

Journal of the Senate

SECOND REGULAR SESSION

FORTY-FOURTH DAY—WEDNESDAY, APRIL 2, 2008

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“I have chosen the way of faithfulness; I set your ordinances before me.” (Psalm 119:30)

Lord, You have given us choices all along the way and these choices have consequences and on this day we are more mindful of how we have chosen and whether or not we have been faithful. In these hours today bless us and make these passing minutes meaningful. And we pray those things we have done according to Your will You will truly bless. And may this day end in our praise for Your continuing being with us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

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

The Journal of the previous day was read and approved.

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

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Crowell offered Senate Resolution No. 2242, regarding Frank Woodruff Buckles, Charles Town, West Virginia, which was adopted.

Senator Crowell offered Senate Resolution No. 2243, regarding Mr. and Mrs. John Reed Foster, which was adopted.

Senator Crowell offered Senate Resolution No. 2244, regarding the Twenty-fifth Wedding Anniversary of Mr. and Mrs. Floyd Penny, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 2245, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. James Dohognes, which was adopted.

Senator Crowell offered Senate Resolution No. 2246, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. Kenneth Schreiner, Marble Hill, which was adopted.

Senator Crowell offered Senate Resolution No. 2247, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. Ted Williams, Fredericktown, which was adopted.

Senator Ridgeway offered Senate Resolution No. 2248, regarding David A. Fulton, Clay County, which was adopted.

Senator Clemens offered Senate Resolution No. 2249, regarding Stuart Jump, Marshfield, which was adopted.

Senator Justus offered Senate Resolution No. 2250, regarding Children's Mercy Hospitals and Clinics, Kansas City, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Engler moved that **SB 840** and **SB 857**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SBs 840** and **857**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 840 and 857

An Act to repeal sections 130.047, 407.1095, 407.1098, 407.1101, 407.1104, and 407.1107, RSMo, and to enact in lieu thereof nine new sections relating to telephone calls, with an emergency clause.

Was taken up.

Senator Engler moved that **SCS** for **SBs 840** and **857** be adopted.

Senator Engler offered **SS** for **SCS** for **SBs 840** and **857**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 840 and 857

An Act to repeal sections 130.047, 407.1095, 407.1098, 407.1101, 407.1104, and 407.1107, RSMo, and to enact in lieu thereof nine new sections relating to telephone calls, with an emergency clause.

Senator Engler moved that **SS** for **SCS** for **SBs 840** and **857** be adopted.

Senator Rupp assumed the Chair.

Senator Green offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 840 and 857, Pages 7-9, Section 386.1012, by striking all of said section from the bill; and

Further amend said bill, page 11, section 386.2021, line 23 by inserting after all of said line the following:

“407.1107. 1. The attorney general may initiate proceedings relating to a knowing violation or threatened knowing violation of section [407.1098 or 407.1104] **386.1003 or 386.1009**. Such proceedings may include, without limitation, an injunction, a civil penalty up to a maximum of five thousand dollars for each knowing violation and additional relief in any court of competent jurisdiction. The attorney general may issue investigative demands, issue subpoenas, administer oaths and conduct hearings in the course of investigating a violation of [407.1098 or 407.1104] **386.1003 or 386.1009**.

2. In addition to the penalties provided in subsection 1 of this section, any person or entity that violates section [407.1104] **386.1009** shall be subject to all penalties, remedies and procedures provided in sections 407.010 to 407.130. The remedies available in this section are cumulative and in addition to any other remedies available by law.

3. Any person who has received more than one telephone solicitation within any twelve-month period by or on behalf of the same person or entity in violation of section [407.1098 or 407.1104] **386.1003 or 386.1009** may either:

(1) Bring an action to enjoin such violation;

(2) Bring an action to recover for actual monetary loss from such knowing violation or to receive up to five thousand dollars in damages for each such knowing violation, whichever is greater; or

(3) Bring both such actions.

4. It shall be a defense in any action or proceeding brought pursuant to this section that the defendant has established and implemented, with due care, reasonable practices and procedures to effectively prevent telephone solicitations in violation of section [407.1098 or 407.1104] **386.1003 or 386.1009**.

5. No action or proceeding may be brought pursuant to this section:

(1) More than two years after the person bringing the action knew or should have known of the occurrence of the alleged violation; or

(2) More than two years after the termination of any proceeding or action arising out of the same violation or violations by the state of Missouri, whichever is later.

6. A court of this state may exercise personal jurisdiction over any nonresident or his or her executor or administrator as to an action or proceeding authorized by this section in the manner otherwise provided by law.

7. The remedies, duties, prohibitions and penalties of sections [407.1095 to 407.1104] **386.1000 to 386.1021** are not exclusive and are in addition to all other causes of action, remedies and penalties provided

by law.

8. No provider of telephone caller identification service shall be held liable for violations of section [407.1098 or 407.1104] **386.1003 or 386.1009** committed by other persons or entities.

9. Section 407.1104 and this section shall take effect on July 1, 2001.”; and

Further amend said bill, pages 14-15, section 407.1107, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted.

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

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

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 840 and 857, Pages 2-5, Section 386.1000, by striking all of said section from the bill; and

Further amend said bill, section 386.1003, page 5, lines 8-13 by striking all of said section from the bill; and

Further amend said bill, section 386.1006, pages 5-7 by striking all of said section from the bill; and

Further amend said bill, section 386.1009, page 7, lines 14-21 by striking all of said section from the bill; and

Further amend said bill, section 386.1012, pages 7-9 by striking all of said section from the bill; and

Further amend said bill, section 386.1015, pages 9-11 by striking all of said section from the bill; and

Further amend said bill, section 386.1018, page 11, lines 12-16 by striking all of said section from the bill; and

Further amend said bill, section 386.1021, page 11, lines 17-23 by striking all of said section from the bill; and

Further amend said bill, sections 407.1095 to 407.1107, pages 11-15 by striking all of said sections from the bill; and

Further amend said bill, section 407.1107, page 15, line 39 by inserting after all of said line the following:

“407.1095. As used in sections 407.1095 to 407.1110, the following words and phrases mean:

(1) **“Automated call”, any prerecorded or synthesized voice message resulting from the use of an automatic dialing-announcing device but does not include communication:**

(a) **To any residential subscriber with that subscriber's prior express invitation or permission;**

(b) **By or on behalf of any person or entity with whom a residential subscriber has had a business contact within the past one hundred eighty days or a current business or personal relationship;**

(c) **When the message is preceded by a live operator who announces the automated message to be delivered;**

(d) From a public safety agency or other entity notifying a person of an emergency. Such calls may include Amber alert notification issued under section 210.1012, RSMo; or

(e) From a telecommunications company, as defined in section 386.020, RSMo, or the directory publisher affiliates of any such company, calling solely for the purpose of verifying the delivery of products or services that were provided at no charge to the residential subscriber;

(f) From a person or entity requesting the residential subscriber's personal opinion regarding a public policy matter, political candidate, or issue before the voters or which may come before the voters, where the request for an opinion is made for a bona fide information-gathering purpose;

(2) “Automatic dialing-announcing device”, a device that selects and dials telephone numbers and that, working alone or in conjunction with other equipment, disseminates a prerecorded or synthesized voice message to the telephone number called;

(3) “Caller identification service”, a type of telephone service which permits telephone subscribers to see the telephone number of incoming telephone calls;

(4) “Political solicitation”, any voice communication from a live operator or through the use of an automatic dialing-announcing device for the purpose of promoting, advertising, or campaigning for or against a political candidate or political issue;

[(2)] (5) “Residential subscriber”, a person who, for primarily personal and familial use, has subscribed to residential telephone service [from a local exchange company], wireless service or similar service, or the other persons living or residing with such person;

[(3)] (6) “Telephone solicitation”, any voice [communication over a telephone line from a live operator, through the use of ADAD equipment or by other means], facsimile, graphic imaging, or data communication, including text messaging communications, for the purpose of encouraging the purchase or rental of, or investment in, property, goods or services, but does not include communications:

(a) To any residential subscriber with that subscriber's prior express invitation or permission;

(b) By or on behalf of any person or entity with whom a residential subscriber has had a business contact within the past one hundred eighty days or a current business or personal relationship;

(c) By or on behalf of an entity organized pursuant to Chapter 501(c)(3) of the United States Internal Revenue Code, while such entity is engaged in fund-raising to support the charitable purpose for which the entity was established provided that a bona fide member of such exempt organization makes the voice communication;

(d) By or on behalf of any entity over which a federal agency has regulatory authority to the extent that:

a. Subject to such authority, the entity is required to maintain a license, permit or certificate to sell or provide the merchandise being offered through telemarketing; and

b. The entity is required by law or rule to develop and maintain a no-call list;

(e) By a natural person responding to a referral, or working from his or her primary residence, or a person licensed by the state of Missouri to carry out a trade, occupation or profession who is setting or attempting to set an appointment for actions relating to that licensed trade, occupation or profession within the state or counties contiguous to the state.

407.1098. [1.] No person or entity shall make or cause to be made any telephone solicitation **or automated call** to [the telephone line of] any residential subscriber in this state who has given notice to the attorney general, in accordance with rules promulgated pursuant to section 407.1101 of such subscriber's objection to receiving telephone solicitations **and automated calls**.

[2. This section shall take effect on July 1, 2001.]

407.1101. 1. The attorney general shall establish and provide for the operation of a database to compile a list of telephone numbers of residential subscribers who object to receiving telephone solicitations **and automated calls**. [The attorney general shall have such database in operation no later than July 1, 2001.]

2. [No later than January 1, 2001,] The attorney general shall promulgate rules and regulations governing the establishment of a state no-call database as he or she deems necessary and appropriate to fully implement the provisions of sections 407.1095 to 407.1110. The rules and regulations shall include those which:

(1) Specify the methods by which each residential subscriber may give notice to the attorney general or its contractor of his or her objection to receiving such solicitations **and calls** or revocation of such notice. There shall be no cost to the subscriber for joining the database;

(2) Specify the length of time for which a notice of objection shall be effective and the effect of a change of telephone number on such notice;

(3) Specify the methods by which such objections and revocations shall be collected and added to the database;

(4) Specify the methods by which any person or entity desiring to make telephone solicitations **or automated calls** will obtain access to the database as required to avoid calling the telephone numbers of residential subscribers included in the database, including the cost assessed to that person or entity for access to the database;

(5) Specify such other matters relating to the database that the attorney general deems desirable.

3. If the Federal Communications Commission establishes a single national database of telephone numbers of subscribers who object to receiving telephone solicitations pursuant to 47 U.S.C., Section 227(c)(3), the attorney general shall include that part of such single national database that relates to Missouri in the database established pursuant to this section.

4. Information contained in the database established pursuant to this section shall be used only for the purpose of compliance with section 407.1098 and this section or in a proceeding or action pursuant to section 407.1107. Such information shall not be considered a public record pursuant to chapter 610, RSMo.

5. In April, July, October and January of each year, the attorney general shall be encouraged to obtain subscription listings of [consumers] **residential subscribers** in this state who have arranged to be included on any national do-not-call list and add those [names] **telephone numbers** to the state do-not-call list.

6. The attorney general may utilize moneys appropriated from general revenue and moneys appropriated from the merchandising practices revolving fund established in section 407.140 for the purposes of establishing and operating the state no-call database.

7. 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 sections 407.1095 to 407.1110 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, 2000, shall be invalid and void.

407.1104. 1. Any person or entity who makes a telephone solicitation to [the telephone line of] any residential subscriber in this state shall, at the beginning of such [call] **solicitation**, state clearly the identity of the person or entity initiating the [call] **solicitation**.

2. No person or entity who makes a telephone solicitation [to the telephone line of a residential subscriber] **or automated call** in this state shall knowingly use any method to block or otherwise circumvent [such] **any** subscriber's use of a caller identification service.

407.1107. 1. The attorney general may initiate proceedings relating to a knowing violation or threatened knowing violation of section 407.1098 or 407.1104. Such proceedings may include, without limitation, an injunction, a civil penalty up to a maximum of five thousand dollars for each knowing violation and additional relief in any court of competent jurisdiction. The attorney general may issue investigative demands, issue subpoenas, administer oaths and conduct hearings in the course of investigating a violation of section 407.1098 or 407.1104.

2. In addition to the penalties provided in subsection 1 of this section, any person or entity that violates section 407.1104 shall be subject to all penalties, remedies and procedures provided in sections 407.010 to 407.130. The remedies available in this section are cumulative and in addition to any other remedies available by law.

3. Any person who has received more than one telephone solicitation **or automated call** within any twelve-month period by or on behalf of the same person or entity in violation of section 407.1098 or 407.1104 may either:

(1) Bring an action to enjoin such violation;

(2) Bring an action to recover for actual monetary loss from such knowing violation or to receive up to five thousand dollars in damages for each such knowing violation, whichever is greater; or

(3) Bring both such actions.

4. It shall be a defense in any action or proceeding brought pursuant to this section that the defendant has established and implemented, with due care, reasonable practices and procedures to effectively prevent telephone solicitations **or automated calls** in violation of section 407.1098 or 407.1104.

5. No action or proceeding may be brought pursuant to this section:

(1) More than two years after the person bringing the action knew or should have known of the occurrence of the alleged violation; or

(2) More than two years after the termination of any proceeding or action arising out of the same violation or violations by the state of Missouri, whichever is later.

6. A court of this state may exercise personal jurisdiction over any nonresident or his or her executor or administrator as to an action or proceeding authorized by this section in the manner otherwise provided by law.

7. The remedies, duties, prohibitions and penalties of sections 407.1095 to [407.1104] **407.1107** are not exclusive and are in addition to all other causes of action, remedies and penalties provided by law.

8. No provider of telephone caller identification service shall be held liable for violations of section 407.1098 or 407.1104 committed by other persons or entities.

9. [Section 407.1104 and this section shall take effect on July 1, 2001.] **When a residential subscriber does not answer a call defined in paragraph (c) of subdivision (1) of section 407.1095, it shall not be considered a violation of section 407.1098 or 407.1104 for the automated message to be left on such residential subscriber's answering machine or voice mail message system, provided such automated message is preceded by an announcement of such message by the live operator.**

407.1112. 1. Any person or entity making a political solicitation to any residential subscriber in this state shall clearly state who paid for the solicitation by using the words "This message is paid for by" followed by the proper identification of the sponsor.

(1) In regard to any political solicitation paid for by a candidate, as defined in section 130.011, RSMo, from the candidate's personal funds, it shall be sufficient identification to state the first and last name by which the candidate is known.

(2) In regard to any political solicitation paid for by a committee, it shall be sufficient identification to state the name of the committee as required to be registered by subsection 5 of section 130.021, RSMo, and the name and title of the committee treasurer serving at the time the solicitation is made, and the political affiliation of the committee, if any.

(3) In regard to any political solicitation paid for by a corporation or other business entity, labor organization, or any other organization not defined to be a committee by subdivision (7) of section 130.011, RSMo, and not organized especially for influencing one or more elections, it shall be sufficient identification to state the name of the entity.

(4) In regard to any solicitation paid for by an individual or individuals, it shall be sufficient identification to state the name of the individual or individuals.

2. No person or entity shall accept for the making of a political solicitation or make such solicitation until the solicitation meets the requirements of this section. Such person or entity shall maintain a record of the name and address of the person or entity who purchased or requested such services and the amount paid for such services. The record required by this subsection shall be kept for a period of two years after the date upon which payment was received for such services.

3. Notwithstanding the provisions of sections 105.955 and 105.957, RSMo, to the contrary, any residential subscriber who receives a political solicitation in violation of this section may file a complaint with the Missouri ethics commission. The Missouri ethics commission shall address any complaint filed under this section in the same manner as it addresses violations of subsection 8 of section 130.031, RSMo.

4. Any committee making a political solicitation under the provisions of this section shall be registered with the Missouri ethics commission.

5. Any entity described in subdivision (3) of subsection 1 of this section making an automated call for the purpose of making a political solicitation, as the terms "automated call" and "political solicitation" are defined in section 407.1095 the cost of which individually or in aggregate exceeds five

hundred dollars, shall register with the secretary of state and the Missouri ethics commission prior to making any such automated political solicitation. Any such solicitation by the entity shall additionally state who engaged the organization to make the solicitation.

407.1113. In addition to any other information provided to a candidate at the time such candidate files for an elective office with the secretary of state, the secretary of state shall provide a summary of the provisions of section 407.1112 to the candidate.

407.1115. Any entity making a radio advertisement that is made for the purpose of promoting, advertising, or campaigning for or against a political candidate or political issue that gives out the phone number of an elected official and requests that listeners contact the official by telephone shall register with the Missouri ethics commission and shall disclose the identity of the entity or person paying for such advertisement.”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above substitute amendment be adopted.

Senator Days offered **SA 1** to **SSA 1** for **SA 1**, which was read:

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

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 840 and 857, Page 2, Section 407.1095, Lines 11-12, by striking all of said lines from the amendment and relettering the remaining paragraphs accordingly; and

Further amend said amendment, page 9, section 407.1107, lines 5-11 by striking all of the underlined words on said lines.

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

SSA 1 for **SA 1**, as amended, was again taken up.

Senator Shields requested a roll call vote be taken on the adoption of **SSA 1** for **SA 1**, as amended, and was joined in his request by Senators Coleman, McKenna, Gibbons and Shoemyer.

On motion of Senator Green, **SSA 1** for **SA 1**, as amended, was adopted by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Coleman	Crowell	Days	Dempsey
Gibbons	Green	Griesheimer	Justus	Kennedy	Koster	Lager	Mayer
McKenna	Shoemyer	Smith	Vogel	Wilson—21			

NAYS—Senators

Clemens	Engler	Loudon	Nodler	Rupp	Scott	Shields	Stouffer—8
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Absent—Senators

Goodman	Graham	Purgason—3
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Absent with leave—Senators

Bartle	Ridgeway—2
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Vacancies—None

At the request of Senator Engler, **SB 840** and **SB 857**, with **SCS** and **SS** for **SCS**, as amended (pending), were placed on the Informal Calendar.

Senator Stouffer moved that **SB 811**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 811**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 811

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to a tax credit for the use of idle reduction technology.

Was taken up.

Senator Stouffer moved that **SCS** for **SB 811** be adopted.

Senator Shields requested unanimous consent of the Senate to allow members of the Water Patrol to enter the Chamber with side arms, which request was granted.

Senator Crowell offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 811, Page 1, In the Title, Lines 2-3, of the title, by striking “a tax credit for the use of idle reduction technology” and inserting in lieu thereof the following: “state tax credits”; and

Further amend said bill, Page 3, Section 135.670, Line 67, by inserting after all of said line the following:

“135.1200. Sections 135.1200 to 135.1210 shall be known and may be cited as the “Missouri Special Needs Scholarship Tax Credit Program”.

135.1202. 1. As used in sections 135.1200 to 135.1210, the following terms mean:

(1) “Autism spectrum disorder”, pervasive developmental disorder; Asperger's syndrome; childhood disintegrative disorder; Rett's syndrome; and autism;

(2) “Contribution”, a donation of cash, stock, bonds, or other marketable securities, or real property;

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

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

(5) “Educational scholarships”, grants to students to cover all or part of the costs at either a qualified non-public school or a qualified public school, including transportation;

(6) “Eligible student”, any elementary or secondary student who attended public school in Missouri the preceding semester, or who will be attending school for the first time, with an individualized education program, including but not limited to students who are mentally handicapped, speech and language impaired, deaf or hard of hearing, visually impaired, dual sensory impaired, physically impaired, emotionally handicapped, specific learning disabled, diagnosed with an autism spectrum disorder, or hospitalized or homebound due to illness or disability;

(7) “Parent”, includes a guardian, custodian or other person with authority to act on behalf of the child;

(8) “Program”, the Missouri special needs scholarship tax credit program;

(9) “Qualified school”, either a public elementary or secondary school outside of the district in which a student resides or a non-public elementary or secondary school in Missouri that complies with all of the requirements of the program and complies with all state laws that apply to non-public schools regarding criminal background checks for employees and exclude from employment any person not permitted by state law to work in a non-public school;

(10) “Scholarship granting organization”, a charitable organization which is exempt from federal income tax that complies with the requirements of this program and provides education scholarships to students attending qualified schools of their parents' choice;

(11) “State tax liability”, in the case of a business taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapters 143, 147, 148, and 153, RSMo, excluding sections 143.191 to 143.265, RSMo, and related provisions, and in the case of an individual taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143, RSMo, excluding sections 143.191 to 143.265, RSMo, and related provisions;

(12) “Taxpayer”, a person, firm, a partner in a firm, corporation, or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, RSMo, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, RSMo, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state pursuant to the provisions of chapter 148, RSMo, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, RSMo, or an individual subject to the state income tax imposed by the provisions of chapter 143, RSMo, or any charitable organization which is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under chapter 143, RSMo.

2. For all tax years beginning on or after January 1, 2008, a taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability in an amount equal to eighty percent of the amount such taxpayer contributed to a scholarship granting organization. No taxpayer shall be issued more than eight hundred thousand dollars in tax credits authorized under this section per tax year.

3. The amount of the tax credit claimed shall not exceed fifty percent of a taxpayer's state tax liability for the taxable year for which the credit is claimed. However, any tax credit that cannot be claimed in the taxable year the contribution was made may be carried over to the next four succeeding taxable years until the full credit has been claimed.

4. The director shall determine, at least annually, which organizations in this state may be classified as scholarship granting organizations. The director may require of an organization seeking to be classified as a scholarship granting organization whatever information which is reasonably necessary to make such a determination. The director shall classify an organization as a scholarship granting organization if such organization meets the definition set forth in subsection 1 of this section.

5. The director shall establish a procedure by which a taxpayer can determine if an organization

has been classified as a scholarship granting organization. Scholarship granting organizations shall be permitted to decline a contribution from a taxpayer.

6. Each scholarship granting organization shall provide information to the director concerning the identity of each taxpayer making a contribution to the scholarship granting organization who is claiming a tax credit pursuant to this section and the amount of the contribution. The director shall provide the information to the director of revenue. The director shall be subject to the confidentiality and penalty provisions of section 32.057, RSMo, relating to the disclosure of tax information.

7. Notwithstanding any other law to the contrary, any tax credits granted under this section may be assigned, transferred, sold, or otherwise conveyed without consent or approval. Such taxpayer, hereinafter the assignor for purposes of this section, may sell, assign, exchange, or otherwise transfer earned tax credits:

- (1) For no less than seventy-five percent of the par value of such credits; and
- (2) In an amount not to exceed one hundred percent of annual earned credits.

8. Notwithstanding any provision of law to the contrary, any eligible student who receives an educational scholarship under the provisions of this section and, as a result, attends a non-public school, shall be enumerated in the weighted average daily attendance calculation of the public school district which the student attended immediately prior to receiving the educational scholarship for each academic year in which the student receives the educational scholarship.

9. Notwithstanding any provision of law to the contrary, nothing contained in sections 135.1200 to 135.1210 shall reduce state funding for any public school district.

135.1204. 1. Each scholarship granting organization participating in the program under sections 135.1200 to 135.1210 shall:

- (1) Notify the department of its intent to provide educational scholarships to students attending qualified schools;
- (2) Provide a department-approved receipt to taxpayers for contributions made to the organization;
- (3) Ensure that at least ninety percent of its revenue from donations is spent on educational scholarships, and that all revenue from interest or investments is spent on educational scholarships;
- (4) Distribute periodic scholarship payments as checks made out to a student's parent and mailed to the qualified school where the student is enrolled. The parent or guardian must endorse the check before it can be deposited;
- (5) Cooperate with the department to conduct criminal background checks on all of its employees and board members and exclude from employment or governance any individual who might reasonably pose a risk to the appropriate use of contributed funds;
- (6) Ensure that scholarships are portable during the school year and can be used at any qualified school that accepts the eligible student according to a parent's wishes. If a student moves to a new qualified school during a school year, the scholarship amount may be prorated;
- (7) Demonstrate its financial accountability by:

(a) Submitting a financial information report for the organization that complies with uniform financial accounting standards established by the department and conducted by a certified public accountant; and

(b) Having the auditor certify that the report is free of material misstatements;

(8) Demonstrate its financial viability, if the organization is to receive donations of fifty thousand dollars or more during the school year, by filing with the department prior to the start of the school year:

(a) A surety bond payable to the state in an amount equal to the aggregate amount of contributions expected to be received during the school year; or

(b) Financial information that demonstrates the financial viability of the scholarship granting organization.

2. Each scholarship granting organization shall ensure participating schools that accept its scholarship students shall:

(1) Comply with all health and safety laws or codes that apply to non-public schools;

(2) Hold a valid occupancy permit if required by their municipality;

(3) Certify that it will comply with 42 U.S.C. 1981; and

(4) Provide academic accountability to parents of the students in the program by regularly reporting to the parent on the student's progress.

3. Scholarship granting organizations shall not provide educational scholarships for students to attend any school with paid staff or board members who are relatives within the first degree of consanguinity or affinity.

4. A scholarship granting organization shall publicly report to the department, by June first of each year, the following information prepared by a certified public accountant regarding their grants in the previous calendar year:

(1) The name and address of the scholarship granting organization;

(2) The total number and total dollar amount of contributions received during the previous calendar year; and

(3) The total number and total dollar amount of educational scholarships awarded during the previous calendar year, and the total number and total dollar amount of educational scholarships awarded during the previous year to students eligible for free and reduced lunch.

135.1206. 1. The department shall adopt rules and regulations consistent with sections 135.1200 to 135.1210 as necessary to implement the program.

2. The department shall provide a standardized format for a receipt to be issued by a scholarship granting organization to a taxpayer to indicate the value of a contribution received. The department shall require a taxpayer to provide a copy of this receipt when claiming the Missouri special needs scholarship tax credit.

3. The department shall provide a standardized format for scholarship granting organizations to report the information in section 135.1204.

4. The department may conduct either a financial review or audit of a scholarship granting organization.

5. If the department believes that a scholarship granting organization has intentionally and substantially failed to comply with the requirements of section 135.1204, the department may hold a hearing before the director, or his or her designee, to bar a scholarship granting organization from participating in the program. The director, or his or her designee, shall issue a decision within thirty days. A scholarship granting organization may appeal the director's decision to the administrative hearing commission for a hearing in accordance with the provisions of chapter 621, RSMo.

6. If the scholarship granting organization is barred from participating in the program, the department shall notify affected scholarship students and their parents of this decision within fifteen days.

7. 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, 2008, shall be invalid and void.

135.1208. 1. The department shall conduct a study of the program with funds other than state funds. The department may contract with one or more qualified researchers who have previous experience evaluating similar programs. The department may accept grants to assist in funding this study.

2. The study shall assess:

(1) The level of participating students' satisfaction with the program;

(2) The level of parental satisfaction with the program;

(3) The percentage of participating students who were bullied or harassed because of their special needs status at their resident school district compared to the percentage so bullied or harassed at their qualified school;

(4) The percentage of participating students who exhibited behavioral problems at their resident school district compared to the percentage exhibiting behavioral problems at their qualified school;

(5) The class size experienced by participating students at their resident school district and at their qualified school; and

(6) The fiscal impact to the state and resident school districts of the program.

3. The study shall be completed using appropriate analytical and behavioral sciences methodologies to ensure public confidence in the study.

4. The department shall provide the general assembly with a final copy of the evaluation of the program by December 31, 2009.

5. The public and non-public participating schools from which students transfer to participate in the program shall cooperate with the research effort by providing student assessment instrument

scores and any other data necessary to complete this study.

6. The general assembly may require periodic updates on the status of the study from the department. The individuals completing the study shall make their data and methodology available for public review while complying with the requirements of the Family Educational Rights and Privacy Act.

135.1210. Pursuant to section 23.253, RSMo, of the Missouri sunset act:

(1) The provisions of the new program authorized under sections 135.1200 to 135.1210 shall sunset automatically six years after the effective date of sections 135.1200 to 135.1210 unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under sections 135.1200 to 135.1210 shall sunset automatically twelve years after the effective date of the reauthorization of sections 135.1200 to 135.1210; and

(3) Sections 135.1200 to 135.1210 shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under sections 135.1200 to 135.1210 is sunset.”; and

Further amend the title and enacting clause accordingly.

Senator Crowell moved that the above amendment be adopted.

Senator Stouffer raised the point of order that **SA 1** is out of order as it goes beyond the title of the bill.

The point of order was referred to the President Pro Tem who took it under advisement, which placed the bill back on the Informal Calendar.

On motion of Senator Shields, the Senate recessed until 3:30 p.m.

RECESS

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

RESOLUTIONS

Senator Champion offered Senate Resolution No. 2251, regarding Saint Agnes Cathedral, Springfield, which was adopted.

Senators Days and Bray offered Senate Resolution No. 2252, regarding the Sixtieth Anniversary of the city of Saint Ann, which was adopted.

Senator Days offered Senate Resolution No. 2253, regarding JoAnn C. Donovan, which was adopted.

Senator Crowell offered Senate Resolution No. 2254, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Charles “Pink” Hutson, Jackson, which was adopted.

Senator Crowell offered Senate Resolution No. 2255, regarding Martha Dodson, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 2256, regarding Tim Pensel, Cape Girardeau, which was adopted.

Senator Barnitz offered Senate Resolution No. 2257, regarding Bradley Boeckmann, Linn, which was

adopted.

Senator Barnitz offered Senate Resolution No. 2258, regarding David Dawson, Salem, which was adopted.

Senator Engler offered Senate Resolution No. 2259, regarding Kyle Brown, Potosi, which was adopted.

REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SB 1107**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Senator Goodman, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **SB 1150**, with **SCS**; and **SS** for **SCS** for **SBs 761** and **774**, begs leave to report that it has considered the same and recommends that the bills do pass.

THIRD READING OF SENATE BILLS

SB 1105, with **SCS**, introduced by Senator Coleman, entitled:

An Act to amend chapter 143, RSMo, by adding thereto one new section relating to an income tax check-off for contributions to the Breast Cancer Awareness Trust Fund.

Was called from the Consent Calendar and taken up.

SCS for **SB 1105**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1105**

An Act to amend chapter 143, RSMo, by adding thereto one new section relating to an income tax check-off for contributions to the Breast Cancer Awareness Trust Fund.

Was taken up.

Senator Coleman moved that **SCS** for **SB 1105** be adopted, which motion prevailed.

On motion of Senator Coleman, **SCS** for **SB 1105** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senator Engler—1

Absent with leave—Senator Ridgeway—1

Vacancies—None

The President declared the bill passed.

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

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

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

SB 1150, with **SCS**, introduced by Senator Barnitz, entitled:

An Act to repeal sections 347.740, 351.127, 355.023, 356.233, 359.653, 400.9-528, and 417.018, RSMo, and to enact in lieu thereof seven new sections relating to fees credited to the technology trust fund.

Was called from the Consent Calendar and taken up.

SCS for **SB 1150**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1150

An Act to repeal sections 347.740, 351.127, 355.023, 356.233, 359.653, 400.9-528, and 417.018, RSMo, and to enact in lieu thereof seven new sections relating to fees credited to the technology trust fund.

Was taken up.

Senator Barnitz moved that **SCS** for **SB 1150** be adopted, which motion prevailed.

On motion of Senator Barnitz, **SCS** for **SB 1150** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

Wilson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Ridgeway—1

Vacancies—None

The President declared the bill passed.

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

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

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

SB 1157, with **SCS**, introduced by Senator Green, entitled:

An Act to authorize the conveyance of property owned by the state of Missouri in the city of St. Louis, with an emergency clause.

Was called from the Consent Calendar and taken up.

SCS for **SB 1157**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1157

An Act to authorize the conveyance of property owned by the state of Missouri in St. Louis County, with an emergency clause.

Was taken up.

Senator Green moved that **SCS** for **SB 1157** be adopted, which motion prevailed.

On motion of Senator Green, **SCS** for **SB 1157** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion	Clemens	Crowell	Days	Dempsey
Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus	Kennedy
Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Rupp
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senators

Bray Coleman—2

Absent with leave—Senator Ridgeway—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Ridgeway—1

Vacancies—None

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

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

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

SB 1209, with **SCS**, introduced by Senator Callahan, entitled:

An Act to repeal section 67.1360, RSMo, and to enact in lieu thereof one new section relating to a local sales tax for the promotion of tourism.

Was called from the Consent Calendar and taken up.

SCS for **SB 1209**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1209

An Act to repeal section 67.1360, RSMo, and to enact in lieu thereof one new section relating to a local sales tax for the promotion of tourism.

Was taken up.

Senator Callahan moved that **SCS** for **SB 1209** be adopted, which motion prevailed.

On motion of Senator Callahan, **SCS** for **SB 1209** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Champion	Coleman	Crowell	Days	Dempsey
Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus	Kennedy
Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Rupp
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senators

Barnitz Clemens—2

Absent with leave—Senator Ridgeway—1

Vacancies—None

The President declared the bill passed.

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

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

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

SB 1153, SB 1154, SB 1155 and **SB 1156**, with **SCS**, introduced by Senator Crowell, entitled respectively:

An Act to repeal sections 169.130 and 169.650, RSMo, and to enact in lieu thereof two new sections relating to association admission for teacher and school employee retirement systems.

An Act to amend chapter 169, RSMo, by adding thereto one new section relating to the indemnification for teacher and school employee retirement systems.

An Act to repeal sections 169.040 and 169.630, RSMo, and to enact in lieu thereof two new sections relating to the investment of funds for teacher and school employee retirement systems.

An Act to repeal sections 169.020, 169.040, 169.056, 169.070, 169.090, 169.130, 169.630, 169.650, 169.655, 169.670, and 169.690, RSMo, and to enact in lieu thereof twelve new sections relating to teacher and school employee retirement systems.

Were called from the Consent Calendar and taken up.

SCS for **SBs 1153, 1154, 1155** and **1156**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 1153, 1154, 1155 and 1156**

An Act to repeal sections 169.020, 169.040, 169.056, 169.070, 169.090, 169.130, 169.630, 169.650, 169.655, 169.670, and 169.690, RSMo, and to enact in lieu thereof twelve new sections relating to teacher and school employee retirement systems.

Was taken up.

Senator Crowell moved that **SCS** for **SBs 1153, 1154, 1155** and **1156** be adopted, which motion prevailed.

On motion of Senator Crowell, **SCS** for **SBs 1153, 1154, 1155** and **1156** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Barnitz Clemens—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

SB 1168, with **SCS**, introduced by Senators Dempsey and Smith, entitled:

An Act to repeal section 385.050, RSMo, and to enact in lieu thereof one new section relating to premium refund calculations for credit insurance.

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

SCS for **SB 1168**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1168

An Act to repeal section 385.050, RSMo, and to enact in lieu thereof one new section relating to premium refund calculations for credit insurance.

Was taken up.

Senator Dempsey moved that **SCS** for **SB 1168** be adopted, which motion prevailed.

On motion of Senator Dempsey, **SCS** for **SB 1168** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senator Barnitz—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

SB 733, introduced by Senators Champion and Gibbons, entitled:

An Act to repeal section 650.100, RSMo, and to enact in lieu thereof two new sections relating to crime laboratories.

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

On motion of Senator Champion, **SB 733** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

Wilson—33

NAYS—Senators—None

Absent—Senator Barnitz—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

SB 932, introduced by Senator Loudon, entitled:

An Act to repeal section 650.120, RSMo, and to enact in lieu thereof one new section relating to Internet sex crimes investigation grant program.

Was called from the Consent Calendar and taken up.

On motion of Senator Loudon, **SB 932** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

Wilson—33

NAYS—Senators—None

Absent—Senator Barnitz—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

SB 976, introduced by Senator Ridgeway, entitled:

An Act to repeal sections 621.250 and 640.013, RSMo, and to enact in lieu thereof two new sections relating to certain appeals to be heard by the administrative hearing commission.

Was called from the Consent Calendar and taken up.

On motion of Senator Ridgeway, **SB 976** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senator Barnitz—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

SB 1074, introduced by Senators Dempsey and Graham, entitled:

An Act to repeal section 429.015, RSMo, and to enact in lieu thereof one new section relating to liens for architects, professional engineers, land surveyors, and landscape architects.

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

On motion of Senator Dempsey, **SB 1074** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senator Barnitz—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

SB 1185, with **SCS**, introduced by Senators Gibbons and Bartle, entitled:

An Act to repeal sections 229.110, 302.311, 302.750, 545.490, 550.050, 550.070, 550.080, 550.090, 566.147, 575.030, 575.100, 575.150, 575.260, 577.041, and 589.400, RSMo, and to enact in lieu thereof ten new sections relating to crime, with penalty provisions.

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

SCS for **SB 1185**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1185

An Act to repeal sections 229.110, 302.311, 302.750, 550.050, 550.070, 550.080, 550.090, and 577.041, RSMo, and to enact in lieu thereof three new sections relating to prosecutors, with penalty provisions.

Was taken up.

Senator Gibbons moved that **SCS** for **SB 1185** be adopted, which motion prevailed.

On motion of Senator Gibbons, **SCS** for **SB 1185** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

Wilson—33

NAYS—Senator Callahan—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

SB 1235, with **SCS**, introduced by Senator Justus, entitled:

An Act to repeal sections 362.550 and 456.8-816, RSMo, and to enact in lieu thereof two new sections relating to the Missouri uniform trust code.

Was called from the Consent Calendar and taken up.

SCS for **SB 1235**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1235

An Act to repeal sections 362.550, 456.8-802, and 456.8-816, RSMo, and to enact in lieu thereof three new sections relating to the Missouri uniform trust code.

Was taken up.

Senator Justus moved that **SCS** for **SB 1235** be adopted, which motion prevailed.

On motion of Senator Justus, **SCS** for **SB 1235** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

SB 1261, with **SCS**, introduced by Senator Bray, entitled:

An Act to amend chapter 251, RSMo, by adding thereto one new section relating to collaboration among state departments to secure federal energy independence grants.

Was called from the Consent Calendar and taken up.

SCS for SB 1261, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1261

An Act to amend chapter 251, RSMo, by adding thereto one new section relating to collaboration among state departments to secure federal energy independence grants.

Was taken up.

Senator Bray moved that **SCS for SB 1261** be adopted, which motion prevailed.

On motion of Senator Bray, **SCS for SB 1261** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

SB 928, introduced by Senator Green, entitled:

An Act to repeal section 392.410, RSMo, and to enact in lieu thereof one new section relating to the public service commission.

Was called from the Consent Calendar and taken up.

On motion of Senator Green, **SB 928** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senator Scott—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

SB 839, introduced by Senator Engler, entitled:

An Act to repeal section 177.088, RSMo, and to enact in lieu thereof one new section relating to the transfer of title to real property for school districts.

Was called from the Consent Calendar and taken up.

On motion of Senator Engler, **SB 839** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

Wilson—33

NAYS—Senators—None

Absent—Senator Barnitz—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

SB 1225 and **SB 1226**, with **SCS**, introduced by Senator Mayer, entitled respectively:

An Act to repeal section 162.961, RSMo, and to enact in lieu thereof one new section relating to special education due process hearings.

An Act to repeal section 162.963, RSMo, and to enact in lieu thereof one new section relating to special education due process hearings.

Were called from the Consent Calendar and taken up.

SCS for SBs 1225 and 1226, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 1225 and 1226

An Act to repeal sections 162.961 and 162.963, RSMo, and to enact in lieu thereof two new sections relating to special education due process hearings.

Was taken up.

Senator Mayer moved that **SCS for SBs 1225 and 1226** be adopted, which motion prevailed.

On motion of Senator Mayer, **SCS for SBs 1225 and 1226** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

SENATE BILLS FOR PERFECTION

Senator Rupp moved that **SB 846**, with **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SCS for SB 846, as amended, was again taken up.

Senator Lager assumed the Chair.

Senator Rupp offered **SS for SCS for SB 846**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 846

An Act to repeal sections 160.545, 173.256, and 173.258, RSMo, and to enact in lieu thereof three new sections relating to higher education scholarships.

Senator Rupp moved that **SS** for **SCS** for **SB 846** be adopted.

Senator Bray offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 846, Page 7, Section 173.258, Line 15, by inserting after all of said line the following:

“173.392. 1. There is hereby created in the state treasury a fund to be known as the “Lewis and Clark Discovery Fund”. The state treasurer shall deposit to the credit of the fund all moneys which may be distributed to it by the authority, appropriated to it by the general assembly, and any gifts, contributions, grants, or bequests received from federal, private, or other sources for deposit into the fund. The office of administration shall administer the fund. The moneys in the fund shall only be used for any purpose enumerated in subsection 2 of this section. The moneys in the fund may be appropriated by the general assembly, but only for any purpose enumerated in subsection 2 of this section. None of the moneys in the fund shall be considered state funds unless and to the extent such moneys are appropriated by the general assembly.

2. The general assembly may annually appropriate moneys from the Lewis and Clark discovery fund only for the following purposes:

(1) To support funding of capital projects at public colleges and universities [, provided that moneys shall not be appropriated to any public college or university that knowingly employs, as of September 1, 2007, any person, as a professor or instructor, required to be registered under sections 589.400 to 589.425, RSMo]; and

(2) To support funding for the Missouri technology corporation's ability to work with colleges and universities in identifying opportunities for commercializing technologies, transferring technologies, and to develop, recruit, and retain entities engaged in innovative technologies.

3. Moneys in the fund shall be invested by the state treasurer in the manner prescribed by law for investment of general revenue funds and any interest earned on invested moneys shall accrue to the benefit of the Lewis and Clark discovery fund and shall reduce payments by the authority pursuant to subsection 2 of section 173.385. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the Missouri Lewis and Clark discovery fund shall not revert to the credit of the general revenue fund at the end of the biennium.”; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted.

Senator Shields requested a roll call vote be taken on the adoption of **SA 1** and was joined in his request by Senators Dempsey, Ridgeway, Rupp and Vogel.

SA 1 failed of adoption by the following vote:

YEAS—Senators

Bray Smith—2

NAYS—Senators

Barnitz Bartle Callahan Champion Coleman Crowell Dempsey Engler

Gibbons	Goodman	Graham	Green	Griesheimer	Justus	Kennedy	Koster
Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson—30		

Absent—Senators

Clemens Days—2

Absent with leave—Senators—None

Vacancies—None

Senator Coleman offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 846, Page 3, Section 160.545, Line 7, by inserting after all of said line the following:

“3. A school district may participate in the program irrespective of its accreditation classification by the state board of education, provided it meets all other requirements.”; and

Further renumber the remaining subsections accordingly.

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

Senator Rupp moved that **SS** for **SCS** for **SB 846**, as amended, be adopted, which motion prevailed.

On motion of Senator Rupp, **SS** for **SCS** for **SB 846**, as amended, was declared perfected and ordered printed.

Senator Rupp moved that **SB 768**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 768**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 768

An Act to amend chapter 633, RSMo, by adding thereto one new section relating to the Missouri commission on autism spectrum disorders.

Was taken up.

Senator Rupp moved that **SCS** for **SB 768** be adopted.

Senator Rupp offered **SS** for **SCS** for **SB 768**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 768

An Act to amend chapter 633, RSMo, by adding thereto two new sections relating to autism spectrum disorders as addressed by the department of mental health.

Senator Rupp moved that **SS** for **SCS** for **SB 768** be adopted.

Senator Koster offered SA 1:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 768, Page 1, In the Title, Lines 3-4, by striking the words “as addressed by the department of mental health”; and

Further amend said bill, page 1, section A, line 3 by inserting immediately after all of said line the following:

“376.1224. 1. For purposes of this section, the following terms shall mean:

(1) “Applied behavior analysis”, the design, implementation, and evaluation of environmental modifications, using behavioral stimuli and consequences, to produce socially significant improvement in human behavior, including the use of direct observation, measurement, and functional analysis of the relations between environment and behavior;

(2) “Autism service provider”, any person, entity, or group that provides treatment of autism spectrum disorders;

(3) “Autism spectrum disorders”, a neurobiological disorder that includes any of the pervasive developmental disorders as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders, including Autistic Disorder, Asperger's Disorder, Rett's Syndrome, Childhood Disintegrative Disorder, and Pervasive Developmental Disorder Not Otherwise Specified;

(4) “Carrier”, shall have the meaning ascribed to such term in subdivision (6) of subsection 2 of section 379.930;

(5) “Diagnosis of autism spectrum disorders”, medically necessary assessments, evaluations, or tests in order to diagnose whether an individual has an autism spectrum disorder;

(6) “Evidence-based research”, research that applies rigorous, systematic, and objective procedures to obtain valid knowledge relevant to autism spectrum disorders;

(7) “Habilitative or rehabilitative care”, professional, counseling, and guidance services and treatment programs, including applied behavior analysis, that are necessary to develop, maintain, and restore, to the maximum extent practicable, the functioning of an individual;

(8) “Medically necessary”, any care, treatment, intervention, service, or item that is prescribed, provided, or ordered by a licensed physician or a licensed psychologist in accordance with accepted standards of practice and that will, or is reasonably expected to, do any of the following:

(a) Prevent the onset of an illness, condition, injury, or disability;

(b) Reduce or ameliorate the physical, mental, or developmental effects of an illness, condition, injury, or disability; or

(c) Assist to achieve or maintain maximum functional capacity in performing daily activities, taking into account both the functional capacity of the individual and the functional capacities that are appropriate for individuals of the same age;

(9) “Neurobiological disorder”, an illness of the nervous system caused by genetic, metabolic or other biological factors;

(10) “Pharmacy care”, medications prescribed by a licensed physician and any health-related

services deemed medically necessary to determine the need or effectiveness of the medications;

(11) “Small employer”, shall have the meaning ascribed to such term in section 379.930.2(34);

(12) “Therapeutic care”, services provided by licensed or certified speech therapists, occupational therapists, or physical therapists;

(13) “Treatment for autism spectrum disorders”, shall include the following care prescribed, provided, or ordered for an individual diagnosed with an autism spectrum disorder by a licensed physician, licensed psychologist, or certified registered nurse practitioner if the care is determined to be medically necessary:

(a) Psychiatric care;

(b) Psychological care;

(c) Habilitative or rehabilitative care;

(d) Therapeutic care;

(e) Pharmacy care;

(f) Nutritional supplements;

(g) Applied behavior analysis therapy;

(h) Any care, treatment, intervention, service or item for individuals with an autism spectrum disorder which is determined by the department of health and senior services, based upon its review of best practices or evidenced-based research, to be medically necessary.

2. Each carrier or health benefit plan that offers or issues health benefit plans which are amended, delivered, issued, or renewed after January 1, 2009, shall provide individuals under twenty-one years of age coverage for the diagnosis of autism spectrum disorders and for the treatment of autism spectrum disorders to the extent that the diagnosis and treatment of autism spectrum disorders are not already covered by the policy of accident and health insurance or managed care plan.

3. With regards to a health benefit plan, a carrier shall not deny or refuse to issue coverage on, refuse to contract with, refuse to renew, or refuse to reissue or otherwise terminate or restrict coverage on an individual solely because the individual is diagnosed with an autism spectrum disorder.

4. Coverage provided under this section for applied behavior analysis shall be subject to a maximum benefit of fifty thousand dollars per year, but shall not be subject to any limits on the number of visits to an autism service provider. After December 30, 2008, the director of the department of insurance, financial and professional registration shall, on an annual basis, adjust the maximum benefit for inflation using the Medical Care Component of the United States Department of Labor Consumer Price Index for All Urban Consumers. Payments made by an insurer on behalf of a covered individual for any care, treatment, intervention, service, or item, the provision of which was for the treatment of a health condition unrelated to the covered individual's autism spectrum disorder, shall not be applied toward any maximum benefit established under this subsection.

5. Coverage under this section shall be subject to co-payment, deductible, and coinsurance

provisions of a health benefit plan to the extent that other medical services covered by the policy of health benefit plan are subject to these provisions.

6. This section shall not be construed as limiting benefits which are otherwise available to an individual under a health benefit plan. The health care services required by this section shall not be subject to any greater deductible or co-payment than other health care services provided by a health benefit plan.

7. The department of health and senior services shall establish standards to be utilized by health benefit plans for the credentialing of autism service providers. The department of health and senior services may require that health benefit plans grant credentials to any autism services provider whom the department of health and senior services determines meets or exceeds the department of health and senior services' credentialing standards.

8. Except for inpatient services, if an individual is receiving treatment for an autism spectrum disorder, a health benefit plan will have the right to request a review of that treatment not more than once every six months unless the health benefit plan and the individual's licensed physician or licensed psychologist agrees that a more frequent review is necessary. The cost of obtaining any review will be borne by the carrier.

9. This section shall not apply to health benefit plans offered solely to an individual or through a small employer.”; and

Further amend the title and enacting clause accordingly.

Senator Koster moved that the above amendment be adopted.

Senator Shields raised the point of order that **SA 1** is out of order as it goes beyond the title and scope of the bill.

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

Senator Rupp moved that **SS** for **SCS** for **SB 768** be adopted, which motion prevailed.

On motion of Senator Rupp, **SS** for **SCS** for **SB 768**, was declared perfected and ordered printed.

MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1348**, entitled:

An Act to repeal section 84.240, RSMo, relating to duties of the board of police commissioners.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1532**, entitled:

An Act to amend chapter 307, RSMo, by adding thereto one new section relating to motorcycle

headlight modulators.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

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 **HB 1888**, entitled:

An Act to repeal sections 89.080, 89.090, and 305.410, RSMo, and to enact in lieu thereof three new sections relating to airport zoning.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1574**, entitled:

An Act to repeal sections 57.967 and 57.980, RSMo, and to enact in lieu thereof two new sections relating to sheriffs' retirement.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1608**, entitled:

An Act to repeal section 50.172, RSMo, and to enact in lieu thereof one new section relating to preservation of county documents.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1972**, entitled:

An Act to repeal sections 169.130 and 169.650, RSMo, and to enact in lieu thereof two new sections relating to the public school and public education employee retirement systems.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1973**, entitled:

An Act to amend chapter 169, RSMo, by adding thereto one new section relating to the indemnification

of the public school and public education employee retirement systems.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1450**, entitled:

An Act to repeal section 21.800, RSMo, and to enact in lieu thereof one new section relating to the joint committee on terrorism, bioterrorism, and homeland security.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1368**, entitled:

An Act to repeal section 174.332, RSMo, and to enact in lieu thereof one new section relating to Northwest Missouri State University.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1689**, entitled:

An Act to repeal sections 286.200, 286.205, and 286.210, RSMo, and to enact in lieu thereof three new sections relating to the governor's council on disability.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2055**, entitled:

An Act to repeal sections 86.107 and 86.590, RSMo, and to enact in lieu thereof two new sections relating to investments by the board of trustees of police and firemen's pension systems.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

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 HB 2056**, entitled:

An Act to repeal sections 169.040 and 169.630, RSMo, and to enact in lieu thereof two new sections

relating to the investment of funds for the public school and public education employee retirement systems.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1358**, entitled:

An Act to repeal sections 452.440, 452.445, 452.450, 452.455, 452.460, 452.465, 452.470, 452.475, 452.480, 452.485, 452.490, 452.495, 452.500, 452.505, 452.510, 452.515, 452.520, 452.525, 452.530, 452.535, 452.540, 452.545, and 452.550, RSMo, and to enact in lieu thereof fifty new sections relating to child custody jurisdiction and enforcement.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1422**, entitled:

An Act to repeal sections 390.071 and 622.095, RSMo, and to enact in lieu thereof one new section relating to unified carrier registration.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1469**, entitled:

An Act to repeal sections 621.250 and 640.013, RSMo, and to enact in lieu thereof two new sections relating to the administrative hearing commission.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1805**, entitled:

An Act to repeal section 354.535, RSMo, and to enact in lieu thereof two new sections relating to insurance co-payments for prescription drugs.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has

taken up and passed **HB 1983**, entitled:

An Act to amend chapter 351, RSMo, by adding thereto two new sections relating to business organizations.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1426**, entitled:

An Act to repeal section 392.410, RSMo, and to enact in lieu thereof one new section relating to the public service commission.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

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 HB 1690**, entitled:

An Act to repeal section 379.118, RSMo, and to enact in lieu thereof three new sections relating to the transmission of insurance-related information in specific formats.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

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 HBs 1876 and 1877**, entitled:

An Act to repeal sections 162.961 and 162.963, RSMo, and to enact in lieu thereof two new sections relating to special education due process hearings.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2065**, entitled:

An Act to repeal section 337.029, RSMo, and to enact in lieu thereof one new section relating to the state committee of psychologists.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1616**, entitled:

An Act to repeal section 339.010, RSMo, and to enact in lieu thereof one new section relating to real estate brokers.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2081**, entitled:

An Act to repeal section 333.011, RSMo, and to enact in lieu thereof one new section relating to the state board of embalmers and funeral directors.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

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 HB 1611**, entitled:

An Act to amend chapter 491, RSMo, by adding thereto one new section relating to a children's bill of courtroom rights.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1677**, entitled:

An Act to repeal section 70.600, RSMo, and to enact in lieu thereof two new sections relating to the Missouri local government employees' retirement system.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

RESOLUTIONS

Senator Ridgeway offered Senate Resolution No. 2260, regarding Zachary Webster Glazer, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Bartle introduced to the Senate, two hundred hospice volunteers and staff from Missouri

Hospice and Palliative Care Association from around the state.

Senator Justus introduced to the Senate, Dr. Elaine Joslysn, D.O., Dr. Bruce Williams, D.O., and students Erika Helgerson, Katie Warner and Mary Stever, Kansas City University of Medicine and Biosciences, College of Osteopathic Medicine.

Senator Graham introduced to the Senate, Coach Jill Nagel, parents, families, supporters and members of the 2008 Girls 5A Missouri State Champion Rock Bridge basketball team, Columbia.

Senator Loudon introduced to the Senate, Vivian and Steve Peterson, Stephanie, Chloe and Hunter Boden and Clif and Bev Ehlen, Warrenton; Matt Ehlen, St. Charles; Doug Ehlen, Jefferson City; and Shirley Brown, Hazelwood.

Senator Loudon introduced to the Senate, members of Thistle and Clover chapter of Scottish St. Andrews Society, Rolla.

Senator Lager introduced to the Senate, Stephanie Briscoe, her husband, Tom and their children, Andrea, Evelyn, Thomas and Salvator, Lathrop; and Evelyn and Thomas were made honorary pages.

Senator Coleman introduced to the Senate, Jamaal Phillips, St. Louis, 2008 Missouri Youth of the Year; finalists Brandon Crouse, Springfield; Morgan Petitt, Branson; Ashley Cole, Kansas City; and Delijiah Eckels and representatives of Boys and Girls Clubs of Missouri.

Senator Shields introduced to the Senate, Jim Pearce, Kari Maag, Laura Bodicky, Jean French and Theresa Malhiwsky, representatives of Hands of Hope Hospice, St. Joseph.

Senator Champion introduced to the Senate, eleven twelfth grade students from Evangel University, Springfield.

Senator Koster introduced to the Senate, representatives of Warrensburg Chamber of Commerce.

Senator Clemens introduced to the Senate, Cooper Rowden, Jefferson City; and Cooper was made an honorary page.

Senator Lager introduced to the Senate, fourth grade students from Hamilton Elementary School.

Senator Scott introduced to the Senate, Philena Scott and Gail Elsey, Lowry City; and Diane Kirchgassner, Clinton, representatives of Twin Lakes Hospice.

Senator Goodman introduced to the Senate, members of Reeds Spring High School Stream Team.

Senator Purgason introduced to the Senate, Sergeant Brian Shelton and Patrolman Brian Foster, officers from the Missouri Water Patrol.

Senator Graham introduced to the Senate, the Physician of the Day, Dr. Randall Mueller, M.D., Columbia.

Senator Lager introduced to the Senate, Kathie and Alex Zentgraf, Macon.

Senator Shields introduced to the Senate, students from Hillyard Technical Center, St. Joseph.

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

SENATE CALENDAR

 FORTY-FIFTH DAY—THURSDAY, APRIL 3, 2008

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 1722	HCS for HB 2056
HCS for HB 1326	HB 1358-Flook, et al
HCS for HJR 43	HB 1422-St. Onge, et al
HB 1348-Portwood and Darrough	HB 1469-Pratt
HB 1532-Davis	HB 1805-Schaaf, et al
HCS for HB 1888	HB 1983-Pratt
HB 1574-Jones (117), et al	HB 1426-Kraus
HB 1608-Ervin	HCS for HB 1690
HB 1972-Franz	HCS for HBs 1876 & 1877
HB 1973-Franz	HB 2065-Wasson
HB 1450-Roorda, et al	HB 1616-Ruzicka, et al
HB 1368-Thomson	HB 2081-Dougherty
HB 1689-Wilson (130)	HCS for HB 1611
HB 2055-Viebrock	HB 1677-Franz

THIRD READING OF SENATE BILLS

SS for SCS for SB 898-Clemens (In Fiscal Oversight)	SCS for SBs 930 & 947-Stouffer (In Fiscal Oversight)
SS for SCS for SBs 761 & 774-Stouffer	SCS for SB 873-Graham
SS for SCS for SBs 858, 750, 751, 927, 1186, 1255, 1268 & 1269-Rupp (In Fiscal Oversight)	SCS for SB 1107-Scott, et al

SENATE BILLS FOR PERFECTION

SB 904-Griesheimer, with SCS

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SCS for SJRs 34 & 30-Crowell and
Coleman

SENATE BILLS FOR PERFECTION

SBs 712 & 882-Gibbons and Rupp, with SCS	SB 990-Champion
SB 713-Gibbons, with SCS	SBs 993 & 770-Crowell, with SCS, SS for
SB 716-Loudon, et al	SCS, SA 4 and SSA 1 for SA 4 (pending)
SB 717-Kennedy and Shields	SB 996-Crowell, with SCS
SB 729-Griesheimer, with SCS	SB 997-Crowell
SB 749-Ridgeway, with SCS	SB 1000-Justus
SB 756-Engler and Rupp, with SCS (pending)	SB 1007-Loudon, with SA 2 (pending)
SB 776-Justus and Koster, with SCS	SBs 1021 & 870-Loudon, et al, with SCS
SB 809-Stouffer, with SCS	SB 1035-Scott, with SCS
SB 811-Stouffer, with SCS, SA 1 & point	SB 1040-Clemens, with SCS
of order (pending)	SB 1046-Mayer
SB 815-Goodman	SB 1052-Rupp
SB 817-Goodman	SB 1054-Dempsey, with SCS
SB 821-Shoemyer, with SCS (pending)	SB 1058-Mayer
SBs 840 & 857-Engler, with SCS & SS for	SB 1067-Ridgeway, et al
SCS (pending)	SB 1081-Nodler and Green, with SCS
SB 865-Rupp and Gibbons, with SCS	SB 1093-Loudon, et al
SB 874-Graham, with SCS	SB 1094-Loudon, with SCS
SB 881-Green	SB 1099-Graham
SBs 909, 954, 934 & 1003-Engler, with SCS	SB 1103-Gibbons
SB 915-Ridgeway	SB 1138-McKenna, with SCS
SB 929-Green and Callahan, with SCS	SBs 1234 & 1270-Shields, with SCS
SB 957-Goodman	SJR 45-Clemens
SBs 982, 834 & 819-Purgason, with SCS	

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

HCS for HB 2014, with SCS (Nodler)

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