

Journal of the Senate

SECOND REGULAR SESSION

THIRTY-SIXTH DAY—WEDNESDAY, MARCH 12, 2008

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Prayer opens the understanding to the brightness of Divine Light, and the will to the warmth of Heavenly Love...” (Francis de Sales)

Gracious Father, we come to the middle of this week and recognize our need for prayer so that we might see Your light and follow its directing us to love one another as You have loved us. It is not always easy for us to do that so we are driven to prayer that it might be possible for us to live the way You desire this day in this place. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

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

The Journal of the previous day was read and approved.

Senator Shields announced that photographers from the Associated Press were given permission to take pictures in the Senate Chamber today.

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

Present—Senators

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

Absent—Senators—None

Absent with leave—Senators

Gibbons Kennedy—2

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Bray offered Senate Resolution No. 2076, regarding the Sixtieth Birthday of Max Willis, San Antonio, Texas, which was adopted.

Senator Crowell offered Senate Resolution No. 2077, regarding the Class 4 state champion Notre Dame High School boys basketball program, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 2078, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Junior Zschille, Jackson, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Clemens moved that **SB 898**, with **SCS, SS** for **SCS** and **SA 5** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 5 was again taken up.

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

Senator Callahan offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 898, Page 20, Section 142.028, Line 28, by inserting after all of said line the following:

“142.815. 1. Motor fuel used for the following nonhighway purposes is exempt from the fuel tax imposed by this chapter, and a refund may be claimed by the consumer, except as provided for in subsection (1) of this section, if the tax has been paid and no refund has been previously issued:

(1) Motor fuel used for nonhighway purposes including fuel for farm tractors or stationary engines owned or leased and operated by any person and used exclusively for agricultural purposes and including, beginning January 1, 2006, bulk sales of one hundred gallons or more of gasoline made to farmers and delivered by the ultimate vender to a farm location for agricultural purposes only. As used in this section, the term “farmer” shall mean any person engaged in farming in an authorized farm corporation, family farm, or family farm corporation as defined in section 350.010, RSMo. At the discretion of the ultimate vender, the refund may be claimed by the ultimate vender on behalf of the consumer for sales made to farmers and to persons engaged in construction for agricultural purposes as defined in section 142.800. After December 31, 2000, the refund may be claimed only by the consumer and may not be claimed by the ultimate vender unless bulk sales of gasoline are made to a farmer after January 1, 2006, as provided in this subdivision and the farmer provides an exemption certificate to the ultimate vender, in which case the ultimate vender may make a claim for refund under section 142.824 but shall be liable for any erroneous refund;

(2) Kerosene sold for use as fuel to generate power in aircraft engines, whether in aircraft or for training, testing or research purposes of aircraft engines;

(3) Diesel fuel used as heating oil, or in railroad locomotives or any other motorized flanged-wheel rail equipment, or used for other nonhighway purposes other than as expressly exempted pursuant to another

provision.

2. Subject to the procedural requirements and conditions set out in this chapter, the following uses are exempt from the tax imposed by section 142.803 on motor fuel, and a deduction or a refund may be claimed:

(1) Motor fuel for which proof of export is available in the form of a terminal-issued destination state shipping paper and which is either:

(a) Exported by a supplier who is licensed in the destination state or through the bulk transfer system;

(b) Removed by a licensed distributor for immediate export to a state for which all the applicable taxes and fees (however nominated in that state) of the destination state have been paid to the supplier, as a trustee, who is licensed to remit tax to the destination state; or which is destined for use within the destination state by the federal government for which an exemption has been made available by the destination state subject to procedural rules and regulations promulgated by the director; or

(c) Acquired by a licensed distributor and which the tax imposed by this chapter has previously been paid or accrued either as a result of being stored outside of the bulk transfer system immediately prior to loading or as a diversion across state boundaries properly reported in conformity with this chapter and was subsequently exported from this state on behalf of the distributor;

The exemption pursuant to paragraph (a) of this subdivision shall be claimed by a deduction on the report of the supplier which is otherwise responsible for remitting the tax upon removal of the product from a terminal or refinery in this state. The exemption pursuant to paragraphs (b) and (c) of this subdivision shall be claimed by the distributor, upon a refund application made to the director within three years. A refund claim may be made monthly or whenever the claim exceeds one thousand dollars;

(2) Undyed K-1 kerosene sold at retail through dispensers which have been designed and constructed to prevent delivery directly from the dispenser into a vehicle fuel supply tank, and undyed K-1 kerosene sold at retail through nonbarricaded dispensers in quantities of not more than twenty-one gallons for use other than for highway purposes. Exempt use of undyed kerosene shall be governed by rules and regulations of the director. If no rules or regulations are promulgated by the director, then the exempt use of undyed kerosene shall be governed by rules and regulations of the Internal Revenue Service. A distributor or supplier delivering to a retail facility shall obtain an exemption certificate from the owner or operator of such facility stating that its sales conform to the dispenser requirements of this subdivision. A licensed distributor, having obtained such certificate, may provide a copy to his or her supplier and obtain undyed kerosene without the tax levied by section 142.803. Having obtained such certificate in good faith, such supplier shall be relieved of any responsibility if the fuel is later used in a taxable manner. An ultimate vendor who obtained undyed kerosene upon which the tax levied by section 142.803 had been paid and makes sales qualifying pursuant to this subsection may apply for a refund of the tax pursuant to application, as provided in section 142.818, to the director provided the ultimate vendor did not charge such tax to the consumer;

(3) Motor fuel sold to the United States or any agency or instrumentality thereof. This exemption shall be claimed as provided in section 142.818;

(4) Motor fuel used solely and exclusively as fuel to propel school buses, as such term is defined under subdivision (19) of section 302.010, RSMo, on the public roads and highways of this state when leased or owned and when being operated by a public school district of this state, or leased or owned

by a person under contract with such district for the provision of bus services for educational purposes. The exemption for use under this subdivision shall be made available to the school district for whose educational purposes the fuel is consumed, whether the fuel was purchased by such school district or by another under a contract to provide bus service for such school district, upon a refund application stating that the motor fuel was purchased for the exclusive use of the school districts.

(5) Motor fuel used solely and exclusively as fuel to propel motor vehicles on the public roads and highways of this state when leased or owned and when being operated by a federally recognized Indian tribe in the performance of essential governmental functions, such as providing police, fire, health or water services. The exemption for use pursuant to this subdivision shall be made available to the tribal government upon a refund application stating that the motor fuel was purchased for the exclusive use of the tribe in performing named essential governmental services;

[(5)] (6) Motor fuel sold within an Indian reservation or within Indian country by a federally recognized Indian tribe to a member of that tribe and used in motor vehicles owned by a member of the tribe within Indian country. This exemption does not apply to sales within an Indian reservation or within Indian country by a federally recognized Indian tribe to non-Indian consumers or to Indian consumers who are not members of the tribe selling the motor fuel. This exemption shall be administered as provided in section 142.821;

[(6)] (7) That portion of motor fuel used to operate equipment attached to a motor vehicle, if the motor fuel was placed into the fuel supply tank of a motor vehicle that has a common fuel reservoir for travel on a highway and for the operation of equipment, or if the motor fuel was placed in a separate fuel tank and used only for the operation of auxiliary equipment. The exemption for use pursuant to this subdivision shall be claimed by a refund claim filed by the consumer who shall provide evidence of an allocation of use satisfactory to the director;

[(7)] (8) Motor fuel acquired by a consumer out-of-state and carried into this state, retained within and consumed from the same vehicle fuel supply tank within which it was imported, except interstate motor fuel users;

[(8)] (9) Motor fuel which was purchased tax-paid and which was lost or destroyed as a direct result of a sudden and unexpected casualty or which had been accidentally contaminated so as to be unsalable as highway fuel as shown by proper documentation as required by the director. The exemption pursuant to this subdivision shall be refunded to the person or entity owning the motor fuel at the time of the contamination or loss. Such person shall notify the director in writing of such event and the amount of motor fuel lost or contaminated within ten days from the date of discovery of such loss or contamination, and within thirty days after such notice, shall file an affidavit sworn to by the person having immediate custody of such motor fuel at the time of the loss or contamination, setting forth in full the circumstances and the amount of the loss or contamination and such other information with respect thereto as the director may require;

[(9)] (10) Dyed diesel fuel or dyed kerosene used for an exempt purpose. This exemption shall be claimed as follows:

(a) A supplier or importer shall take a deduction against motor fuel tax owed on their monthly report for those gallons of dyed diesel fuel or dyed kerosene imported or removed from a terminal or refinery destined for delivery to a point in this state as shown on the shipping papers;

(b) This exemption shall be claimed by a deduction on the report of the supplier which is otherwise responsible for remitting the tax on removal of the product from a terminal or refinery in this state;

(c) This exemption shall be claimed by the distributor, upon a refund application made to the director within three years. A refund claim may be made monthly or whenever the claim exceeds one thousand dollars.”; and

Further amend the title and enacting clause accordingly.

Senator Callahan moved that the above amendment be adopted.

Senator Rupp assumed the Chair.

Senator Clemens raised the point of order that **SA 6** is out of order as it goes beyond the scope of the bill.

The point of order was referred to Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, who ruled it not well taken.

SA 6 was again taken up.

Senator Callahan moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Coleman, Green, Justus and McKenna.

SA 6 was adopted by the following vote:

YEAS—Senators

| | | | | | | | |
|-----------|-------|----------|---------|----------|----------|----------|---------|
| Barnitz | Bray | Callahan | Coleman | Crowell | Days | Engler | Goodman |
| Graham | Green | Justus | Koster | Purgason | Ridgeway | Shoemyer | Smith |
| Wilson—17 | | | | | | | |

NAYS—Senators

| | | | | | | | |
|--------|----------|---------|-------------|----------|----------|-------|---------|
| Bartle | Champion | Clemens | Griesheimer | Lager | Loudon | Mayer | McKenna |
| Nodler | Rupp | Scott | Shields | Stouffer | Vogel—14 | | |

Absent—Senator Dempsey—1

Absent with leave—Senators

| | |
|---------|-----------|
| Gibbons | Kennedy—2 |
|---------|-----------|

Vacancies—None

Senator Callahan offered **SA 7**, which was read:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 898, Page 51, Section 348.505, Line 8 of said page, by inserting immediately after said line the following:

“Section 1. Other provisions of law to the contrary notwithstanding, all tax credits now or hereafter authorized under the laws of this state shall automatically sunset August 28, 2011.”; and

Further amend the title and enacting clause accordingly.

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

Senator Mayer assumed the Chair.

Senator Clemens offered **SA 8**, which was read:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 898, Page 6, Section 135.710, Line 19 of said page, by inserting after all of said line the following:

“except that, if no qualified Missouri contractor is located within seventy-five miles of the property, the requirement that fifty-one percent of the costs shall be paid to qualified Missouri contractors shall not apply;”.

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

Senator Green offered **SA 9**, which was read:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 898, Page 5, Section 135.633, Line 6, by inserting immediately after all of said line the following:

“10. A determination by either the department of agriculture or the department of natural resources that a taxpayer has ceased to utilize odor abatement technologies and best management practices for which such taxpayer was issued tax credits under this section shall result in the forfeiture of such taxpayer's tax credits for the taxable year in which such determination is made and all future years. To the extent a taxpayer has claimed tax credits under this section in a taxable year in which such a determination is made, such taxpayer shall make payment to the state in a dollar amount equal to the tax credits claimed.”; and

Further renumber the remaining subsection accordingly.

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

Senator Green offered **SA 10**, which was read:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 898, Page 21, Section 143.114, Line 9, by inserting immediately after the word “amended” the following: **“, and assembled in the United States of America”**.

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

Senator Clemens offered **SA 11**, which was read:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 898, Page 5, Section 135.633, Line 7 of said page, by striking “12.” and inserting in lieu thereof the following: **“10.”**; and

Further amend said bill, Page 37, Section 263.232, Line 7 of said page, by inserting immediately before the word “Environmental” the following: **“United States”**; and further amend line 9 of said page, by inserting immediately after the word “instructions” the following: **“when chemical herbicides are used for such purpose”**; and further amend line 12 of said page, by inserting immediately before the word “Environmental” the following: **“United States”**; and further amend line 14 of said page, by inserting

immediately after the word “instructions” the following: “**when chemical herbicides are used for such purpose**”.

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

Senator Lager offered **SA 12**:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 898, Page 1, Section A, Line 8, by inserting after all of said line the following:

“32.057. 1. Except as otherwise specifically provided by law, it shall be unlawful for the director of revenue, any officer, employee, agent or deputy or former director, officer, employee, agent or deputy of the department of revenue, any person engaged or retained by the department of revenue on an independent contract basis, any person to whom authorized or unauthorized disclosure is made by the department of revenue, or any person who lawfully or unlawfully inspects any report or return filed with the department of revenue or to whom a copy, an abstract or a portion of any report or return is furnished by the department of revenue to make known in any manner, to permit the inspection or use of or to divulge to anyone any information relative to any such report or return, any information obtained by an investigation conducted by the department in the discharge of official duty, or any information received by the director in cooperation with the United States or other states in the enforcement of the revenue laws of this state. Such confidential information is limited to information received by the department in connection with the administration of the tax laws of this state.

2. Nothing in this section shall be construed to prohibit:

(1) The disclosure of information, returns, reports, or facts shown thereby, as described in subsection 1 of this section, by any officer, clerk or other employee of the department of revenue charged with the custody of such information:

(a) To a taxpayer or the taxpayer's duly authorized representative under regulations which the director of revenue may prescribe;

(b) In any action or proceeding, civil, criminal or mixed, brought to enforce the revenue laws of this state;

(c) To the state auditor or the auditor's duly authorized employees as required by subsection 4 of this section;

(d) To any city officer designated by ordinance of a city within this state to collect a city earnings tax, upon written request of such officer, which request states that the request is made for the purpose of determining or enforcing compliance with such city earnings tax ordinance and provided that such information disclosed shall be limited to that sufficient to identify the taxpayer, and further provided that in no event shall any information be disclosed that will result in the department of revenue being denied such information by the United States or any other state. The city officer requesting the identity of taxpayers filing state returns but not paying city earnings tax shall furnish to the director of revenue a list of taxpayers paying such earnings tax, and the director shall compare the list submitted with the director's records and return to such city official the name and address of any taxpayer who is a resident of such city who has filed a state tax return but who does not appear on the list furnished by such city. The director of revenue may set a fee to reimburse the department for the costs reasonably incurred in providing this information;

(e) To any employee of any county or other political subdivision imposing a sales tax which is administered by the state department of revenue whose office is authorized by the governing body of the county or other political subdivision to receive any and all records of the state director of revenue pertaining to the administration, collection and enforcement of its sales tax. The request for sales tax records and reports shall include a description of the type of report requested, the media form including electronic transfer, computer tape or disk, or printed form, and the frequency desired. The request shall be made by annual written application and shall be filed with the director of revenue. The director of revenue may set a fee to reimburse the department for the costs reasonably incurred in providing this information. Such city or county or any employee thereof shall be subject to the same standards for confidentiality as required for the department of revenue in using the information contained in the reports;

(f) To the director of the department of economic development or the director's duly authorized employees in discharging the director's official duties to certify taxpayers eligibility to claim state tax credits as prescribed by statutes;

(g) To any employee of any political subdivision, such records of the director of revenue pertaining to the administration, collection and enforcement of the tax imposed in chapter 149, RSMo, as are necessary for ensuring compliance with any cigarette or tobacco tax imposed by such political subdivision. The request for such records shall be made in writing to the director of revenue, and shall include a description of the type of information requested and the desired frequency. The director of revenue may charge a fee to reimburse the department for costs reasonably incurred in providing such information;

(2) The publication by the director of revenue or of the state auditor in the audit reports relating to the department of revenue of:

(a) Statistics, statements or explanations so classified as to prevent the identification of any taxpayer or of any particular reports or returns and the items thereof;

(b) The names and addresses without any additional information of persons who filed returns and of persons whose tax refund checks have been returned undelivered by the United States Post Office;

(3) The director of revenue from permitting the Secretary of the Treasury of the United States or the Secretary's delegates, the proper officer of any state of the United States imposing a tax equivalent to any of the taxes administered by the department of revenue of the state of Missouri or the appropriate representative of the multistate tax commission to inspect any return or report required by the respective tax provision of this state, or may furnish to such officer an abstract of the return or report or supply the officer with information contained in the return or disclosed by the report of any authorized investigation. Such permission, however, shall be granted on condition that the corresponding revenue statute of the United States or of such other state, as the case may be, grants substantially similar privileges to the director of revenue and on further condition that such corresponding statute gives confidential status to the material with which it is concerned;

(4) The disclosure of information, returns, reports, or facts shown thereby, by any person on behalf of the director of revenue, in any action or proceeding to which the director is a party or on behalf of any party to any action or proceeding pursuant to the revenue laws of this state when such information is directly involved in the action or proceeding, in either of which events the court may require the production of, and may admit in evidence, so much of such information as is pertinent to the action or proceeding and no more;

(5) The disclosure of information, returns, reports, or facts shown thereby, by any person to a state or

federal prosecuting official, including, but not limited to, the state and federal attorneys general, or the official's designees involved in any criminal, quasi-criminal, or civil investigation, action or proceeding pursuant to the laws of this state or of the United States when such information is pertinent to an investigation, action or proceeding involving the administration of the revenue laws or duties of public office or employment connected therewith;

(6) Any school district from obtaining the aggregate amount of the financial institution tax paid pursuant to chapter 148, RSMo, by financial institutions located partially or exclusively within the school district's boundaries, provided that the school district request such disclosure in writing to the department of revenue;

(7) The disclosure of records which identify all companies licensed by this state pursuant to the provisions of subsections 1 and 2 of section 149.035, RSMo. The director of revenue may charge a fee to reimburse the department for the costs reasonably incurred in providing such records;

(8) The disclosure to the commissioner of administration pursuant to section 34.040, RSMo, of a list of vendors and their affiliates who meet the conditions of section 144.635, RSMo, but refuse to collect the use tax levied pursuant to chapter 144, RSMo, on their sales delivered to this state;

(9) The disclosure to the public of any information, returns, reports, or facts shown thereby regarding the claiming of a state tax credit by a member of the Missouri general assembly.

3. Any person violating any provision of subsection 1 or 2 of this section shall, upon conviction, be guilty of a class D felony.

4. The state auditor or the auditor's duly authorized employees who have taken the oath of confidentiality required by section 29.070, RSMo, shall have the right to inspect any report or return filed with the department of revenue if such inspection is related to and for the purpose of auditing the department of revenue; except that, the state auditor or the auditor's duly authorized employees shall have no greater right of access to, use and publication of information, audit and related activities with respect to income tax information obtained by the department of revenue pursuant to chapter 143, RSMo, or federal statute than specifically exists pursuant to the laws of the United States and of the income tax laws of the state of Missouri.

105.485. 1. Each financial interest statement required by sections 105.483 to 105.492 shall be on a form prescribed by the commission and shall be signed and verified by a written declaration that it is made under penalties of perjury; provided, however, the form shall not seek information which is not specifically required by sections 105.483 to 105.492.

2. Each person required to file a financial interest statement pursuant to subdivisions (1) to (12) of section 105.483 shall file the following information for himself, his spouse and dependent children at any time during the period covered by the statement, whether singularly or collectively; provided, however, that said person, if he does not know and his spouse will not divulge any information required to be reported by this section concerning the financial interest of his spouse, shall state on his financial interest statement that he has disclosed that information known to him and that his spouse has refused or failed to provide other information upon his bona fide request, and such statement shall be deemed to satisfy the requirements of this section for such financial interest of his spouse; and provided further if the spouse of any person required to file a financial interest statement is also required by section 105.483 to file a financial interest statement, the financial interest statement filed by each need not disclose the financial interest of the other,

provided that each financial interest statement shall state that the spouse of the person has filed a separate financial interest statement and the name under which the statement was filed:

(1) The name and address of each of the employers of such person from whom income of one thousand dollars or more was received during the year covered by the statement;

(2) The name and address of each sole proprietorship which he owned; the name, address and the general nature of the business conducted of each general partnership and joint venture in which he was a partner or participant; the name and address of each partner or coparticipant for each partnership or joint venture unless such names and addresses are filed by the partnership or joint venture with the secretary of state; the name, address and general nature of the business conducted of any closely held corporation or limited partnership in which the person owned ten percent or more of any class of the outstanding stock or limited partners' units; and the name of any publicly traded corporation or limited partnership which is listed on a regulated stock exchange or automated quotation system in which the person owned two percent or more of any class of outstanding stock, limited partnership units or other equity interests;

(3) The name and address of any other source not reported pursuant to subdivisions (1) and (2) and subdivisions (4) to (9) of this subsection from which such person received one thousand dollars or more of income during the year covered by the statement, including, but not limited to, any income otherwise required to be reported on any tax return such person is required by law to file; except that only the name of any publicly traded corporation or limited partnership which is listed on a regulated stock exchange or automated quotation system need be reported pursuant to this subdivision;

(4) The location by county, the subclassification for property tax assessment purposes, the approximate size and a description of the major improvements and use for each parcel of real property in the state, other than the individual's personal residence, having a fair market value of ten thousand dollars or more in which such person held a vested interest including a leasehold for a term of ten years or longer, and, if the property was transferred during the year covered by the statement, the name and address of the persons furnishing or receiving consideration for such transfer;

(5) The name and address of each entity in which such person owned stock, bonds or other equity interest with a value in excess of ten thousand dollars; except that, if the entity is a corporation listed on a regulated stock exchange, only the name of the corporation need be listed; and provided that any member of any board or commission of the state or any political subdivision who does not receive any compensation for his services to the state or political subdivision other than reimbursement for his actual expenses or a per diem allowance as prescribed by law for each day of such service need not report interests in publicly traded corporations or limited partnerships which are listed on a regulated stock exchange or automated quotation system pursuant to this subdivision; and provided further that the provisions of this subdivision shall not require reporting of any interest in any qualified plan or annuity pursuant to the Employees' Retirement Income Security Act;

(6) The name and address of each corporation for which such person served in the capacity of a director, officer or receiver;

(7) The name and address of each not-for-profit corporation and each association, organization, or union, whether incorporated or not, except not-for-profit corporations formed to provide church services, fraternal organizations or service clubs from which the officer or employee draws no remuneration, in which such person was an officer, director, employee or trustee at any time during the year covered by the statement, and for each such organization, a general description of the nature and purpose of the

organization;

(8) The name and address of each source from which such person received a gift or gifts, or honorarium or honoraria in excess of two hundred dollars in value per source during the year covered by the statement other than gifts from persons within the third degree of consanguinity or affinity of the person filing the financial interest statement. For the purposes of this section, a “gift” shall not be construed to mean political contributions otherwise required to be reported by law or hospitality such as food, beverages or admissions to social, art, or sporting events or the like, or informational material. For the purposes of this section, a “gift” shall include gifts to or by creditors of the individual for the purpose of canceling, reducing or otherwise forgiving the indebtedness of the individual to that creditor;

(9) The lodging and travel expenses provided by any third person for expenses incurred outside the state of Missouri whether by gift or in relation to the duties of office of such official, except that such statement shall not include travel or lodging expenses:

(a) Paid in the ordinary course of business for businesses described in subdivisions (1), (2), (5) and (6) of this subsection which are related to the duties of office of such official; or

(b) For which the official may be reimbursed as provided by law; or

(c) Paid by persons related by the third degree of consanguinity or affinity to the person filing the statement; or

(d) Expenses which are reported by the campaign committee or candidate committee of the person filing the statement pursuant to the provisions of chapter 130, RSMo; or

(e) Paid for purely personal purposes which are not related to the person's official duties by a third person who is not a lobbyist, a lobbyist principal or member, or officer or director of a member, of any association or entity which employs a lobbyist. The statement shall include the name and address of such person who paid the expenses, the date such expenses were incurred, the amount incurred, the location of the travel and lodging, and the nature of the services rendered or reason for the expenses;

(10) The assets in any revocable trust of which the individual is the settlor if such assets would otherwise be required to be reported under this section;

(11) The name, position and relationship of any relative within the first degree of consanguinity or affinity to any other person who:

(a) Is employed by the state of Missouri, by a political subdivision of the state or special district, as defined in section 115.013, RSMo, of the state of Missouri;

(b) Is a lobbyist; or

(c) Is a fee agent of the department of revenue;

(12) The name and address of each campaign committee, political committee, candidate committee, or continuing committee for which such person or any corporation listed on such person's financial interest statement received payment; **and**

(13) For members of the general assembly, their spouses, and their dependent children, whether any state tax credits were claimed on the member's, spouse's, or dependent child's most recent state income tax return.

3. For the purposes of subdivisions (1), (2) and (3) of subsection 2 of this section, an individual shall be deemed to have received a salary from his employer or income from any source at the time when he shall receive a negotiable instrument whether or not payable at a later date and at the time when under the practice of his employer or the terms of an agreement, he has earned or is entitled to anything of actual value whether or not delivery of the value is deferred or right to it has vested. The term "income" as used in this section shall have the same meaning as provided in the Internal Revenue Code of 1986, and amendments thereto, as the same may be or becomes effective, at any time or from time to time for the taxable year, provided that income shall not be considered received or earned for purposes of this section from a partnership or sole proprietorship until such income is converted from business to personal use.

4. Each official, officer or employee or candidate of any political subdivision described in subdivision (11) of section 105.483 shall be required to file a financial interest statement as required by subsection 2 of this section, unless the political subdivision biennially adopts an ordinance, order or resolution at an open meeting by September fifteenth of the preceding year, which establishes and makes public its own method of disclosing potential conflicts of interest and substantial interests and therefore excludes the political subdivision or district and its officers and employees from the requirements of subsection 2 of this section. A certified copy of the ordinance, order or resolution shall be sent to the commission within ten days of its adoption. The commission shall assist any political subdivision in developing forms to complete the requirements of this subsection. The ordinance, order or resolution shall contain, at a minimum, the following requirements with respect to disclosure of substantial interests:

(1) Disclosure in writing of the following described transactions, if any such transactions were engaged in during the calendar year:

(a) For such person, and all persons within the first degree of consanguinity or affinity of such person, the date and the identities of the parties to each transaction with a total value in excess of five hundred dollars, if any, that such person had with the political subdivision, other than compensation received as an employee or payment of any tax, fee or penalty due to the political subdivision, and other than transfers for no consideration to the political subdivision;

(b) The date and the identities of the parties to each transaction known to the person with a total value in excess of five hundred dollars, if any, that any business entity in which such person had a substantial interest, had with the political subdivision, other than payment of any tax, fee or penalty due to the political subdivision or transactions involving payment for providing utility service to the political subdivision, and other than transfers for no consideration to the political subdivision;

(2) The chief administrative officer and chief purchasing officer of such political subdivision shall disclose in writing the information described in subdivisions (1), (2) and (6) of subsection 2 of this section;

(3) Disclosure of such other financial interests applicable to officials, officers and employees of the political subdivision, as may be required by the ordinance or resolution;

(4) Duplicate disclosure reports made pursuant to this subsection shall be filed with the commission and the governing body of the political subdivision. The clerk of such governing body shall maintain such disclosure reports available for public inspection and copying during normal business hours."; and

Further amend the title and enacting clause accordingly.

Senator Lager moved that the above amendment be adopted.

Senator Engler offered **SA 1** to **SA 12**:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 12

Amend Senate Amendment No. 12 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 898, Page 6, Section 32.057, Line 11, by striking the words “returns, reports,”; and further amend line 13 by inserting after the word “assembly” the following: “**or any state-wide elected public official**”; and

Further amend said amendment page 12, section 105.485, line 1, by inserting after the word “assembly” the following: “**or any state-wide elected public official**”.

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

SA 12, as amended, was again taken up.

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

Senator Shoemyer offered **SA 13**:

SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 898, Page 26, Section 144.065, Line 13, by inserting after all of said line the following:

“231.444. 1. In addition to other levies authorized by law, the governing body of any county of the third classification without a township form of government having a population in excess of four thousand two hundred and less than six thousand according to the most recent decennial census or any county of the third classification without a township form of government and with more than two thousand three hundred but fewer than two thousand four hundred inhabitants may by ordinance levy and impose a tax pursuant to this section which shall not exceed the rate of [twenty-five cents] **one dollar** on each acre of real property in the county which is classified as agricultural and horticultural property pursuant to section 137.016, RSMo.

2. The proceeds of the tax authorized pursuant to this section shall be collected by the county collector and remitted to the county treasurer who shall deposit such proceeds in a special fund to be known as the “Special Road Rock Fund”. All moneys in the special road rock fund shall be appropriated by the county governing body for the sole purpose of purchasing road rock to be placed on county roads within the boundaries of the county.

3. The ordinance levying and imposing a tax pursuant to subsection 1 of this section shall not be effective unless the county governing body submits to the qualified voters of the county a proposal to authorize the county governing body to levy and impose the tax at an election permitted pursuant to section 115.123, RSMo. The ballot of submission proposing the tax shall be in substantially the following form:

Shall the county of (county's name) be authorized to levy and impose a tax on all real property in the county which is classified as agricultural or horticultural property at a rate not to exceed (rate of tax) [cents] per acre with all the proceeds of the tax to be placed in the “Special Road Rock Fund” and used solely for the purpose of purchasing road rock to be placed on county roads within the boundaries of the county?

YES

NO

4. If a majority of the qualified voters of the county voting on the proposal vote “YES”, then the governing body of the county may by ordinance levy and impose the tax authorized by this section in an amount not to exceed the rate proposed in the ballot of submission. If a majority of the qualified voters of the county voting on the proposal vote “NO”, then the governing body of the county shall not levy and impose such tax. Nothing in this section shall prohibit a rejected proposal from being resubmitted to the qualified voters of the county at an election permitted pursuant to section 115.123, RSMo.”; and

Further amend the title and enacting clause accordingly.

Senator Shoemyer moved that the above amendment be adopted.

Senator Lager offered **SA 1** to **SA 13**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 13

Amend Senate Amendment No. 13 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 898, Page 1, Section 231.444, Lines 5-6, by striking the words “in excess of four thousand two hundred and less than six thousand” and inserting in lieu thereof the following: “**of less than six thousand inhabitants**”.

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

Senator Goodman assumed the Chair.

SA 13, as amended, was again taken up.

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

Senator Lager offered **SA 14**, which was read:

SENATE AMENDMENT NO. 14

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 898, Page 16, Section 135.805, Line 7, by inserting immediately after all of said line the following:

“13. Notwithstanding provisions of law to the contrary, every agency of this state charged with administering a tax credit program authorized under the laws of this state shall make available for public inspection the name of each tax credit recipient and the amount of tax credits issued to each such recipient.”.

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

Senator Koster offered **SA 15**:

SENATE AMENDMENT NO. 15

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 898, Page 51, Section 348.505, Line 8, by inserting immediately after all of said line the following:

“Section 1. 1. As used in this section, the following terms mean:

(1) “Department”, the department of revenue;

(2) “Qualifying motor vehicle”, any new motor vehicle, as defined in section 301.010, RSMo,

which is assembled and sold in this state;

(3) “State tax liability”, in the case of a business taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapters 143, 147, 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;

(4) “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 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.

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 one hundred percent of the amount such taxpayer paid in state and local sales tax on the purchase of a qualified motor vehicle.

3. To the extent the tax credit issued under this section exceeds a taxpayer's state tax liability, such excess shall constitute an overpayment of tax and shall be refunded to such taxpayer.

4. The cumulative amount of tax credits which may be issued under this section in any one fiscal year shall not exceed eight million five hundred thousand dollars. If the amount of tax credits claimed under this section exceeds eight million five hundred thousand dollars in any one fiscal year, the director of the department of revenue shall establish a procedure by which, from the beginning of the fiscal year until some point in time later in the fiscal year to be determined by the director, the cumulative amount of tax credits are equally apportioned among all taxpayers allowed a tax credit under this section. The director may establish more than one period of time and reapportion more than once during each fiscal year. To the maximum extent possible, the director shall establish the procedure described in this subsection in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.

5. Not less than one hundred and twenty days from the effective date of this act, the department shall promulgate rules necessary for the implementation of the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.

6. The provisions of this section shall automatically sunset six years from the effective date of this act, unless reauthorized.”; and

Further amend the title and enacting clause accordingly.

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

Senator Clemens moved that **SS** for **SCS** for **SB 898**, as amended, be adopted, which motion prevailed.

On motion of Senator Clemens, **SS** for **SCS** for **SB 898**, as amended, was declared perfected and ordered printed.

CONCURRENT RESOLUTIONS

Senator Green offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 36

WHEREAS, the U.S. Air Force announced one of the largest military acquisition programs in U.S. history, saying the service had chosen Northrop Grumman over Boeing to replace its aging air refueling tanker fleet; and

WHEREAS, members of the Missouri General Assembly are shocked that the United States Air Force selected a European company and its foreign workers to provide a tanker to our American military; and

WHEREAS, at a time when the U.S. economy is hurting, this decision to outsource U.S. tankers is a blow to the American aerospace industry, American workers and America's military; and

WHEREAS, Boeing has 75 years of experience building tankers, and its workers are the best in the world; and

WHEREAS, it's stunning that the U.S. Air Force would outsource the production of these airplanes to Europe instead of building them in America; and

WHEREAS, Missouri workers rely on a thriving U.S. aerospace industry; and

WHEREAS, awarding the contract to Boeing, and not Airbus, would have created more than 44,000 jobs in Washington, Kansas, and other states; and

WHEREAS, this decision was about whether U.S. workers or European workers will produce the aircraft used as tankers for the U.S. Air Force for decades in the future; and

WHEREAS, the Boeing tanker takes advantage of 50 years of aerial refueling technology experience; and

WHEREAS, the KC-767 Advance Tanker is the best aircraft for the job. It makes sense for U.S. military aircraft programs, which are funded by American taxpayer dollars, to be designed and built by American companies that provide jobs to U.S. citizens; and

WHEREAS, approving the Boeing KC-767 Advanced Tanker would have given our men and women in the U.S. Air Force the best product, with the most advanced technology, available today; and

WHEREAS, Missouri is home to Boeing Integrated Defense Systems team, Phantom Works, Boeing's advanced research and development unit, and Boeing's Shared Services Group:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Fourth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby condemn the actions of the United States Air Force in outsourcing jobs by failing to award the contract to replace the refueling tanker fleet to an American company; and

BE IT FURTHER RESOLVED that the General Assembly calls upon the members of the Missouri congressional delegation to ask tough questions to the U.S. Air Force regarding how it reached this decision, including the selection process used to make this decision; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution to each member of the Missouri congressional delegation and the Secretary of the Air Force.

REFERRALS

In the absence of President Pro Tem Gibbons and without objection, Senator Shields referred **SS** for **SCS** for **SB 726** to the Committee on Governmental Accountability and Fiscal Oversight.

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 Engler.

SENATE BILLS FOR PERFECTION

At the request of Senator Stouffer, **SB 939**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Mayer, **SB 1046** was placed on the Informal Calendar.

At the request of Senator Days, **SB 1116** was placed on the Informal Calendar.

SB 1035, with **SCS**, was placed on the Informal Calendar.

SB 817 was placed on the Informal Calendar.

SB 874, with **SCS**, was placed on the Informal Calendar.

SB 881 was placed on the Informal Calendar.

Senator Mayer moved that **SB 967**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 967**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 967

An Act to repeal section 173.387, RSMo, and to enact in lieu thereof one new section relating to federally guaranteed student loans, with an emergency clause.

Was taken up.

Senator Mayer moved that **SCS** for **SB 967** be adopted.

At the request of Senator Mayer, **SB 967**, with **SCS** (pending), was placed on the Informal Calendar.

SB 713, with **SCS**, was placed on the Informal Calendar.

SB 1093 was placed on the Informal Calendar.

SB 811, with **SCS**, was placed on the Informal Calendar.

SB 957 was placed on the Informal Calendar.

SB 990 was placed on the Informal Calendar.

SB 1103 was placed on the Informal Calendar.

SB 915 was placed on the Informal Calendar.

SB 982, **SB 834** and **SB 819**, with **SCS**, were placed on the Informal Calendar.

SB 767, with **SCS**, was placed on the Informal Calendar.

SB 815 was placed on the Informal Calendar.

SB 716 was placed on the Informal Calendar.

Senator Scott assumed the Chair.

Senator Engler moved that **SB 1059**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 1059**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1059

An Act to repeal sections 339.100, 339.532, 339.549, 443.809, 443.810, and 443.891, RSMo, and to enact in lieu thereof ten new sections relating to mortgage fraud, with penalty provisions.

Was taken up.

Senator Engler moved that **SCS** for **SB 1059** be adopted.

Senator Engler offered **SS** for **SCS** for **SB 1059**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1059

An Act to repeal sections 339.100, 339.532, 443.809, 443.810, and 443.891, RSMo, and to enact in lieu thereof nine new sections relating to mortgage fraud, with penalty provisions.

Senator Engler moved that **SS** for **SCS** for **SB 1059** be adopted.

Senator Stouffer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1059, Page 18, Section 443.891, Line 15, by inserting after all of said line the following:

“443.903. Notwithstanding any other provisions of law to the contrary, reverse mortgage loans shall be governed by the following:

- (1) Payment in whole or in part is permitted without penalty at any time during the period of the loan;
- (2) An advance made under a reverse mortgage and interest on the advances have priority over a lien filed after the closing of a reverse mortgage loan;
- (3) A reverse mortgage loan may provide for an interest rate which is fixed or adjustable and may also provide for interest that is contingent on appreciation in the value of the property;
- (4) If a reverse mortgage loan provides for periodic advances to a borrower, the advances may not be reduced in amount or number based on an adjustment in the interest rate;
- (5) Lenders failing to make loan advances as required in the loan agreement and failing to cure the default as required in the loan agreement shall forfeit an amount equal to the greater of two hundred dollars or one percent of the amount of the loan advance the lender failed to make;
- (6) The repayment requirement is also expressly subject to the following additional conditions:
 - (a) Temporary absences from the home not to exceed sixty consecutive days do not cause the mortgage to become due and payable;
 - (b) Temporary absences from the home exceeding sixty consecutive days, but less than six months, do not cause the mortgage to become due and payable so long as the borrower has taken prior action which secures the home in a satisfactory manner;
 - (c) The lender's right to collect reverse mortgage loan proceeds is subject to the applicable statute of

limitations for loan contracts. Notwithstanding the applicable statute of limitations for loan contracts, the statute of limitations commences on the date that the mortgage becomes due and payable;

(d) The lender must prominently disclose any interest or other fees to be charged during the period that commences on the date that the mortgage becomes due and payable and ends when repayment in full is made;

(7) The following fees and charges may be charged to the borrower, and financed by the lender, in connection with a reverse mortgage loan, except for loans insured or guaranteed by agencies of the federal government in which case federal law or regulation shall apply:

(a) A nonrefundable origination fee not to exceed two percent of the principal;

(b) Fees and charges prescribed by law actually and necessarily paid to public officials for perfecting, releasing or satisfying a security interest related to the reverse mortgage loan;

(c) Recording taxes to perfect documents;

(d) Bona fide closing costs paid to third parties, which shall include:

a. Fees or premiums for title examination, title insurance or similar purposes, including surveys;

b. Fees for preparation of a deed, settlement statement or other documents;

c. Fees for notarizing deeds and other documents;

d. Appraisal fees; and

e. Fees for credit reports;

(e) A charge for insurance against loss of, or damage to, property where no such coverage already exists;

(f) Fixed monthly servicing fees, repair administration fees and payment plan change fees;

(8) As a convenience to the borrower, reverse mortgage loan applications may be taken by the lender over the telephone or at the borrower's home and reverse mortgage loans may be closed by mail or at a title company's office;

(9) Proceeds from a reverse mortgage loan shall not be used to purchase deferred annuities.

443.915. All reverse mortgage counseling programs shall include a set of inquiries to determine whether the loan is suitable for the particular borrower and shall allow the lender to disapprove a loan if appropriate. Counselors may inquire about the intended use of the proceeds of the loan and suggest alternatives to a reverse mortgage loan. The division of finance shall have the authority to promulgate rules relating to suitability and counseling programs. 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.”; and

Further amend the title and enacting clause accordingly.

Senator Stouffer moved that the above amendment be adopted.

Senator Griesheimer assumed the Chair.

Senator Engler offered **SA 1** to **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 1059, Page 3, Section 443.915, Lines 24-25, by striking the words “and shall allow the lender to disapprove a loan if appropriate”.

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

SA 1, as amended, was again taken up.

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

Senator Scott offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1059, Page 19, Section 443.930, Line 11, by inserting after all of said line the following:

“3. This section shall not be construed to create a private right of action.”.

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

Senator Engler moved that **SS** for **SCS** for **SB 1059**, as amended, be adopted, which motion prevailed.

On motion of Senator Engler, **SS** for **SCS** for **SB 1059**, as amended, was declared perfected and ordered printed.

Senator Days moved that **SB 1116** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

On motion of Senator Days, **SB 1116** was declared perfected and ordered printed.

Senator Engler moved that **SB 907**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 907**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 907

An Act to repeal sections 260.1003, 319.129, 319.131, and 319.133, RSMo, and to enact in lieu thereof six new sections relating to the regulation of motor fuel tanks.

Was taken up.

Senator Engler moved that **SCS** for **SB 907** be adopted.

Senator Engler offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 907, Page 12, Section 319.136, Lines 55-58,

by striking all of said lines from the bill and inserting in lieu thereof the following:

“8. Notwithstanding the provisions of section 621.250, RSMo, to the contrary, when the department has affixed a red violation tag to make a noncompliant underground storage tank ineligible to receive petroleum, the owner or operator of that tank may, in addition to all administrative appeals and remedies, appeal the department's action to the circuit court in the county where the tank is located within ten business days of the department's action.”.

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

Senator Purgason offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 907, Page 2, Section 319.129, Lines 3-4, by striking the following: “and shall be a body corporate and politic”; and further amend lines 5-6, by striking the following: “, shall not be credited to the state general revenue fund, and shall not be subject to transfer”.

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

Senator Barnitz offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 907, Page 10, Section 319.133, Lines 17-21, by striking said lines and inserting in lieu thereof the following:

“6. The board may require any new applicant, who has not previously held private insurance or other form of financial responsibility for the petroleum storage tank for which application to the fund is made, to conduct a site assessment before participating in the fund. The board also may require such new applicants to pay a surcharge per year per tank from the date the tank was eligible for coverage under the fund, provided that each year's surcharge shall not exceed the surcharge that was actually in effect for that particular year.”.

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

Senator Engler moved that **SCS** for **SB 907**, as amended, be adopted, which motion prevailed.

On motion of Senator Engler, **SCS** for **SB 907**, as amended, was declared perfected and ordered printed.

Senator Shoemyer moved that **SB 822** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

On motion of Senator Shoemyer, **SB 822** was declared perfected and ordered printed.

On motion of Senator Shields, the Senate recessed until 5:45 p.m.

RECESS

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

REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 1108**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SCS** for **SB 1059**, 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.

RESOLUTIONS

Senator Champion offered Senate Resolution No. 2079, regarding Candace Letterman, Springfield, which was adopted.

Senator Vogel offered Senate Resolution No. 2080, regarding Deborah Pohl, Jefferson City, which was adopted.

Senator Stouffer offered Senate Resolution No. 2081, regarding the One Hundred Fiftieth Anniversary of the city of Callao, Macon County, which was adopted.

Senator Stouffer offered Senate Resolution No. 2082, regarding Darryl Lamson, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Shoemyer introduced to the Senate, Paula Gough and her daughter, Emma, Shelbina.

Senator Shoemyer introduced to the Senate, the Physician of the Day, Dr. Richard Draper, D.O. and his wife, Sherry, Hannibal.

Senator Goodman introduced to the Senate, Mrs. Lennon and Maureen Kehl, Candace Salzman, Morgan Horn, David Davison, Angelica Makuch and Amoret Phillips, eighth grade gifted students from Branson Junior High School.

Senator Purgason introduced to the Senate, Brenda Bell and members of Excel Group, Howell County.

Senator Champion introduced to the Senate, Gina Wykoff and forty-five fifth grade students from Wings Center for the Gifted, Springfield.

On behalf of Senator Engler and himself, Senator McKenna introduced to the Senate, ninth grade students from Festus High School.

On behalf of Senator Wilson and herself, Senator Justus introduced to the Senate, Ms. Rosemary Brown, Ms. Patricia Davis, Ms. Alice Williams, Ms. Angela Watson, Ms. Leona Holt and thirty-seven students from the Kansas City school district.

Senator Vogel introduced to the Senate, Mayor Zainudin and members of a delegation from the Community Development Council, Singapore.

Senator Bray introduced to the Senate, Sandy Wacker and nineteen fourth grade students from Mark Twain Elementary School, Brentwood.

Senator Justus introduced to the Senate, Associate Professor Simon H. Friedman, Ph.D., University of Missouri, Kansas City.

On behalf of Senator Rupp and himself, Senator Dempsey introduced to the Senate, Denise Rager, St. Charles County; and Anne Klein, St. Charles.

Senator Goodman introduced to the Senate, seventh and eighth grade students from Kirbyville Middle School.

Senator Graham introduced to the Senate, Beth Winton and gifted students from Lange Middle School, Columbia.

On behalf of Senator Gibbons, Senator Rupp introduced to the Senate, eighty-eight fourth grade students from Tillman Elementary School, Kirkwood; and Grant Trokey, Meagan Stewart, Addie Gaither-Gamin and Donald Nelson were made honorary pages.

Senator Griesheimer introduced to the Senate, Battalion Commander Michael J. Smith, Jr., Eureka; and forty-seven Navy midshipmen and thirty-seven Marine midshipmen, members of NROTC Battalion, University of Missouri-Columbia.

Senator Griesheimer introduced to the Senate, his daughter, Michelle and his niece, Miranda Bolte, Washington.

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

SENATE CALENDAR

THIRTY-SEVENTH DAY—THURSDAY, MARCH 13, 2008

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HBs 1595 & 1668
HB 1371-Wilson (119), et al
HB 1678-Day, et al
HB 1384-Cox, et al

HCS for HB 1779
HCS for HB 1619
HB 1570-Franz
HB 1711-Weter, et al

THIRD READING OF SENATE BILLS

SCS for SBs 1034 & 802-Mayer
SCS for SB 732-Champion, et al
SS#2 for SCS for SBs 747 & 736-Ridgeway
SS for SCS for SB 944-Engler
(In Fiscal Oversight)

SCS for SB 759-Stouffer
SS for SCS for SB 726-Shields
(In Fiscal Oversight)
SS for SCS for SB 1059-Engler

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SBs 754 & 794-Mayer and Loudon

SENATE BILLS FOR PERFECTION

SBs 712 & 882-Gibbons and Rupp, with SCS
 SB 713-Gibbons, with SCS
 SBs 714, 933, 899 & 758-Loudon and Gibbons,
 with SCS
 SB 716-Loudon, et al
 SB 717-Kennedy and Shields
 SB 729-Griesheimer, with SCS
 SB 749-Ridgeway, with SCS
 SB 756-Engler and Rupp, with SCS (pending)
 SBs 761 & 774-Stouffer, with SCS
 SB 764-Wilson, et al, with SA 2 (pending)
 SB 767-Goodman and Gibbons, with SCS
 SB 768-Rupp and Gibbons, with SCS
 SB 776-Justus and Koster, with SCS
 SB 809-Stouffer, with SCS
 SB 811-Stouffer, with SCS
 SB 815-Goodman
 SB 817-Goodman
 SB 821-Shoemyer, with SCS (pending)
 SBs 840 & 857-Engler, with SCS
 SB 846-Rupp, with SCS
 SB 865-Rupp and Gibbons, with SCS

SB 873-Graham, with SCS
 SB 874-Graham, with SCS
 SB 881-Green
 SBs 909, 954, 934 & 1003-Engler, with SCS
 SB 915-Ridgeway
 SB 929-Green and Callahan, with SCS
 SBs 930 & 947-Stouffer, with SCS
 SB 939-Stouffer, with SCS
 SB 957-Goodman
 SB 967-Mayer, with SCS (pending)
 SBs 982, 834 & 819-Purgason, with SCS
 SB 990-Champion
 SBs 993 & 770-Crowell, with SCS
 SB 996-Crowell, with SCS
 SB 997-Crowell
 SB 1007-Loudon
 SB 1035-Scott, with SCS
 SB 1046-Mayer
 SB 1058-Mayer
 SB 1093-Loudon, et al
 SB 1103-Gibbons
 SJRs 34 & 30-Crowell and Coleman, with SCS

CONSENT CALENDAR

Senate Bills

Reported 3/6

SB 790-Champion
 SB 1016-Mayer
 SB 863-Rupp
 SB 1073-Dempsey
 SB 805-Mayer
 SB 1044-Stouffer, with SCS

SB 1089-Justus, with SCS
 SB 1033-Griesheimer, with SCS
 SB 980-Ridgeway
 SB 1151-Barnitz
 SB 956-Kennedy
 SB 797-Bray

RESOLUTIONS

To be Referred

SCR 36-Green

✓