 817-Kennedy and Griesheimer, with
SCS SB 856-Loudon, with SCS, SS for SCS, SS
for SS for SCS, SA 2 & SSA 1 for
SA 2 (pending) SB 906-Foster, with SCS, SS for SCS &
SA 2 (pending) SBs 908 & 719-Cauthorn, with SCS SB 933-Yeckel, et al SB 989-Gross, et al, with SCS (pending) SB 990-Loudon, with SCS SB 1037-Steelman and Stoll, with SCS SBs 1069, 1068, 1025, 1005 & 1089-Gross
and Griesheimer, with SCS, SS for
SCS, SA 2 & SA 2 to SA 2 (pending) | <ul style="list-style-type: none"> SB 1124-Goode and Steelman, with SCS SB 1128-Cauthorn, with SCS SB 1132-Steelman, et al, with SCS SB 1138-Bartle SB 1159-Foster and Dougherty SB 1180-Shields and Kinder, with SCS SB 1198-Russell, with SCA 1 SB 1213-Steelman and Gross, with SCS SB 1227-Russell, et al, with SCS SB 1232-Clemens, et al, with SCS
(pending) SB 1234-Mathewson and Childers, with
SCS, SS for SCS, SA 4 & point of
order (pending) SB 1254-Klindt, with SCS SB 1277-Yeckel, with SCS SBs 1332 & 1341-Caskey and Mathewson,
with SCS SB 1355-Days 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

- | | |
|---|--|
| <ul style="list-style-type: none"> SCS for HCS for HB 959 (Yeckel)
(In Fiscal Oversight) | <ul style="list-style-type: none"> HB 969-Cooper, et al, with SA 1 (pending)
(Bartle) |
|---|--|

HCS for HB 1182, with SCS & SS for SCS
(pending) (Klindt)

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)

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 741-Klindt

Reported 3/15

SB 1189-Scott, with SCS

House Bills

Reported 4/5

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

Reported 4/7

HB 1070-Miller, et al (Scott)
HCS for HB 985 (Childers)

HB 970-Portwood, et al (Shields)

Reported 4/13

HB 1187-Ervin, et al (Quick)
HB 1362-Hobbs, et al (Cauthorn)
HB 1377-Sutherland, et al (Griesheimer)
HB 1398-Lager (Klindt)

HB 1407-Mayer and Villa (Dolan)
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 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)
 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 SB 1081-Kinder, et al,
 with HS for HCS, as amended

SS for SCS for SB 1099-Gibbons, with HS
 for HCS, as amended

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

SB 739-Klindt, with HCS, as amended
HCS for HBs 795, 972, 1128 & 1161, with
SS for SCS, as amended (Childers)
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)

Unofficial

Requests to Recede or Grant Conference

HCS for HB 1305, with SCS,
as amended (Scott)
(House requests Senate recede
or grant conference)

Journal
RESOLUTIONS

Reported from Committee

SCR 45-Dougherty
SCR 46-Gross

HCR 10-Myers (Klindt)
HCR 12-Kelly (36) (Mathewson)

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