

Journal of the Senate

FIRST REGULAR SESSION

FIFTIETH DAY—MONDAY, APRIL 11, 2005

The Senate met pursuant to adjournment.

Senator Griesheimer in the Chair.

Reverend Carl Gauck offered the following prayer:

“Humble yourselves therefore under the mighty hand of God.” (1 Peter 5:6)

Heavenly Father, we return with much work before us and there are concerns in our hearts of what is needed and necessary. The pressure is slowly rising and our human wisdom would have us dictate to You or sit in judgment on Your will; so we pray that we might surrender ourselves wholly, unreservedly to Your Holy will. Let us quiet our soul’s complaints and allow Your joy and love to direct our thoughts and actions this week so that Your peace and gentle leading may open our hearts to say: “Father, not my will but Yours be done.” 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 7, 2005 was read and approved.

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

Present—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer

Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

Absent with leave—Senators—None

Vacancies—2

The Lieutenant Governor was present.

RESOLUTIONS

Senator Nodler offered Senate Resolution No. 991, regarding Charles Wayne Hawkins, Neosho, which was adopted.

Senator Cauthorn offered Senate Resolution No. 992, regarding the One Hundredth Birthday of Fern Owen, Kahoka, which was adopted.

Senator Stouffer offered Senate Resolution No. 993, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Phillip E. Zeih, Odessa, which was adopted.

Senator Stouffer offered Senate Resolution No. 994, regarding the One Hundred Fifth Birthday of Dora Krause, Sweet Springs, which was adopted.

Senator Stouffer offered Senate Resolution No. 995, regarding Ideal Industries, Richland, which was adopted.

Senator Crowell offered Senate Resolution No. 996, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. Ben Ellis, Sedgewickville, which was adopted.

Senator Gibbons offered Senate Resolution No. 997, regarding the One Hundredth Birthday of Bertha Spears Evans, Kirkwood, which was adopted.

Senator Loudon offered Senate Resolution No. 998, regarding Julie Grosmann, Ballwin, which was adopted.

Senator Mayer offered Senate Resolution No. 999, regarding Carrell F. Odom, Parma, which was adopted.

Senator Mayer offered Senate Resolution No. 1000, regarding Larry Speight, Dexter, which was adopted.

Senator Mayer offered Senate Resolution No. 1001, regarding Sharon L. Dykes, Poplar Bluff, which was adopted.

Senator Mayer offered Senate Resolution No. 1002, regarding Karen P. Hinze, Sikeston, which was adopted.

Senator Mayer offered Senate Resolution No. 1003, regarding Cheri O. Ramsey, Poplar Bluff, which was adopted.

Senator Shields offered Senate Resolution No. 1004, regarding Adam Grossman, Kansas City, which was adopted.

Senator Shields offered Senate Resolution No. 1005, regarding Nicholas Burton, Kansas City, which was adopted.

Senator Wilson offered Senate Resolution No. 1006, regarding Stephen Johnson, Kansas City, which was adopted.

Senator Stouffer offered Senate Resolution No. 1007, regarding Ruth Scott, Sweet Springs, which was adopted.

Senator Stouffer offered Senate Resolution No. 1008, regarding Richard Baker, Kearney,

which was adopted.

Senator Stouffer offered Senate Resolution No. 1009, regarding Cole Thurman, Atlanta, which was adopted.

Senator Stouffer offered Senate Resolution No. 1010, regarding Marilyn Ratcliff, Richmond, which was adopted.

Senator Stouffer offered Senate Resolution No. 1011, regarding Ellen Singleton, Emma, which was adopted.

Senator Scott offered Senate Resolution No. 1012, regarding Barbara McCaslin, Pittsburg, which was adopted.

Senator Champion offered Senate Resolution No. 1013, regarding Kennon Choate, Springfield, which was adopted.

Senator Graham offered Senate Resolution No. 1014, regarding Lauren Croll, Columbia, which was adopted.

Senator Graham offered Senate Resolution No. 1015, regarding Josh Hosmer-Quint, Columbia, which was adopted.

Senator Dolan offered Senate Resolution No. 1016, regarding Leo Roth, Foristell, which was adopted.

Senator Vogel offered Senate Resolution No. 1017, regarding Betty Kemna, Saint Elizabeth, which was adopted.

Senator Kennedy offered Senate Resolution No. 1018, regarding David A. Welkener, St. Louis, which was adopted.

Senator Bray offered Senate Resolution No. 1019, regarding Charlie Granda, Maplewood, which was adopted.

Senator Bray offered Senate Resolution No. 1020, regarding Katherine Petrullo, Creve Coeur, which was adopted.

Senator Bray offered Senate Resolution No. 1021, regarding Assistant Fire Chief Michael

Toomey, University City, which was adopted.

CONCURRENT RESOLUTIONS

Senator Griesheimer offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 13

WHEREAS, the State of Missouri, as an employer, established goals to recruit and retain employees with the objective of providing the highest quality of services to its citizen taxpayers of this state; and

WHEREAS, the State of Missouri has adopted a comprehensive benefit package for retention of its state employees which includes a defined benefit structure; and

WHEREAS, the State of Missouri has two separate retirement systems for state employees with similar benefit provisions; and

WHEREAS, the Joint Committee on Public Employee Retirement presented a report to the Missouri General Assembly addressing the issues related to the possible merger of state employee retirement systems identifying the effect of consolidation on the two systems, including:

(1) Effect on the boards responsible for administering benefits and the impact on fiduciary duties, and governance;

(2) Effect on funding and contribution rates and the impact on differing actuarial assumptions and methods;

(3) Effect on investments, including returns, asset allocations, investment policies, expertise, efficiencies, expenses, economies of scale and the impact on consultants and fund managers;

(4) Similarities and differences in retirement plan provisions, including the disability retirement, long-term disability and life insurance plans;

(5) Impact on benefit services, information technology, records management, accounting and auditing information and other issues encompassing administrative functions;

(6) Impact on membership which including active employees, retirees, survivors and disabled members; and

WHEREAS, ensuring the current benefit structure providing financial security in an equitable and cost-effective manner is in the best interest of the State of Missouri:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Third General Assembly, First Regular Session, the House of Representatives concurring therein, hereby wish to seek a fiscally responsible solution providing future cost containment and eliminating ineffective duplication of benefit plan administration; and

BE IT FURTHER RESOLVED that, we hereby establish the

"State Retirement Consolidation Commission" whose task will be to analyze the issues and objectives set forth above. The commission shall be composed of the following members:

(1) Two members of the Missouri Department of Transportation and Highway Patrol Employees' Retirement System Board of Trustees appointed by the Governor;

(2) Two members of the Missouri State Employees' Retirement System Board of Trustees appointed by the Governor;

(3) Chair and Vice Chair of the Joint Committee on Public Employee Retirement;

(4) Commissioner of Administration;

(5) Director of the Missouri Department of Transportation;

(6) Colonel of the Missouri State Highway Patrol; and

BE IT FURTHER RESOLVED the State Retirement Consolidation Commission shall commence immediately and shall terminate operations on December 31, 2005. The State Retirement Consolidation Commission shall furnish clear and concise policy recommendations and legislative proposals for consideration in the second regular session of Ninety-Third General Assembly.

MESSAGES FROM THE GOVERNOR

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

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 7, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

The following addendum should be made to the appointment of Daniel Scodary, M.D. to the State Board of Registration for the Healing Arts, submitted on March 30, 2005. Line 3 should be amended as follows:

"Registration for the Healing Arts, for a term ending September 3, 2008,"

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 7, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF

THE STATE OF MISSOURI:

The following addendum should be made to the appointment of Toni R. Smith to the State Board of Registration for the Healing Arts, submitted on March 24, 2005. Line 3 should be amended as follows:

“for the Healing Arts, for a term ending September 3, 2007, and until her”

Respectfully submitted,
MATT BLUNT
Governor

MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SB 539**.

Bill ordered enrolled.

SENATE BILLS FOR PERFECTION

SB 284, with **SCS**, was placed on the Informal Calendar.

Senator Gross moved that **SB 272**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 272**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 272**

An Act to repeal sections 137.073 and 313.820, RSMo, and to enact in lieu thereof two new sections relating to gaming boat admission fee revenue.

Was taken up.

Senator Gross moved that **SCS** for **SB 272** be adopted.

Senator Stouffer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for

Senate Bill No. 272, Page 13, Section 313.820, Line 78, by inserting immediately after said line, the following:

“5. The provisions of subsection 1 of this section limiting the amount of revenue derived from admission fees paid to a home dock city and requiring all revenue derived from such fees be used exclusively for capital expenditures, and subsections 3 and 4 of this section, shall not apply to any city of the third classification with more than eight thousand two hundred but fewer than eight thousand three hundred inhabitants, any county of the third classification without a township form of government and with more than sixteen thousand six hundred but fewer than sixteen thousand seven hundred inhabitants, or any county of the third classification without a township form of government and with more than ten thousand two hundred but fewer than ten thousand three hundred inhabitants.”.

Senator Stouffer moved that the above amendment be adopted.

Senator Ridgeway offered **SSA 1** for **SA 1**:

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

Amend Senate Committee Substitute for Senate Bill No. 272, Page 13, Section 313.820, Line 78, by inserting immediately after said line, the following:

“5. The provisions of subsection 1 of this section limiting the amount of revenue derived from admission fees paid to a home dock city and requiring all revenue derived from such fees be used exclusively for capital expenditures, and subsections 3 and 4 of this section, shall not apply to any city of the third classification with more than eight thousand two hundred but fewer than eight thousand three hundred inhabitants, any county of the third classification without a township form of government and with more than sixteen thousand six hundred but fewer than sixteen

thousand seven hundred inhabitants, any county of the third classification without a township form of government and with more than ten thousand two hundred but fewer than ten thousand three hundred inhabitants, any home rule city with more than four hundred thousand inhabitants and located in more than one county, any county of the first classification with more than one hundred eighty-four thousand but fewer than one hundred eighty-eight thousand inhabitants, any city of the fourth classification with more than two thousand nine hundred but fewer than three thousand inhabitants and located in any county of the first classification with more than seventy-three thousand seven hundred but fewer than seventy-three thousand eight hundred inhabitants, any county of the first classification with more than seventy-three thousand seven hundred but fewer than seventy-three thousand eight hundred inhabitants, any city of the third classification with more than six thousand seven hundred but fewer than six thousand eight hundred inhabitants and located in any county of the third classification without a township form of government and with more than twenty thousand but fewer than twenty thousand one hundred inhabitants, any county of the third classification without a township form of government and with more than twenty thousand but fewer than twenty thousand one hundred inhabitants, any city of the third classification with more than four thousand seven hundred but fewer than four thousand eight hundred inhabitants and located in any county of the first classification with more than one hundred eighty-four thousand but fewer than one hundred eighty-eight thousand inhabitants, any city of the third classification with more than twenty-five thousand seven hundred but fewer than twenty-five thousand nine hundred inhabitants, any county with a charter form of government and with more than one million inhabitants, any county with a charter form of government and with more

than six hundred thousand but fewer than seven hundred thousand inhabitants, any special charter city with more than nine hundred fifty but fewer than one thousand fifty inhabitants, any county of the third classification without a township form of government and with more than ten thousand four hundred but fewer than ten thousand five hundred inhabitants, any city not within a county, any home rule city with more than seventy-three thousand but fewer than seventy-five thousand inhabitants, and any county of the first classification with more than eighty-five thousand nine hundred but fewer than eighty-six thousand inhabitants.”.

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

Senator Gross moved that **SCS** for **SB 272**, as amended, be adopted, which motion prevailed.

On motion of Senator Gross, **SCS** for **SB 272**, as amended, was declared perfected and ordered printed.

Senator Stouffer moved that **SB 362** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Stouffer offered **SS** for **SB 362**, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 362

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to residential treatment agency tax credits.

Senator Stouffer moved that **SS** for **SB 362** be adopted.

President Kinder assumed the Chair.

Senator Coleman offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 362, Page 3, Section 135.1142, Line 26, by inserting immediately after said line the following:

“143.124. 1. Other provisions of law to the

contrary notwithstanding, the total amount of all annuities, pensions, or retirement allowances above the amount of six thousand dollars annually provided by any law of this state, the United States, or any other state to any person except as provided in subsection 4 of this section, shall be subject to tax pursuant to the provisions of this chapter, in the same manner, to the same extent and under the same conditions as any other taxable income received by the person receiving it. For purposes of this section, “annuity, pension, or retirement allowance” shall be defined as an annuity, pension or retirement allowance provided by the United States, this state, any other state or any political subdivision or agency or institution of this or any other state, **except for any annuity, pension, or retirement allowance provided as a result of service in the armed forces of the United States.** For all tax years beginning on or after January 1, 1998, for purposes of this section, annuity, pension or retirement allowance shall be defined to include 401(k) plans, deferred compensation plans, self-employed retirement plans, also known as Keogh plans, annuities from a defined pension plan and individual retirement arrangements, also known as IRAs, as described in the Internal Revenue Code, but not including Roth IRAs, as well as an annuity, pension or retirement allowance provided by the United States, this state, any other state or any political subdivision or agency or institution of this or any other state. An individual taxpayer shall only be allowed a maximum deduction of six thousand dollars pursuant to this section. Taxpayers filing combined returns shall only be allowed a maximum deduction of six thousand dollars for each taxpayer on the combined return.

2. For the period beginning July 1, 1989, and ending December 31, 1989, there shall be subtracted from Missouri adjusted gross income for that period, determined pursuant to section 143.121, the first three thousand dollars of retirement benefits received by each taxpayer:

(1) If the taxpayer's filing status is single, head of household or qualifying widow(er) and the

taxpayer's Missouri adjusted gross income is less than twelve thousand five hundred dollars; or

(2) If the taxpayer's filing status is married filing combined and their combined Missouri adjusted gross income is less than sixteen thousand dollars; or

(3) If the taxpayer's filing status is married filing separately and the taxpayer's Missouri adjusted gross income is less than eight thousand dollars.

3. For the tax years beginning on or after January 1, 1990, there shall be subtracted from Missouri adjusted gross income, determined pursuant to section 143.121, a maximum of the first six thousand dollars of retirement benefits received by each taxpayer from sources other than privately funded sources, and for tax years beginning on or after January 1, 1998, there shall be subtracted from Missouri adjusted gross income, determined pursuant to section 143.121, a maximum of the first one thousand dollars of any retirement allowance received from any privately funded source for tax years beginning on or after January 1, 1998, but before January 1, 1999, and a maximum of the first three thousand dollars of any retirement allowance received from any privately funded source for tax years beginning on or after January 1, 1999, but before January 1, 2000, and a maximum of the first four thousand dollars of any retirement allowance received from any privately funded source for tax years beginning on or after January 1, 2000, but before January 1, 2001, and a maximum of the first five thousand dollars of any retirement allowance received from any privately funded source for tax years beginning on or after January 1, 2001, but before January 1, 2002, and a maximum of the first six thousand dollars of any retirement allowance received from any privately funded sources for tax years beginning on or after January 1, 2002. A taxpayer shall be entitled to the maximum exemption provided by this subsection:

(1) If the taxpayer's filing status is single, head of household or qualifying widow(er) and the taxpayer's Missouri adjusted gross income is less

than twenty-five thousand dollars; or

(2) If the taxpayer's filing status is married filing combined and their combined Missouri adjusted gross income is less than thirty-two thousand dollars; or

(3) If the taxpayer's filing status is married filing separately and the taxpayer's Missouri adjusted gross income is less than sixteen thousand dollars.

4. If a taxpayer's adjusted gross income exceeds the adjusted gross income ceiling for such taxpayer's filing status, as provided in subdivisions (1), (2) and (3) of subsection 3 of this section, such taxpayer shall be entitled to an exemption equal to the greater of zero or the maximum exemption provided in subsection 3 of this section reduced by one dollar for every dollar such taxpayer's income exceeds the ceiling for his or her filing status.

5. For purposes of this section, any Social Security benefits otherwise included in Missouri adjusted gross income shall be subtracted; but Social Security benefits shall not be subtracted for purposes of other computations pursuant to this chapter, and are not to be considered as retirement benefits for purposes of this section.

6. The provisions of subdivisions (1) and (2) of subsection 3 of this section shall apply during all tax years in which the federal Internal Revenue Code provides exemption levels for calculation of the taxability of Social Security benefits that are the same as the levels in subdivisions (1) and (2) of subsection 3 of this section. If the exemption levels for the calculation of the taxability of Social Security benefits are adjusted by applicable federal law or regulation, the exemption levels in subdivisions (1) and (2) of subsection 3 of this section shall be accordingly adjusted to the same exemption levels.

7. The portion of a taxpayer's lump sum distribution from an annuity or other retirement plan not otherwise included in Missouri adjusted gross income as calculated pursuant to this chapter but subject to taxation under Internal Revenue

Code Section 402 shall be taxed in an amount equal to ten percent of the taxpayer's federal liability on such distribution for the same tax year.

8. For purposes of this section, retirement benefits received shall not include any withdrawals from qualified retirement plans which are subsequently rolled over into another retirement plan.

9. The exemptions provided for in this section shall not affect the calculation of the income to be used to determine the property tax credit provided in sections 135.010 to 135.035, RSMo.

10. The exemptions provided for in this section shall apply to any annuity, pension, or retirement allowance as defined in subsection 1 of this section to the extent that such amounts are included in the taxpayer's federal adjusted gross income and not otherwise deducted from the taxpayer's federal adjusted gross income in the calculation of Missouri taxable income. This subsection shall not apply to any individual who qualifies under federal guidelines to be one hundred percent disabled.

11. Other provisions of law to the contrary notwithstanding, the total amount of all annuities, pensions, or retirement allowances provided as a result of service in the armed forces of the United States shall be exempt from taxation under this chapter.

12. This act shall become effective January 1, 2006.”; and

Further amend the title and enacting clause accordingly.

Senator Coleman moved that the above amendment be adopted.

Senator Stouffer raised the point of order that SA 1 is out of order as it exceeds the scope of the underlying legislation.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Koster assumed the Chair.

Senator Kennedy offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 362, Page 1, Section A, Line 3, by inserting immediately after all of 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. The tax credit shall be taken against the tax imposed under chapter 143, RSMo excluding withholding taxes.

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, 2006, shall be invalid and void.

10. The provisions of this section shall apply to all tax years beginning on or after January 1, 2006.

11. The provisions of this section shall expire December 31, 2011.”; and

Further amend the title and enacting clause accordingly.

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

Senator Coleman offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Bill No. 362, Page 3, Section 135.1142, Line 26, by inserting after all of said line the following:

“**Section 1. 1. For all tax years beginning on or after January 1, 2006, a taxpayer who pays income tax on the receipt of any annuity, pension, or retirement allowance provided as a result of service in the armed forces of the**

United States shall be allowed to claim a credit against the tax otherwise due under chapter 143, RSMo, excluding sections 143.191 to 143.265, RSMo, in an amount equal to the tax paid on such allowance. A taxpayer shall claim the credit allowed by this section at the time such taxpayer files a return, provided that a taxpayer who fails to file such taxpayer's return in a timely manner shall not be eligible for a credit under this section. The tax credit allowed under this section shall be nonrefundable but may be carried over to the next five succeeding taxable years until the full credit has been claimed.

2. The department of revenue is authorized to adopt any rules or regulations deemed necessary for the effective administration 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, 2005, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

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

Senator Stouffer moved that SS for SB 362, as amended, be adopted, which motion prevailed.

On motion of Senator Stouffer, SS for SB 362, as amended, was declared perfected and ordered printed.

Senator Champion moved that SB 74 and

SB 49, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SBs 74** and **49**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 74 and 49

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to administration of immunizations with mercury preservatives.

Was taken up.

Senator Champion moved that **SCS** for **SBs 74** and **49** be adopted.

Senator Champion offered **SS** for **SCS** for **SBs 74** and **49**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 74 and 49

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to administration of immunizations with mercury preservatives.

Senator Champion moved that **SS** for **SCS** for **SBs 74** and **49** be adopted.

Senator Crowell assumed the Chair.

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

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 74 and 49, Page 2, Section 191.235, Line 8, by adding the following sub-section after subsection 3:

“4. Notwithstanding any other provision in the law to the contrary, no one will be compelled to receive a vaccine that does not comply with the mercury limits in subsection 1.”.

Senator Loudon moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by

Senators Bartle, Clemens, Nodler and Scott.

SA 1 was adopted by the following vote:

YEAS—Senators

Bartle	Callahan	Cauthorn	Clemens
Dolan	Engler	Gibbons	Green
Griesheimer	Gross	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel—22		

NAYS—Senators

Bray	Champion	Coleman	Crowell
Days	Dougherty	Graham	Kennedy
Wheeler	Wilson—10		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—2

Senator Champion moved that **SS** for **SCS** for **SBs 74** and **49**, as amended, be adopted, which motion prevailed.

On motion of Senator Champion, **SS** for **SCS** for **SBs 74** and **49**, as amended, was declared perfected and ordered printed.

Senator Klindt moved that **SB 5**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 5**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 5

An Act to repeal sections 94.110, 94.270, 94.360, 386.800, 393.106, 394.312, and 394.315, RSMo, and to enact in lieu thereof eight new sections relating to electric service to annexed areas.

Was taken up.

Senator Klindt moved that **SCS** for **SB 5** be adopted.

Senator Klindt offered **SS** for **SCS** for **SB 5**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 5

An Act to repeal sections 386.800, 393.106, 394.312, and 394.315, RSMo, and to enact in lieu thereof six new sections relating to electric service to annexed areas.

Senator Klindt moved that **SS** for **SCS** for **SB 5** be adopted.

At the request of Senator Klindt, **SB 5**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCS** for **SB 272**; **SB 476**; **SS No. 2** for **SCS** for **SB 225**; **SB 232**; and **SS** for **SB 95**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SCS** for **SBs 75** and **353**, begs leave to report that it has considered the same and recommends that the bill do pass.

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

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HB 707**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto

attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HB 678**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HB 402**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HB 280**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HB 524**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HB 248**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to

which was referred **HB 342**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HB 600**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HCS for HB 379**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Griesheimer, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following reports:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HB 40**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HCS for HB 47**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HB 127**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HCS for HB 215**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HB 260**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HB 343**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HB 345**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HB 395**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HCS for HB 422**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on

the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HB 431**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HB 445**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HCS for HB 448**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HB 453**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HB 479**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HCS for HB 515**, begs leave to report that it has considered the same and

recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HCS for HB 531**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HCS for HB 577**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HCS for HB 631**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HB 638**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HB 685**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HB 743**, begs leave to report

that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

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

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 5**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

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

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 12**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 7**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

REFERRALS

President Pro Tem Gibbons referred **SS No. 2** for **SCS** for **SB 225** to the Committee on Governmental Accountability and Fiscal Oversight.

President Pro Tem Gibbons referred **HCR 11** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

President Pro Tem Gibbons referred the addendums appearing on pages 616 and 617 to the Committee on Gubernatorial Appointments.

INTRODUCTIONS OF GUESTS

Senator Green introduced to the Senate, his son, Patrick Timothy, St. Louis; and Patrick Timothy was made an honorary page.

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

Unofficial
Journal

SENATE CALENDAR

FIFTY-FIRST DAY—TUESDAY, APRIL 12, 2005

Copy
FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 738-Behnen
HCS for HJR 16
HCS for HB 394
HCS for HB 388

HCS for HB 64
HB 700-Moore, et al
HCS for HBs 518, 288, 418 & 635

THIRD READING OF SENATE BILLS

SCS for SBs 75 & 353-Champion
and Wheeler
SCS for SB 272-Gross
SB 476-Scott

SS#2 for SCS for SB 225-Cauthorn
(In Fiscal Oversight)
SB 232-Loudon, et al
SS for SB 95-Coleman

SENATE BILLS FOR PERFECTION

1. SB 434-Cauthorn
2. SB 55-Klindt, with SCS
3. SB 236-Klindt and Clemens
4. SB 93-Cauthorn, with SCS
5. SB 240-Scott
6. SB 241-Scott
7. SB 339-Gross, with SCS
8. SB 220-Dolan
9. SB 470-Engler
10. SBs 365 & 204-Mayer, et al, with SCS
11. SB 376-Loudon
12. SB 64-Kennedy, with SCS
13. SB 90-Dougherty, with SCS
14. SB 214-Scott, et al, with SCS
15. SB 321-Shields
16. SB 253-Koster, with SCS
17. SBs 37, 322, 78, 351 & 424-Nodler,
with SCS
18. SB 194-Engler
19. SB 254-Engler
20. SB 373-Bartle
21. SB 287-Shields, with SCS
22. SB 481-Shields, with SCS
23. SB 500-Gibbons, et al, with SCS
24. SB 199-Gross
25. SB 402-Gibbons, et al

HOUSE BILLS ON THIRD READING

HCS for HB 365 (Crowell)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|---|---|
| SB 2-Loudon and Gross, with SCS | SB 185-Loudon, et al, with SA 1 (pending) |
| SB 5-Klindt, with SCS & SS for
SCS (pending) | SB 284-Cauthorn and Clemens,
with SCS |
| SB 12-Cauthorn and Klindt | SB 291-Mayer, et al, with SCS & SS for
SCS (pending) |
| SB 29-Dolan, with SCS & SA 1 (pending) | SB 316-Dolan, with SCS (pending) |
| SB 50-Taylor and Nodler, with SCS & SS
for SCS (pending) | SB 324-Scott, with SCS |
| SB 152-Wilson, with SCS | SB 348-Clemens |
| SB 160-Bartle, et al, with SS (pending) | |

CONSENT CALENDAR

House Bills

Reported 4/11

- | | |
|--|-----------------------------------|
| HB 707-Cunningham (145) and Byrd, with SCS | HB 345-Baker (123) |
| HB 678-Byrd, with SCS | HB 395-Wood (Taylor) |
| HB 402-Schaaf, et al | HCS for HB 422 |
| HB 280-Walsh, et al | HB 431-Wright (137) |
| HB 524-May, et al (Scott) | HB 445-Guest and Whorton |
| HB 248-Pearce | HCS for HB 448 |
| HB 342-Baker (123) (Koster) | HB 453-May, et al (Crowell) |
| HB 600-Cooper (155), et al | HB 479-Ervin |
| HCS for HB 379 | HCS for HB 515, with SCS (Taylor) |
| HB 40-Tilley | HCS for HB 531 |
| HCS for HB 47, with SCS | HCS for HB 577 |
| HB 127-Bivins (Griesheimer) | HCS for HB 631 |
| HCS for HB 215 | HB 638-Cunningham (86), with SCS |
| HB 260-Deeken (Vogel) | HB 685-Franz, with SCS (Purgason) |
| HB 343-Baker (123), with SCS | HB 743-Kingery, et al |

RESOLUTIONS
To be Referred

SCR 13-Griesheimer

Reported from Committee

- | | |
|--------------------|---------------|
| SCR 5-Mayer, et al | SCR 12-Koster |
| SCR 10-Scott | SCR 7-Loudon |