

Journal of the Senate

FIRST REGULAR SESSION

FIFTY-NINTH DAY— TUESDAY, APRIL 26, 2005

The Senate met pursuant to adjournment.

Senator Scott in the Chair.

Reverend Carl Gauck offered the following prayer:

“Let anyone with ears to hear listen!” (Luke 8:18)

Heavenly Father, we are aware of the noise that fills the halls with people wanting us to hear them, we hear the sounds of presentations made in our committees that want to communicate their point of view and we hear the conversations of debate that fills this chamber daily. Help us amid all the sounds to be able to listen closely to one another so that important issues and facts that we need are not missed and our decisions are based on solid listening. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Shields announced that photographers from KRCG-TV, KMIZ-TV, and KOMU-TV were given permission to take pictures in the Senate Chamber today.

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

Present—Senators

Alter	Barnitz	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—34		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Days offered Senate Resolution No. 1192, regarding Glenn Louis Tope, Village of Bel-Ridge, which was adopted.

Senator Vogel offered the following resolution:

SENATE RESOLUTION NO. 1193

WHEREAS, autism is a complex developmental disability that continues to soar at an alarming rate; and

WHEREAS, it is estimated that more than 1.5 million Americans live with some sort of autism, including more than 100,000 children served under the Individual Disability Education Act; and

WHEREAS, the Missouri Department of Elementary and

Secondary Education recently identified 2,801 children between the ages of 3 and 21 as autistic, which represents an increase of 850 percent from 294 children in 1991; and

WHEREAS, the actual number of autistic children in Missouri is unknown because some children diagnosed by medical authorities as autistic are not recognized as such by the Missouri Department of Elementary and Secondary Education, the only government-sanctioned census of autistic children in the state; and

WHEREAS, the frequency of autism spectrum disorders now surpasses that of all types of cancer combined and yet so little is known about the actual cause of the disorder; and

WHEREAS, autism knows no racial, ethnic, social, economic, or educational boundaries; and

WHEREAS, April is National Autism Awareness Month:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Third General Assembly, First Regular Session, hereby designate the 27th day of April, 2005, as "Autism Awareness Day" and the month of April as "Autism Awareness Month" in the State of Missouri.

Senator Stouffer offered Senate Resolution No. 1194, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Myron Werle, Boonville, which was adopted.

Senator Stouffer offered Senate Resolution No. 1195, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Bernard Hepworth, which was adopted.

Senator Stouffer offered Senate Resolution No. 1196, regarding the birth of Jude Alexander and Tatem Elizabeth Petet, which was adopted.

Senator Stouffer offered Senate Resolution No. 1197, regarding the birth of Noah Anthony Himmelberg, Raytown, which was adopted.

Senator Stouffer offered Senate Resolution No. 1198, regarding the birth of Rylee D. Reed, which was adopted.

Senator Stouffer offered Senate Resolution No. 1199, regarding the birth of Tyson McKade Frederick, Boonville, which was adopted.

Senator Stouffer offered Senate Resolution No. 1200, regarding the birth of Evyn Elizabeth Howell, Sedalia, which was adopted.

Senator Graham offered Senate Resolution

No. 1201, regarding Carl Edwards, Mooresville, North Carolina, which was adopted.

HOUSE BILLS ON THIRD READING

HB 1, with **SCS**, introduced by Representative Lager, entitled:

An Act to appropriate money to the Board of Fund Commissioners for the cost of issuing and processing State Water Pollution Control Bonds, Stormwater Control Bonds, Third State Building Bonds, and Fourth State Building Bonds, as provided by law, to include payments from the Water Pollution Control Bond and Interest Fund, Stormwater Control Bond and Interest Fund, Third State Building Bond Interest and Sinking Fund, Fourth State Building Bond and Interest Fund, Water Pollution Control Fund, and Stormwater Control Fund, and to transfer money among certain funds for the period beginning July 1, 2005 and ending June 30, 2006.

Was taken up by Senator Gross.

SCS for **HB 1**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1

An Act to appropriate money to the Board of Fund Commissioners for the cost of issuing and processing State Water Pollution Control Bonds, Stormwater Control Bonds, Third State Building Bonds, and Fourth State Building Bonds, as provided by law, to include payments from the Water Pollution Control Bond and Interest Fund, Stormwater Control Bond and Interest Fund, Third State Building Bond Interest and Sinking Fund, Fourth State Building Bond and Interest Fund, Water Pollution Control Fund, and Stormwater Control Fund, and to transfer money among certain funds for the period beginning July 1, 2005 and ending June 30, 2006.

Was taken up.

Senator Gross moved that **SCS** for **HB 1** be adopted, which motion prevailed.

On motion of Senator Gross, **SCS** for **HB 1**

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

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Green
Griesheimer	Gross	Kennedy	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators

Graham	Klindt—2
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Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

HCS for HB 2, with SCS, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education, the several divisions and programs thereof, and the Office of Administration to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2005 and ending June 30, 2006.

Was taken up by Senator Gross.

SCS for HCS for HB 2, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2

An Act to appropriate money for the expenses,

grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education, the several divisions and programs thereof, and the Office of Administration to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2005 and ending June 30, 2006.

Was taken up.

Senator Gross moved that **SCS for HCS for HB 2** be adopted, which motion prevailed.

On motion of Senator Gross, **SCS for HCS for HB 2** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Bartle	Cauthorn	Champion
Clemens	Crowell	Dolan	Engler
Gibbons	Green	Griesheimer	Gross
Kennedy	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel	Wheeler—26		

NAYS—Senators

Barnitz	Bray	Callahan	Coleman
Days	Dougherty	Graham	Wilson—8

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

HCS for HB 3, with SCS, entitled:

An Act to appropriate money for the expenses,

grants, refunds, and distributions of the Department of Higher Education, the several divisions, programs, and institutions of higher education included therein, and the Office of Administration to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2005 and ending June 30, 2006.

Was taken up by Senator Gross.

SCS for HCS for HB 3, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 3

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education, the several divisions, programs, and institutions of higher education included therein, and the Office of Administration to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2005 and ending June 30, 2006.

Was taken up.

Senator Gross moved that SCS for HCS for HB 3 be adopted.

Senator Gross offered SA 1:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 3, Page 1, Section 3.005, Line 8, by inserting after said line the following:

“From Federal Funds and Other Funds (Not to exceed 6.08 F.T.E.). \$1E

Total \$695,134” and amend bill totals accordingly.

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

Senator Callahan offered SA 2, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 3, Page 9, Section 3.200, Line 2, by inserting after the word “programs” the following:

“provided that tuition and/or educational fees increase by no more than 1 percent for the 2006-2007 academic year”.

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

Senator Gross moved that SCS for HCS for HB 3, as amended, be adopted, which motion prevailed.

On motion of Senator Gross, SCS for HCS for HB 3, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Bartle	Cauthorn	Champion
Clemens	Crowell	Dolan	Engler
Gibbons	Green	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel—24

NAYS—Senators

Barnitz	Bray	Callahan	Coleman
Days	Dougherty	Graham	Griesheimer
Wheeler	Wilson—10		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

Senator Gross moved that the vote by which

the bill passed be reconsidered.

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

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 26, 2005

TO THE SECRETARY OF THE SENATE

93rd GENERAL ASSEMBLY

FIRST REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 202, 33, 45, 183 & 217 entitled:

AN ACT

To repeal section 287.845, RSMo, and to enact in lieu thereof two new sections relating to retirement, with an emergency clause.

On April 26, 2005, I approved said House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 202, 33, 45, 183 & 217.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 26, 2005

TO THE SECRETARY OF THE SENATE

93rd GENERAL ASSEMBLY

FIRST REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Senate Substitute for Senate Bill No. 539 entitled:

AN ACT

To repeal sections 178.661, 178.662, 178.664, 178.666, 178.669, 178.671, 178.673, 208.010, 208.146, 208.151, 208.152, 208.162, 208.215, 208.225, 208.550, 208.553, 208.556, 208.559, 208.562, 208.565, 208.568, 208.571, 208.640, 453.072, and 453.073, RSMo, and to enact in lieu thereof thirty new sections relating to health care and social services, with penalty provisions

and a termination date for a certain section.

On April 26, 2005, I approved said Senate Substitute for Senate Bill No. 539.

Respectfully submitted,

MATT BLUNT

Governor

MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 68**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 24**, entitled:

An Act to repeal section 488.426, RSMo, and section 488.429, as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill nos. 795, 972, 1128 & 1161, ninety-second general assembly, second regular session, and to enact in lieu thereof one new section relating to limitations on the use of law library funds.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 71**.

Bill ordered enrolled.

Also,

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

SB 100, entitled:

An Act to repeal sections 345.015, 345.022, 345.050, and 345.080, RSMo, and to enact in lieu thereof four new sections relating to the licensing of speech-language pathologists and audiologists.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 21**, entitled:

An Act to repeal sections 192.016 and 453.020, RSMo, and to enact in lieu thereof two new sections relating to putative father registry.

With House Amendments Nos. 1 and 2.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 21, Page 3, Section 453.020, Line 13, by inserting after all of said line the following:

“453.121. 1. As used in this section, unless the context clearly indicates otherwise, the following terms mean:

(1) “Adopted adult”, any adopted person who is [twenty-one] **eighteen** years of age or over;

(2) “Adopted child”, any adopted person who is less than [twenty-one] **eighteen** years of age;

(3) “Adult sibling”, any brother or sister of the whole or half blood who is [twenty-one] **eighteen** years of age or over;

(4) “Identifying information”, information which includes the name, date of birth, place of birth and last known address of the biological parent;

(5) “Nonidentifying information”, information concerning the physical description, nationality, religious background and medical history of the biological parent or sibling.

2. All papers, records, and information pertaining to an adoption whether part of any

permanent record or file may be disclosed only in accordance with this section.

3. Nonidentifying information, if known, concerning undisclosed biological parents or siblings shall be furnished by the child-placing agency or the juvenile court to the adoptive parents, legal guardians or adopted adult upon written request therefor.

4. An adopted adult may make a written request to the circuit court having original jurisdiction of such adoption to secure and disclose information identifying the adopted adult's biological parents. **If the biological parents have consented to the release of identifying information under subsection 11 of this section, the court shall disclose such identifying information to the adopted adult. If the biological parents have not consented to the release of identifying information under subsection 11 of this section,** the court shall, within ten days of receipt of the request, notify in writing the adoptive parents of such petitioner and the child-placing agency or juvenile court personnel having access to the information requested of the request by the adopted adult.

5. Within three months after receiving notice of the request of the adopted adult, the child-placing agency or juvenile court personnel shall notify the adoptive parents, if such adoptive parents are living and shall not make any attempt to notify the biological parents without prior written consent of such adoptive parents for adoptions instituted or completed prior to August 13, 1986, but may proceed if there is proof that the adoptive parents are deceased or incapacitated, as such term is defined in chapter 475, RSMo. If the adoptive parents are living but are unwilling to give such written consent, the child-placing agency or the juvenile court personnel shall make a written report to the court stating that they were unable to notify the biological parent. If the adoptive parents are deceased or give written consent, the child-placing agency or the juvenile court personnel shall make reasonable efforts to notify the biological parents of the request of the adopted

adult. The child-placing agency or juvenile court personnel may charge actual costs to the adopted adult for the cost of making such search. All communications under this subsection are confidential. For purposes of this subsection, “notify” means a personal and confidential contact with the biological parent of the adopted adult, which initial contact shall not be made by mail and shall be made by an employee of the child-placing agency which processed the adoption, juvenile court personnel or some other licensed child-placing agency designated by the child-placing agency or juvenile court. Nothing in this section shall be construed to permit the disclosure of communications privileged pursuant to section 491.060, RSMo. At the end of three months, the child-placing agency or juvenile court personnel shall file a report with the court stating that each biological parent that was located was given the following information:

- (1) The nature of the identifying information to which the agency has access;
- (2) The nature of any nonidentifying information requested;
- (3) The date of the request of the adopted adult;
- (4) The right of the biological parent to file an affidavit with the court stating that the identifying information should be disclosed;
- (5) The effect of a failure of the biological parent to file an affidavit stating that the identifying information should be disclosed.

6. If the child-placing agency or juvenile court personnel reports to the court that it has been unable to notify the biological parent within three months, the identifying information shall not be disclosed to the adopted adult. Additional requests for the same or substantially the same information may not be made to the court within one year from the end of the three-month period during which the attempted notification was made, unless good cause is shown and leave of court is granted.

7. If, within three months, the child-placing

agency or juvenile court personnel reports to the court that it has notified the biological parent pursuant to subsection 5 of this section, the court shall receive the identifying information from the child-placing agency. If an affidavit duly executed by a biological parent authorizing the release of information is filed with the court, the court shall disclose the identifying information as to that biological parent to the adopted adult, provided that the other biological parent either:

- (1) Is unknown;
- (2) Is known but cannot be found and notified pursuant to section 5 of this act;
- (3) Is deceased; or
- (4) Has filed with the court an affidavit authorizing release of identifying information. If the biological parent fails or refuses to file an affidavit with the court authorizing the release of identifying information, then the identifying information shall not be released to the adopted adult. No additional request for the same or substantially the same information may be made within three years of the time the biological parent fails or refuses to file an affidavit authorizing the release of identifying information.

8. If the biological parent is deceased but previously had filed an affidavit with the court stating that identifying information shall be disclosed, the information shall be forwarded to and released by the court to the adopted adult. If the biological parent is deceased and, at any time prior to his death, the biological parent did not file an affidavit with the court stating that the identifying information shall be disclosed, the adopted adult may petition the court for an order releasing the identifying information. The court shall grant the petition upon a finding that disclosure of the information is necessary for health-related purposes.

9. Any adopted adult whose adoption was finalized in this state or whose biological parents had their parental rights terminated in this state may request the court to secure and disclose

identifying information concerning an adult sibling and upon a finding by the court that such information is necessary for urgent health-related purposes in the same manner as provided in this section. Identifying information pertaining exclusively to the adult sibling, whether part of the permanent record of a file in the court or in an agency, shall be released only upon consent of that adult sibling.

10. The central office of the **children's** division [of family services of] **within** the department of social services shall maintain a registry by which biological parents, **adult siblings**, and adoptive adults may indicate their desire to be contacted by each other. The division may request such identification for the registry as a party may possess to assure positive identifications. [If] **At the time of registry, a biological parent or adult sibling may consent in writing to the release of identifying information to an adopted adult. If such a consent has not been executed and** the division believes that a match has occurred on the registry between [both] biological parents **or adult siblings** and an adopted adult, an employee of the division shall make the confidential contact provided in subsection 5 of this section with the biological parents **or adult siblings** and with the adopted adult. If the division believes that a match has occurred on the registry between one biological parent **or adult sibling** and an adopted adult, an employee of the division shall make the confidential contact provided by subsection 5 of this section with the biological parent **or adult sibling**. The division shall then attempt to make such confidential contact with the other biological parent, and shall proceed thereafter to make such confidential contact with the adopted adult only if the division determines that the other biological parent meets one of the conditions specified in subsection 7 of this section. The biological parent, **adult sibling**, or adopted adult may refuse to go forward with any further contact between the parties when contacted by the division.

11. The provisions of this section, except as

provided in subsection 5 of this section governing the release of identifying and nonidentifying adoptive information apply to adoptions completed before and after August 13, 1986.”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 21, Page 1, Section A, Line 2, by inserting after all of said line the following:

“191.975. 1. This section shall be known and may be cited as the “Adoption Awareness Law”.

2. To raise public awareness and to educate the public, the department of social services, with the assistance of the department of health and senior services, shall be responsible for:

(1) Collecting and distributing resource materials to educate the public about foster care and adoption;

(2) Developing and distributing educational materials, including but not limited to videos, brochures and other media as part of a comprehensive public relations campaign about the positive option of adoption and foster care. The materials shall include, but not be limited to, information about:

(a) The benefits of adoption and foster care;

(b) Adoption and foster care procedures;

(c) Means of financing the cost of adoption and foster care, including but not limited to adoption subsidies, foster care payments and special needs adoption tax credits;

(d) Options for birth parents in choosing adoptive parents;

(e) Protection for and rights of birth parents and adoptive parents prior to and following the adoption;

(f) Location of adoption and foster care agencies;

(g) Information regarding various state health

and social service programs for pregnant women and children, including but not limited to medical assistance programs and temporary assistance for needy families (TANF); and

(h) Referrals to appropriate counseling services, including but not be limited to counseling services for parents who are considering retaining custody of their children, placing their children for adoption, or becoming foster or adoptive parents; but excluding any referrals for abortion or to abortion facilities;

(3) Making such educational materials available through state and local public health clinics, public hospitals, family planning clinics, abortion facilities as defined in section 188.015, RSMo, maternity homes as defined in section 135.600, RSMo, child-placing agencies licensed pursuant to sections 210.481 to 210.536, RSMo, attorneys whose practice involves private adoptions, in vitro fertilization clinics and private physicians for distribution to their patients who request such educational materials. Such materials shall also be available to the public through the department of social services' Internet web site; [and]

(4) Establishing a toll-free telephone number for information on adoption and foster care, **and to answer questions and assist persons inquiring about becoming adoptive or foster parents.**

3. In addition, the department may establish and implement an ongoing advertising campaign for the recruitment of adoptive and foster care families, with a special emphasis on the recruitment of qualified adoptive and foster care families for special needs children. Such advertising campaign may utilize, but shall not be limited to, the following media: television, radio, outdoor advertising, newspaper, magazines and other print media, web sites, and the Internet. The department may contract with professional advertising agencies or other professional entities to conduct such advertising campaign on behalf of the department.

[3.] **4.** The provisions of this section shall be

subject to appropriations.

[4.] **5.** The department of social services shall promulgate rules for the implementation of this section in accordance with chapter 536, RSMo.”; and

Further amend said title, enacting clause and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SCS for SB 270**, entitled:

An Act to repeal sections 30.247, 30.250, 30.260, 30.270, 30.750, 30.753, 30.756, 30.758, 30.760, 30.765, 30.767, 30.830, and 30.840, RSMo, and to enact in lieu thereof fifteen new sections relating to the state treasurer, with penalty provisions and an emergency clause.

With House Amendment No. 1.

HOUSE AMENDMENT NO.1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 270, Section 1, Page 21, Line 32, by deleting all of said line and inserting in lieu thereof the following, **“and other banking-related costs, shall not exceed fifteen basis points, or fifteen hundredths of one”**;

Further amend said section, Page 21, Line 37, by inserting after all of said line the following:

“5. The provisions of this section shall not be applicable to the state road fund created in section 226.220, RSMo, the motor fuel tax fund created in section 142.345, RSMo, the state highways and transportation department fund created in section 226.200, RSMo, the state transportation fund created in section 226.225, and the state road bond fund created pursuant to article IV, section 30(b), Constitution of Missouri.”; and

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

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SCS No. 2 for SB 155**, entitled:

An Act to repeal section 210.152, RSMo, and to enact in lieu thereof one new section relating to reporting of child abuse and neglect.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute No. 2 for Senate Bill No. 155, Page 1, Section A., Line 2, by inserting after said language the following:

“210.117. **1.** No child taken into the custody of the state shall be reunited with a parent or placed in a home in which the parent or any person residing in the home has been found guilty of, or pled guilty to, a felony violation of chapter 566, RSMo, except for section 566.034, RSMo, when a child was the victim, or a violation of section 568.020, 568.045, 568.060, 568.065, 568.070, 568.080, 568.090, or 568.175, RSMo, except for subdivision (1) of subsection 1 of section 568.060, RSMo, when a child was the victim, or an offense committed in another state when a child is the victim, that would be a felony violation of chapter 566, RSMo, except for section 566.034, RSMo, or a violation of section 568.020, 568.045, 568.060, 568.065, 568.070, 568.080, 568.090, or 568.175, RSMo, except for subdivision (1) of subsection 1 of section 568.060, RSMo, if committed in Missouri; provided however, nothing in this section shall preclude the division from exercising its discretion regarding the placement of a child in a home in which the parent or any person residing in the

home has been found guilty of or pled guilty or nolo contendere to any offense excepted or excluded in this section.

2. If a court of competent jurisdiction determines or the division determines, based on a substantiated report of child abuse that is upheld by the child abuse and neglect review board that a minor has abused another child, such minor shall be prohibited from returning to or residing in any residence located within one thousand feet of the residence of the abused child, or any child care facility or school that the abused child attends until the abused child reaches eighteen years of age. The prohibitions of this subsection shall not apply where the alleged abuse occurred between siblings.”; and

Further amend House Committee Substitute for Senate Committee Substitute No. 2 for Senate Bill No. 155, Page 3, Section 210.152, Line 63, by inserting after said language the following:

“210.710. **1.** In the case of a child who has been committed to the care of an authorized agency by a parent, guardian or relative and where such child has remained in the care of one or more authorized agencies for a continuous period of six months, the agency shall petition the juvenile court in the county where the child is present to review the status of the child. A written report on the status of the child shall be presented to the court. The court shall then review the status of the child and may hold a dispositional hearing thereon. The purpose of the dispositional hearing shall be to determine whether or not the child should be continued in foster care or whether the child should be returned to a parent, guardian or relative, or whether or not proceedings should be instituted to terminate parental right and legally free such child for adoption.

2. If the child is in the care of an authorized agency based on an allegation that the child has abused another child and the court determines that such abuse occurred, the court shall not return the child to or permit the child to reside

in any residence located within one thousand feet of the residence of the abused child, or any child care facility or school that the abused child attends until the abused child reaches eighteen years of age. The prohibitions of this subsection shall not apply where the alleged abuse occurred between siblings.

210.720. 1. In the case of a child who has been placed in the custody of the division of family services in accordance with subdivision (17) of subsection 1 of section 207.020, RSMo, or another authorized agency by a court or who has been placed in foster care by a court, every six months after the placement, the foster family, group home, agency, or child care institution with which the child is placed shall file with the court a written report on the status of the child. The court shall review the report and shall hold a permanency hearing within twelve months of initial placement and at least annually thereafter. The permanency hearing shall be for the purpose of determining in accordance with the best interests of the child a permanent plan for the placement of the child, including whether or not the child should be continued in foster care or whether the child should be returned to a parent, guardian or relative, or whether or not proceedings should be instituted by either the juvenile officer or the division to terminate parental rights and legally free such child for adoption.

2. In such permanency hearings the court shall consider all relevant factors including:

(1) The interaction and interrelationship of the child with the child's foster parents, parents, siblings, and any other person who may significantly affect the child's best interests;

(2) The child's adjustment to his or her foster home, school and community;

(3) The mental and physical health of all individuals involved, including any history of abuse of any individuals involved. **If the child is in the care of an authorized agency based on an allegation that the child has abused another child and the court determines that such abuse**

occurred, the court shall not return the child to or permit the child to reside in any residence located within one thousand feet of the residence of the abused child, or any child care facility or school that the abused child attends until the abused child reaches eighteen years of age. The prohibitions of this subsection shall not apply where the alleged abuse occurred between siblings; and

(4) The needs of the child for a continuing relationship with the child's parents and the ability and willingness of parents to actively perform their functions as mother and father for the needs of the child.

3. The judge shall make written findings of fact and conclusions of law in any order pertaining to the placement of the child.

211.038. 1. No child under the jurisdiction of the juvenile court shall be reunited with a parent or placed in a home in which the parent or any person residing in the home has been found guilty of, or pled guilty to, a felony violation of chapter 566, RSMo, except for section 566.034, RSMo, when a child was the victim, or a violation of sections 568.020, 568.045, 568.060, 568.065, 568.070, 568.080, 568.090, and 568.175, RSMo, except for subdivision (1) of subsection 1 of section 568.060, RSMo, when a child was the victim, or an offense committed in another state when a child is the victim, that would be a felony violation of chapter 566, RSMo, except for section 566.034, RSMo, or a violation of sections 568.020, 568.045, 568.060, 568.065, 568.070, 568.080, 568.090, and 568.175, RSMo, except for subdivision (1) of subsection 1 of section 568.060, RSMo, if committed in Missouri; provided however, nothing in this section shall preclude the juvenile court from exercising its discretion regarding the placement of a child in a home in which the parent or any person residing in the home has been found guilty of or pled guilty or nolo contendere to any offense excepted or excluded in this section.

2. If the juvenile court determines that a minor has abused another child, such minor

shall be prohibited from returning to or residing in any residence located within one thousand feet of the residence of the abused child, or any child care facility or school that the abused child attends until the abused child reaches eighteen years of age. The prohibitions of this subsection shall not apply where the alleged abuse occurred between siblings.”; and

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

In which the concurrence of the Senate is respectfully requested.

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

RECESS

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

HOUSE BILLS ON THIRD READING

HCS for HB 4, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue, Department of Transportation, the several divisions and programs thereof, and the Office of Administration, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2005 and ending June 30, 2006.

Was taken up by Senator Gross.

SCS for HCS for HB 4, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 4

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue, Department of Transportation, the several divisions and programs thereof, and the Office of Administration, to be expended only as provided in Article IV, Section

28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2005 and ending June 30, 2006.

Was taken up.

Senator Gross moved that **SCS** for **HCS** for **HB 4** be adopted, which motion prevailed.

On motion of Senator Gross, **SCS** for **HCS** for **HB 4** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel—31	

NAYS—Senators

Wheeler Wilson—2

Absent—Senator Graham—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

HCS for HB 5, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, the Department of Public Safety, and the Chief Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of

Missouri, and to transfer money among certain funds for the period beginning July 1, 2005 and ending June 30, 2006.

Was taken up by Senator Gross.

SCS for HCS for HB 5, entitled:

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

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, the Department of Public Safety, and the Chief Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2005 and ending June 30, 2006.

Was taken up.

Senator Gross moved that **SCS for HCS for HB 5** be adopted.

Senator Barnitz offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 5, Page 23, Section 5.520, Line 4, by inserting immediately after the word "Fund", the following: "however, no funds shall be transferred to provide health care coverage for State Senators or Representatives." and further amend said Section, Line 5, by deleting the number "211,912,547E" and inserting in lieu thereof the number "211,106,423E" and further amend said Section; Line 6, by deleting the number "66,725,823E" and inserting in lieu thereof the number "66,469,329E" and further amend said Section; Line 7, by deleting the number "43,186,954E" and inserting in lieu thereof the number "43,028,172E" and further amend said Section, Line 8, by deleting the number "321,825,324" and inserting in lieu thereof the number "320,603,924" and further amend said Bill, Page 23, Section 5.530, Line 4, by inserting

immediately after the word "Plan", the following: "however, no funds shall be expended to provide health care coverage for State Senators or Representatives" and further amend said Section, Line 5, by deleting the number "\$322,119,324E" and inserting in lieu thereof the number "\$320,897,924E" and adjust bill totals accordingly.

Senator Barnitz moved that the above amendment be adopted.

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

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

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 5, Page 23, Section 5.520, Line 5, by deleting the number "211,912,547E" and inserting in lieu thereof the number "198,796,004E" and further amend said Section; Line 6, by deleting the number "66,725,823E" and inserting in lieu thereof the number "62,552,377E" and further amend said Section; Line 7, by deleting the number "43,186,954E" and inserting in lieu thereof the number "40,603,393E" and further amend said Section, Line 8, by deleting the number "321,825,324" and inserting in lieu thereof the number "301,951,774" and further amend said Bill, Page 23, Section 5.530, Line 5, by deleting the number "322,119,324E" and inserting in lieu thereof the number "302,245,774E" and adjust bill totals accordingly.

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

SA 1 was again taken up.

Senator Crowell requested a roll call vote be taken on the adoption of **SA 1** and was joined in his request by Senators Dolan, Mayer, Nodler and Stouffer.

At the request of Senator Barnitz, **SA 1** was withdrawn.

Senator Gross moved that **SCS for HCS for HB 5** be adopted, which motion prevailed.

On motion of Senator Gross, **SCS** for **HCS** for **HB 5** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Bartle	Bray	Callahan
Cauthorn	Champion	Clemens	Coleman
Crowell	Days	Dolan	Dougherty
Engler	Gibbons	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

NAYS—Senators

Barnitz Graham—2

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

President Kinder assumed the Chair.

The President declared the bill passed.

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

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

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

HCS for **HB 6**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the Office of Administration, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement, and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money

among certain funds, for the period beginning July 1, 2005 and ending June 30, 2006.

Was taken up by Senator Gross.

SCS for **HCS** for **HB 6**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 6

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the Office of Administration, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement, and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2005 and ending June 30, 2006.

Was taken up.

Senator Gross moved that **SCS** for **HCS** for **HB 6** be adopted, which motion prevailed.

On motion of Senator Gross, **SCS** for **HCS** for **HB 6** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler
Wilson—33			

NAYS—Senator Graham—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

HCS for **HB 7**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, Department of Labor and Industrial Relations, and the Office of Administration and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2005 and ending June 30, 2006.

Was taken up by Senator Gross.

SCS for **HCS** for **HB 7**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 7**

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, Department of Labor and Industrial Relations, and the Office of Administration and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2005 and ending June 30, 2006.

Was taken up.

Senator Gross moved that **SCS** for **HCS** for

HB 7 be adopted.

Senator Gross offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 7, Page 8, Section 7.105, Line 7, by deleting the number “\$29,628” and inserting in lieu thereof the number “\$50,000”; and amend bill totals accordingly.

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

Senator Gross moved that **SCS** for **HCS** for **HB 7**, as amended, be adopted, which motion prevailed.

Senator Scott assumed the Chair.

On motion of Senator Gross, **SCS** for **HCS** for **HB 7**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Dolan	Dougherty
Engler	Gibbons	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

NAYS—Senator Graham—1

Absent—Senator Days—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

Senator Shields moved that motion lay on the

table, which motion prevailed.

HCS for HB 8, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety, the several divisions and programs thereof, and the Office of Administration, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2005 and ending June 30, 2006.

Was taken up by Senator Gross.

SCS for HCS for HB 8, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 8

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety, the several divisions and programs thereof, and the Office of Administration, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2005 and ending June 30, 2006.

Was taken up.

Senator Gross moved that **SCS for HCS for HB 8** be adopted.

Senator Gross offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 8, Page 10, Section 8.130, Line 12, by inserting immediately after the word "Fund" the following "or General Revenue Fund".

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

Senator Gross moved that **SCS for HCS for HB 8**, as amended, be adopted, which motion prevailed.

On motion of Senator Gross, **SCS for HCS for HB 8**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler
Wilson—33			

NAYS—Senator Graham—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

HCS for HB 9, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the Office of Administration and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2005 and ending June 30, 2006.

Was taken up by Senator Gross.

SCS for HCS for HB 9, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 9

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the Office of Administration and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2005 and ending June 30, 2006.

Was taken up.

Senator Gross moved that **SCS for HCS for HB 9** be adopted, which motion prevailed.

On motion of Senator Gross, **SCS for HCS for HB 9** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Bartle	Bray	Callahan
Cauthorn	Champion	Clemens	Crowell
Dolan	Engler	Gibbons	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel—27	

NAYS—Senators

Barnitz	Coleman	Days	Graham
Wilson—5			

Absent—Senators

Dougherty	Wheeler—2
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Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

MESSAGES FROM THE HOUSE

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

Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SB 189**, entitled:

An Act to repeal sections 198.439, 208.480, and 338.550, RSMo, and to enact in lieu thereof ten new sections relating to the health care provider tax, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SCS for SBs 10 and 27**, entitled:

An Act to repeal sections 195.017 and 195.417, RSMo, and to enact in lieu thereof two new sections relating to the scheduling and sale of certain controlled substances, with penalty provisions and an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SCS for SB 252**, entitled:

An Act to amend chapter 41, RSMo, by adding thereto three new sections relating to the protection of military facilities and personnel, with an emergency clause.

With House Amendments 1 and 2.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 252, Section 41.1016, Page 4, Line 2 by deleting the words "**their primary or secondary**", and;

Further amend said page, Line 3 by deleting the

words “**age children**”, and;

Further amend said line by inserting immediately after the word “**their**” the word “**unemancipated**”, and;

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

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 252, Section 41.1016, Page 4, Line 5 by inserting after all of said line the following:

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

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

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

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

(c) The amount of any deduction that is included in the computation of federal taxable income pursuant to Section 168 of the Internal Revenue Code as amended by the Job Creation and Worker Assistance Act of 2002 to the extent the amount deducted relates to property purchased on

or after July 1, 2002, but before July 1, 2003, and to the extent the amount deducted exceeds the amount that would have been deductible pursuant to Section 168 of the Internal Revenue Code of 1986 as in effect on January 1, 2002; and

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

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

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

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

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

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

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

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

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

(h) For all tax years beginning on or after January 1, 2005, the amount of any income received for military service while the taxpayer

serves in a combat zone which is included in federal adjusted gross income and not otherwise excluded therefrom. As used in this section, "combat zone" means any area which the President of the United States by Executive Order designates as an area in which armed forces of the United States are or have engaged in combat. Service is performed in a combat zone only if performed on or after the date designated by the President by Executive Order as the date of the commencing of combat activities in such zone, and on or before the date designated by the President by Executive Order as the date of the termination of combatant activities in such zone.

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

5. There shall be added to or subtracted from the taxpayer's federal adjusted gross income the modifications provided in section 143.411." , and; Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

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

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SCS for SBs 103 and 115**, entitled:

An Act to repeal section 167.020, RSMo, and to enact in lieu thereof one new section relating to student enrollment hearings, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 133**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 149**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 156**.

Bill ordered enrolled.

RESOLUTIONS

Senator Ridgeway offered Senate Resolution No. 1202, regarding Dustin Buell, Liberty, which was adopted.

Senator Ridgeway offered Senate Resolution No. 1203, regarding Bryan Edward Howard, which was adopted.

Senator Ridgeway offered Senate Resolution No. 1204, regarding Matthew Wyatt Bond, which was adopted.

Senator Ridgeway offered Senate Resolution No. 1205, regarding Kyle Ray Norwood, which was adopted.

Senator Vogel offered Senate Resolution No. 1206, regarding Jane Burd, Jefferson City, which was adopted.

Senator Vogel offered Senate Resolution No. 1207, regarding Terry A. Warrington, New

Bloomfield, which was adopted.

Senator Crowell offered Senate Resolution No. 1208, regarding Scott Meyer, which was adopted.

Senator Crowell offered Senate Resolution No. 1209, regarding Lt. and Mrs. Craig Prost, which was adopted.

Senator Crowell offered Senate Resolution No. 1210, regarding Mr. and Mrs. Christopher Louis Hutson, which was adopted.

Senator Crowell offered Senate Resolution No. 1211, regarding Dr. Mack A. Wilson, which was adopted.

Senator Crowell offered Senate Resolution No. 1212, regarding Dr. Harry W. Pry, which was adopted.

Senator Ridgeway offered Senate Resolution No. 1213, regarding the Gary and Debbie Doss family, Smithville, which was adopted.

Senator Engler offered Senate Resolution No. 1214, regarding Chris P. Wehner, Ste. Genevieve, which was adopted.

Senator Engler offered Senate Resolution No. 1215, regarding David A. Wehner, Ste. Genevieve, which was adopted.

Senator Engler offered Senate Resolution No. 1216, regarding Christopher J. Mueller, Bloomsdale, which was adopted.

Senator Gibbons offered Senate Resolution No. 1217, regarding Andrew C. Dahle, Crestwood, which was adopted.

Senator Gibbons offered Senate Resolution No. 1218, regarding Adam Anthony Kasda, Fenton, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Stouffer introduced to the Senate, fourth grade students from St. Peters School,

Marshall.

On behalf of Senator Dolan and himself, Senator Green introduced to the Senate, Erin Koebbe, Florissant; and Sherry Mudd, Lincoln County.

Senator Dolan introduced to the Senate, students from Wentzville Middle School.

Senator Gross introduced to the Senate, Monique Deuser, St. Charles.

Senator Green introduced to the Senate, teachers, parents and ninety fourth grade students from Keeven Elementary School, St. Louis; and Jada Hood and Intisar Faulkner were made honorary pages.

On behalf of Senator Scott, the President introduced to the Senate, students from Greenridge School District, Pettis County.

Senator Gibbons introduced to the Senate, fourth grade students from Valley Park School.

Senator Bray introduced to the Senate, Ms. Barrios, Ms. Bakeman, Ms. Purley and seventy-five fifth grade students from Jackson Park Elementary School, University City.

On behalf of Senator Scott, the President introduced to the Senate, former State Senator Steve Ehlmann and former State Representative Joe Ortwerth, St. Charles.

Senator Purgason introduced to the Senate, Susan Rogers and eighth grade students from Junction Hill School.

Senator Ridgeway introduced to the Senate, Dyana Kubiak and fourth grade students from Schumacher Elementary School, Liberty; and Kyle Kubiak, Logan Schutte and Chris Sherman were made honorary pages.

Senator Crowell introduced to the Senate, students from Immaculate Conception School, Jackson.

Senator Wheeler introduced to the Senate, Doug Hooten and Jason White, Kansas City.

Senator Clemens introduced to the Senate, eighth grade students from Niangua Middle School.

Senator Kennedy introduced to the Senate, his sister, Maureen, Independence.

Senator Stouffer introduced to the Senate, fourth grade students from Hale R-I Elementary School.

On behalf of Senator Koster, the President introduced to the Senate, Lydia Orso, Megan Layton, Paula Mass, Bridget Kinney, Emily Noll, Sarah Geer, Stephanie Schechter, Suzie Victory and Nathan Greenbaum, representatives for Self-Advocates for Independent Living from around the state; who were made honorary pages.

Senator Dougherty introduced to the Senate, students from Nottingham School, St. Louis.

Senator Stouffer introduced to the Senate, students from R-IV Macon County School, New Cambria.

Senator Callahan introduced to the Senate, Cassidy White, Logan Baker, Caleb Basile and Taylor Livingston, fourth grade students from Kansas City.

Senator Gibbons introduced to the Senate, eighty-six fourth grade students from Tillman Elementary School, Kirkwood; and Matthew Norman, Madeline Keel, Taylor Stewart and Rudy Rivera were made honorary pages.

Senator Clemens introduced to the Senate, sixth, seventh and eighth grade students from Skyline R-II Elementary School.

Senator Bartle introduced to the Senate, fourth grade students from Highland Park, Lee's Summit.

On motion of Senator Shields, the Senate adjourned until 9:30 a.m., Wednesday, April 27, 2005.

SENATE CALENDAR

SIXTIETH DAY—WEDNESDAY, APRIL 27, 2005

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 498
 HCS for HB 640
 HCS for HB 866
 HB 116-Deeken, et al

HB 196-Wildberger, et al
 HB 832-Brook, et al
 HCS for HB 824

THIRD READING OF SENATE BILLS

SS for SCS for SBs 37, 322, 78, 351 &
 424-Nodler (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 393-Stouffer, with SCS
 SJR 19-Ridgeway

SB 542-Callahan

HOUSE BILLS ON THIRD READING

1. HCS for HB 365 (Crowell)
2. HCS for HB 347, with SCS (Dolan)
3. HCS for HB 441, with SCS (Cauthorn)
4. HCS for HB 108 (Shields)
5. HCS for HB 388 (Loudon)
6. HCS for HB 468, with SCS (Scott) (In Fiscal Oversight)
7. HCS for HB 174 (Taylor)
8. HCS for HB 186, with SCS (Scott)
9. HB 592-Cooper (120) (Dolan)
10. HCS for HB 135, with SCS (Shields)
11. HB 48-Dougherty, with SCS (Callahan)
12. HCS for HB 58, with SCS (Griesheimer)
13. HB 596-Schaaf (Shields)
14. HB 564-Boykins, et al (Coleman)
15. HB 487-Bruns and Deeken, with SCS (Vogel)
16. HCS for HB 437, with SCS (Crowell)
17. HCS for HB 334 (Crowell)
18. HCS for HB 606 (Kennedy)
19. HCS for HB 10, with SCS (Gross)
20. HCS for HB 11, with SCS (Gross)
21. HB 12-Lager, with SCS (Gross)
22. HB 13-Lager, with SCS (Gross)

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SCS for SB 316-Dolan (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 3-Loudon, with SCS	SB 236-Klindt and Clemens
SB 5-Klindt, with SCS & SS for SCS (pending)	SB 240-Scott
SB 12-Cauthorn and Klindt	SB 241-Scott
SB 29-Dolan, with SCS & SA 1 (pending)	SB 253-Koster, with SCS
SB 44-Wheeler and Bray, with SCS	SB 284-Cauthorn and Clemens, with SCS
SB 50-Taylor and Nodler, with SCS & SS for SCS (pending)	SB 291-Mayer, et al, with SCS & SS for SCS (pending)
SB 55-Klindt, with SCS & SS for SCS (pending)	SB 321-Shields
SB 64-Kennedy, with SCS	SB 324-Scott, with SCS
SB 90-Dougherty, with SCS	SB 339-Gross, with SCS
SB 93-Cauthorn, with SCS	SBs 365 & 204-Mayer, et al, with SCS (pending)
SB 152-Wilson, with SCS	SB 373-Bartle
SB 159-Cauthorn	SB 376-Loudon
SB 160-Bartle, et al, with SS (pending)	SB 434-Cauthorn
SB 185-Loudon, et al, with SA 1 & SA 1 to SA 1 (pending)	SB 470-Engler
SB 199-Gross	SB 548-Loudon
SB 214-Scott, et al, with SCS	

CONSENT CALENDAR

House Bills

Reported 4/11

HCS for HB 422 (Crowell)	HCS for HB 577 (Purgason)
HB 445-Guest and Whorton (Klindt)	HCS for HB 631 (Gibbons)
HB 453-May, et al (Crowell)	HB 638-Cunningham (86), with SCS (Wheeler)
HB 479-Ervin (Ridgeway)	HB 685-Franz, with SCS (Purgason)
HCS for HB 515, with SCS (Taylor)	HB 743-Kingery, et al (Engler)
HCS for HB 531 (Champion)	

Reported 4/12

HBs 361 & 684-Lipke, with SCS (Bartle)
 HB 688-Byrd, et al, with SCS (Bartle)
 HCS for HB 630 (Purgason)
 HB 567-Stevenson, et al (Crowell)
 HB 486-Bruns (Vogel)
 HCS for HB 362, with SCS (Bartle)
 HB 456-Kuessner, et al, with SCS (Engler)
 HB 450-Meiners, with SCS (Griesheimer)
 HB 43-Wallace (Taylor)
 HB 53-Swinger and Bean, with SCS (Mayer)
 HB 155-Ruestman (Taylor)
 HB 243-May, et al (Dolan)
 HB 423-Kuessner, with SCS (Engler)

HB 528-Cunningham (145), with SCS
 (Clemens)
 HB 618-Bearden, et al, with SCS (Gross)
 HCS for HB 119 (Stouffer)
 HCS for HBs 163, 213 & 216 (Gross)
 HB 219-Salva and Johnson (47) (Wheeler)
 HB 236-Goodman (Taylor)
 HB 261-Deeken (Griesheimer)
 HB 323-Johnson (47) (Shields)
 HCS for HB 348 (Koster)
 HB 473-Yates (Bartle)
 HB 258-Cunningham (86) (Nodler)

Unofficial

Reported 4/13

HCS for HB 297, with SCS (Nodler)
 HCS for HB 443, with SCS (Mayer)
 HB 33-Phillips (Shields)

HB 455-Quinn, et al (Klindt)
 HCS for HB 563 (Shields)
 HCS for HB 513 (Loudon)

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Reported 4/14

HB 69-Rupp (Loudon)
 HCS for HB 56 (Dolan)
 HCS#2 for HB 232, with SCS (Ridgeway)
 HB 413-Hubbard, et al (Coleman)

HCS for HBs 462 & 463 (Shields)
 HB 681-Chappelle-Nadal (Days)
 HB 321-Yates (Bartle)
 HB 229-Portwood, with SCS (Gross)

SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SBs 10 & 27-Cauthorn, et al,
 with HCS
 SB 21-Shields, with HCS, as amended
 SCS for SB 24-Griesheimer, with HCS
 SCS for SB 100-Champion, with HCS
 SCS for SBs 103 & 115-Bartle, with HCS

SCS#2 for SB 155-Mayer, with HCS, as amended
 SB 189-Gross, with HCS
 SCS for SB 252-Koster, et al, with HCS,
 as amended
 SCS for SB 270-Scott, et al, with HCS,
 as amended

RESOLUTIONS

To be Referred

SR 1193-Vogel

Reported from Committee

SCR 5-Mayer, et al

SCR 10-Scott

SCR 12-Koster

SCR 7-Loudon

SCR 13-Griesheimer

SCR 15-Gibbons

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Unofficial

Journal

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