

Journal of the Senate

SECOND REGULAR SESSION

FORTY-THIRD DAY—TUESDAY, APRIL 1, 2008

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Know that the Lord is God. It is he that made us, and we are his; we are his people, and the sheep of his pasture.” (Psalm 100:3)

Faithful God, You are loving and true in all Your ways from which we benefit. So we pray accept our praises as we seek You in ways that are worthy of Your greatness. And bless what we do here that it may benefit those who are touched by our efforts. 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.

Photographers from KRCCG-TV 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	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel

Wilson—33

Absent—Senators—None

Absent with leave—Senator Ridgeway—1

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Coleman offered Senate Resolution No. 2223, regarding the Boys and Girls Clubs of Missouri, which was adopted.

Senator Mayer offered Senate Resolution No. 2224, regarding Daniel Smith, Piedmont, which was adopted.

Senator Mayer offered Senate Resolution No. 2225, regarding Brandon Kimes, Piedmont, which was adopted.

Senator Mayer offered Senate Resolution No. 2226, regarding Jon Montgomery, Piedmont, which was adopted.

Senator Champion offered Senate Resolution No. 2227, regarding Dan R. Kinney, Springfield, which was adopted.

Senator Kennedy offered Senate Resolution No. 2228, regarding Dr. Donna L. Jahnke, Saint Louis, which was adopted.

Senator Engler offered Senate Resolution No. 2229, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Vincent J. Gegg, which was adopted.

Senator Stouffer offered Senate Resolution No. 2230, regarding 2008 Class 1 State Wrestling Champion, Devin Mellon, Lawson High School, which was adopted.

Senator Stouffer offered Senate Resolution No. 2231, regarding the One Hundredth Birthday of Ruth L. Gienapp, Concordia, which was adopted.

SENATE BILLS FOR PERFECTION

SB 1138, with **SCS**, was placed on the Informal Calendar.

SB 1107, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Shields, **SB 1234** and **SB 1270**, with **SCS**, were placed on the Informal Calendar.

SB 1094, with **SCS**, was placed on the Informal Calendar.

SB 1000 was placed on the Informal Calendar.

SB 1052 was placed on the Informal Calendar.

SB 1054, with **SCS**, was placed on the Informal Calendar.

SB 1040, with **SCS**, was placed on the Informal Calendar.

SJR 45 was placed on the Informal Calendar.

SB 1081, with **SCS**, was placed on the Informal Calendar.

Senator Rupp moved that **SB 858**, **SB 750**, **SB 751**, **SB 927**, **SB 1186**, **SB 1255**, **SB 1268** and **SB 1269**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for SBs 858, 750, 751, 927, 1186, 1255, 1268 and 1269, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 858, 750, 751, 927, 1186, 1255, 1268 and 1269

An Act to repeal sections 8.283, 143.191, 172.360, 174.130, 178.635, 178.780, and 544.470, RSMo, and to enact in lieu thereof eighteen new sections relating to illegal immigrants, with penalty provisions and an effective date for certain sections.

Was taken up.

Senator Rupp moved that SCS for SBs 858, 750, 751, 927, 1186, 1255, 1268 and 1269 be adopted.

Senator Rupp offered SS for SCS for SBs 858, 750, 751, 927, 1186, 1255, 1268 and 1269, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 858, 750, 751, 927, 1186, 1255, 1268 and 1269

An Act to repeal sections 8.283, 143.191, 172.360, 174.130, 178.635, 178.780, and 544.470, RSMo, and to enact in lieu thereof twenty-one new sections relating to illegal immigrants, with penalty provisions and an effective date for certain sections.

Senator Rupp moved that SS for SCS for SBs 858, 750, 751, 927, 1186, 1255, 1268 and 1269, be adopted.

Senator Shields assumed the Chair.

Senator Scott assumed the Chair.

Senator Green offered SA 1:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 858, 750, 751, 927, 1186, 1255, 1268 and 1269, Page 13, Section 208.009, Line 22, by inserting immediately after said line, the following:

“285.309. 1. Every employer doing business in this state who employs five or more employees shall, if applicable, submit federal 1099 miscellaneous forms to the department of revenue. Such forms shall be submitted to the department of revenue within the time lines established for the filing of Missouri Form 99 forms.

2. Any employer who intentionally, on five or more occasions, fails to submit information on any employee required under subsection 1 of this section is guilty of a class A misdemeanor and shall be fined not more than one hundred dollars for each time the employer fails to submit the information on or after the fifth occurrence. If the failure is the result of a conspiracy between the employer and the employee or worker to not supply the required report or to supply a false or incomplete report, the fine shall be one thousand dollars for each failure to report or each false or incomplete report on and after the fifth occurrence.

285.500. For the purposes of sections 285.500 to 285.515 the following terms mean:

(1) “Employee”, any individual who performs services for an employer that would indicate an

employer-employee relationship in satisfaction of the factors in IRS Rev. Rule 87-41, 1987-1 C.B.296.;

(2) “Employer”, any individual, organization, partnership, political subdivision, corporation, or other legal entity which has or had in the entity's employ five or more individuals performing any of the following services within this state:

- (a) Construction as defined in section 290.210, RSMo;
- (b) Public works as defined in section 290.210, RSMo;
- (c) Maintenance work as defined in section 290.210, RSMo.

285.503. 1. An employer knowingly misclassifies a worker if that employer fails to claim the worker as an employee but knows, or has reason to know, that worker is an employee.

2. The attorney general may investigate alleged or suspected violations of sections 285.500 to 285.515 and shall have all powers provided by sections 407.040 to 407.090, RSMo, in connection with any investigation of an alleged or suspected violation of sections 285.500 to 285.515 as if the acts enumerated in sections 285.500 to 285.515 are unlawful acts proscribed by chapter 407, RSMo.

3. In addition to the powers set out in subsection 1 of this section, the attorney general may serve and enforce subpoenas related to the enforcement of sections 285.500 to 285.515.

285.506. 1. In any action brought under sections 285.500 to 285.515, the state shall have the burden of proving that the employer misclassified the worker. If the state is unable to produce any evidence supporting its contention that the alleged misclassified worker is misclassified, the court shall find that the worker is not an employee for purposes of that action.

2. In any action brought under sections 285.500 to 285.515, there is a rebuttable presumption that a worker is an employee if the worker is an unauthorized alien as defined in 8 U.S.C. 1324a(h)(3). To rebut this presumption, the employer must produce an I-9 form to establish that the worker is not an unauthorized alien or other documentation to show that the worker is an independent contractor. If the employer fails to produce such evidence, the court shall find that the worker is an employee for purposes of that action.

285.509. 1. The department of labor and industrial relations shall establish a complaint form to receive complaints about alleged misclassification of workers. The form shall be made available on the Internet. Upon receiving a complaint, the department shall cross-check the complaint against any employer records it maintains and shall also cross-check the complaint against any records maintained by the department of revenue.

2. If the department determines, after conducting the review set out in subsection 1 of this section, that an employer appears to have misclassified a worker, it shall forward its determination along with supporting documentation to the attorney general.

3. Upon receiving the department's determination, the attorney general may request additional information or records from the department of labor and industrial relations, the department of revenue, or any other state agency that may have information or records relevant to the matter. Upon request, the department or other state agency shall provide the information or records requested. If the attorney general receives records that are otherwise closed pursuant to law, the attorney general shall likewise treat any such records obtained in the course of an investigation as closed records, except that such records may be used in the course of any action brought under sections 285.500 to 285.515.

4. The department of labor and industrial relations shall have the authority to promulgate rules necessary to administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.

285.512. 1. Whenever the attorney general has reason to believe that an employer has engaged in, is engaging in, or is about to engage in any conduct that would be a violation of sections 285.500 to 285.515, the attorney general may seek an injunction prohibiting the employer from engaging in such conduct.

2. The attorney general may bring an action for injunctive relief in the circuit court of any county where the alleged violation is occurring or about to occur.

3. In seeking injunctive relief, the attorney general may petition the court to order that all work contracted for by the employer at any site of the employer be halted if the court determines that the employer has engaged in, or is about to engage in, any conduct that would be a violation of sections 285.500 to 285.515. In addition to such relief, the court may issue any other order or judgment necessary to prevent the employer from committing any further violations of sections 285.500 to 285.515.

285.515. 1. If a court determines that an employer has knowingly misclassified a worker, the court shall enter a judgment in favor of the state and award penalties in the amount of fifty dollars per day per misclassified worker up to a maximum of fifty thousand dollars to the Missouri worker protection fund established in section 285.518.

2. If a court determines that an employer has knowingly misclassified a worker after having been previously adjudicated for knowing misclassification of a worker, the court shall enter a judgment in favor of the state and award penalties in the amount of one hundred dollars per day per misclassified worker up to a maximum of one hundred thousand dollars to the Missouri worker protection fund established in section 285.518.

3. The court may, in addition to the penalties authorized by this section, order that attorneys' fees and costs be paid to the state.

4. The attorney general may enter into a consent judgment with any person alleged to have violated sections 285.500 to 285.515.

285.518. There is hereby created in the state treasury the "Missouri Worker Protection Fund", which shall consist of money collected under sections 285.500 to 285.515. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180, RSMo. Upon appropriation, money in the fund shall be used solely for the administration of sections 285.500 to 285.515. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same

manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund. This fund shall be administered by the attorney general for the purposes of ensuring that Missouri employers hire employees and subcontract with workers who are not misclassified. The fund shall consist of:

- (1) All amounts ordered to be paid into the fund pursuant to section 285.515;
- (2) Any amounts appropriated to the fund; and
- (3) Any voluntary contributions, gifts, or bequests to the fund.”; and

Further amend said bill, section C, page 31, line 23 by inserting immediately after all of said line the following:

“Section D. Because of the need to provide a level playing field for Missouri employers and workers, the provisions of sections 285.309 and 285.500 to 285.518 of this act are deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and are hereby declared to be an emergency within the meaning of the constitution, and sections 285.309 and 285.500 to 285.518 of this act shall be in full force and effect upon its passage and approval.”; and

Further amend the title and enacting clause accordingly.

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

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

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 858, 750, 751, 927, 1186, 1255, 1268 and 1269, Page 16, Section 285.530, Line 1, by striking the word “state”; and further amend said section and page, line 2, by inserting immediately after the word “grant”, the following:

“in excess of five thousand dollars by the state or by any political subdivision of the state”.

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

Senator Smith offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 858, 750, 751, 927, 1186, 1255, 1268 and 1269, Page 29, Section 577.722, Line 4, by inserting after all of said line the following:

“4. Individuals shall not be liable under this section for transporting an illegal alien who is unlawfully present in the state for the purposes of delivering the individual to a medical facility, soup kitchen, institution for crisis counseling and intervention, or short-term shelter, or for sheltering such an alien who has been the victim of abuse.”.

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

Senator Rupp moved that **SS** for **SCS** for **SBs 858, 750, 751, 927, 1186, 1255, 1268** and **1269**, as amended, be adopted, which motion prevailed.

On motion of Senator Rupp, **SS** for **SCS** for **SBs 858, 750, 751, 927, 1186, 1255, 1268** and **1269**, as amended, was declared perfected and ordered printed.

Senator Wilson moved that **SB 764**, with **SA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 2 was again taken up.

At the request of Senator Purgason, the above amendment was withdrawn.

Senator Wilson moved that **SB 764** be declared perfected and ordered printed, which motion failed by the following vote:

YEAS—Senators

Bray	Coleman	Days	Justus	Kennedy	McKenna	Shoemyer	Smith
Wilson—9							

NAYS—Senators

Barnitz	Bartle	Callahan	Champion	Clemens	Dempsey	Engler	Gibbons
Goodman	Graham	Green	Koster	Lager	Loudon	Mayer	Nodler
Purgason	Scott	Shields	Stouffer	Vogel—21			

Absent—Senator Rupp—1

Absent with leave—Senators

Crowell	Griesheimer	Ridgeway—3
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Vacancies—None

THIRD READING OF SENATE BILLS

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 by Senator Mayer.

On motion of Senator Mayer, **SCS** for **SB 967** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Coleman	Days	Dempsey
Engler	Gibbons	Goodman	Graham	Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler	Purgason	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Wilson—28				

NAYS—Senators

Bartle	Green—2
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Absent—Senator Vogel—1

Absent with leave—Senators

Crowell	Griesheimer	Ridgeway—3
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Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Coleman	Days	Dempsey
Engler	Gibbons	Goodman	Graham	Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler	Purgason	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Wilson—28				

NAYS—Senators

Bartle Green—2

Absent—Senator Vogel—1

Absent with leave—Senators

Crowell Griesheimer Ridgeway—3

Vacancies—None

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

SB 1021 and **SB 870**, with **SCS**, were placed on the Informal Calendar.

SB 1067 was placed on the Informal Calendar.

Senator Graham moved that **SB 1099** be taken up for perfection, which motion prevailed.

At the request of Senator Graham, **SB 1099** was placed on the Informal Calendar.

Senator Graham moved that **SB 873**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 873**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 873

An Act to repeal sections 172.030, 172.035, 172.040, and 172.060, RSMo, and to enact in lieu thereof four new sections relating to student curators.

Was taken up.

Senator Graham moved that **SCS** for **SB 873** be adopted, which motion prevailed.

On motion of Senator Graham, **SCS** for **SB 873** was declared perfected and ordered printed.

Senator Stouffer moved that **SB 930** and **SB 947**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SBs 930** and **947**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 930 and 947

An Act to repeal sections 144.805 and 305.230, RSMo, and to enact in lieu thereof two new sections relating to the state aviation trust fund.

Was taken up.

Senator Stouffer moved that **SCS** for **SBs 930** and **947** be adopted, which motion prevailed.

On motion of Senator Stouffer, **SCS** for **SBs 930** and **947** was declared perfected and ordered printed.

HOUSE BILLS ON SECOND READING

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

HCS for **HB 2007**—Appropriations.

HCS for **HB 2008**—Appropriations.

HCS for **HB 2009**—Appropriations.

HCS for **HB 2010**—Appropriations.

HCS for **HB 2011**—Appropriations.

HCS for **HB 2012**—Appropriations.

HCS for **HB 2013**—Appropriations.

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 Goodman.

MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HJR 43**, entitled:

Joint Resolution submitting to the qualified voters of Missouri an amendment repealing section 22 of article X of the Constitution of Missouri, and adopting one new section in lieu thereof relating to limitations on property tax revenue.

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 refuses to adopt **SCS** for **HCS** for **HB 2014** and requests the Senate to recede from its position and failing

to do so grant the House a conference thereon.

PRIVILEGED MOTIONS

Senator Nodler moved that the Senate refuse to recede from its position on **SCS** for **HCS** for **HB 2014** and grant the House a conference thereon, which motion prevailed.

REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SCS** for **SBs 858, 750, 751, 927, 1186, 1255, 1268** and **1269**; **SCS** for **SBs 930** and **947**; and **SCS** for **SB 873**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

SENATE BILLS FOR PERFECTION

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

SCS for **SB 846**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 846

An Act to repeal section 160.545, RSMo, and to enact in lieu thereof two new sections relating to higher education scholarships.

Was taken up.

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

Senator Graham offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 846, Page 4, Section 160.545, Line 116, by inserting immediately after said line the following:

“173.256. 1. The department of higher education shall collect and distribute funds for the kids' chance scholarship pursuant to section 173.254, however, the department shall not distribute the corpus provided by section 173.258. **The department may distribute any accrued interest in the fund as scholarships after the second Monday in October of 2008.**

2. There is hereby created in the state treasury the “Kids' Chance Scholarship Fund”, which shall consist of all moneys deposited in the fund pursuant to section 173.258 and all moneys which may be appropriated to it by the general assembly, from federal or other sources, including private donations. Upon termination of the fund, all moneys in the fund shall be transferred for the use of the division of workers' compensation for deposit in the fund created by virtue of section 287.690, RSMo.

3. The state treasurer shall administer the fund and credit all interest to the fund and the moneys in the fund shall be used solely upon appropriation by the department for the expenses of carrying out its duties pursuant to this section.

4. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the fund shall not revert to the credit of the general revenue fund at the end of the biennium.

173.258. The director of the division of workers' compensation shall deposit fifty thousand dollars from the premium tax collected pursuant to section 287.690, RSMo, on the second Monday in October of each year beginning in 1999 until [2008] **2018** into the kids' chance scholarship fund.”; and

Further amend the title and enacting clause accordingly.

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

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

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 846, Page 6, Section 173.272, Line 76, by inserting immediately after said line the following:

“Section 1. Notwithstanding any provision of law to the contrary, no alien unlawfully present in the United States shall be eligible for any state grant, scholarship, or financial assistance to any public or private institution of higher education, and shall not be able to use any such monies at any public or private institution of higher education located in Missouri with the exception of those born on or before August 28, 2008, that have completed three full semesters in a Missouri high school immediately prior to applying to an institution of higher education in Missouri.”; and

Further amend the title and enacting clause accordingly.

Senator Graham moved that the above amendment be adopted.

Senator Rupp offered **SSA 1** for **SA 2**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 846, Page 6, Section 173.272, Line 76, by inserting immediately after said line the following:

“Section 1. Notwithstanding any provision of law to the contrary, no alien unlawfully present in the United States shall be eligible for any state grant, scholarship, or financial assistance to any public or private institution of higher education, and shall not be able to use any such monies at any public or private institution of higher education located in Missouri.”; and

Further amend the title and enacting clause accordingly.

Senator Rupp moved that the above substitute amendment be adopted.

Senator Dempsey assumed the Chair.

At the request of Senator Rupp, **SSA 1** for **SA 2** was withdrawn.

At the request of Senator Graham, **SA 2** was withdrawn.

At the request of Senator Rupp, **SB 846**, with **SCS**, as amended (pending), was placed on the Informal Calendar.

Senator Scott moved that **SB 1107**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 1107**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1107

An Act to repeal sections 304.157, 306.010, 306.015, 306.100, 306.111, 306.112, 306.114, 306.117, 306.124, 306.125, 306.132, 306.147, 306.221, 565.024, 565.082, and 577.080, RSMo, and to enact in lieu thereof seventeen new sections relating to watercraft, with penalty provisions.

Was taken up.

Senator Scott moved that **SCS** for **SB 1107** be adopted.

Senator Engler offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 1107, Page 20, Section 306.147, Line 90, by inserting immediately after all of said line the following:

“306.190. 1. The provisions of this chapter and of other applicable laws of this state shall govern the operation, equipment, numbering and all other matters relating thereto whenever any watercraft shall be operated on the waters of this state, or when any activity regulated by this chapter shall take place thereon; but nothing in this chapter shall be construed to prevent the adoption of any ordinance or local law relating to operation and equipment of watercraft the provisions of which are identical to the provisions of this chapter, amendments thereto or regulations issued thereunder; except that the ordinances or local laws shall be operative only so long as and to the extent that they continue to be identical to provisions of this chapter, amendments thereto or regulations issued thereunder.

2. Any city or subdivision of this state may adopt special rules and regulations with reference to the operation of watercraft on any waters owned by the city or political subdivision.

3. The provisions of this chapter shall not apply to farm ponds not commercially operated for boating purposes.

4. No city or political subdivision of this state shall adopt special rules and regulations with reference to restricting the operation of personal watercraft on waters of this state.”; and

Further amend the title and enacting clause accordingly.

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

Senator Shields offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 1107, Page 20, Section 306.147, Line 90, by inserting immediately after said line the following:

“306.163. 1. The governor, by and with the advice and consent of the senate, shall appoint a commissioner of the Missouri state water patrol **from its uniformed membership** to serve at the pleasure of the governor. The commissioner shall take and subscribe an oath of office to perform the commissioner's duties faithfully and impartially.

2. The commissioner shall prescribe rules for instruction and discipline and make administrative rules

and regulations and fix the hours of duty for the members of the patrol. The commissioner shall have charge of the office of the patrol, shall be custodian of the records of the patrol, and shall direct the day-to-day activities of the officers, patrolmen and office personnel.

3. The commissioner shall be given a certificate of appointment, a copy of which shall be filed with the secretary of state, granting him or her all the powers of a peace officer to enforce all the laws of this state within the jurisdiction of the water patrol as listed in section 306.165, provided that he has completed a law enforcement training course which meets the standards established in chapter 590, RSMo.

4. In the absence, or upon the disability, of the commissioner, or at the time the commissioner designates, the lieutenant colonel shall assume the duties of the commissioner. In case of the disability of the commissioner and the lieutenant colonel, the governor may designate a major as acting commissioner and when so designated, the acting commissioner shall have all the powers and duties of the commissioner.”; and

Further amend the title and enacting clause accordingly.

Senator Shields moved that the above amendment be adopted.

Senator Bartle offered **SA 1** to **SA 2**:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Committee Substitute for Senate Bill No. 1107, Page 1, Section 306.163, Line 5, by striking the words “from its uniformed membership”; and

further amend said page, section, line 8, by inserting at the end of said line the following:

“The commissioner appointed by the governor shall have at least ten years of experience in law enforcement similar to the duties exercised by uniformed officers of the state water patrol or at least five years of experience as a uniformed officer of the state water patrol.”.

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

Senator Rupp assumed the Chair.

SA 2, as amended, was again taken up.

Senator Shields moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator Purgason offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 1107, Page 20, Section 306.221, Line 6, by inserting immediately after all of said line the following:

“306.228. 1. The commissioner may appoint from within the membership not more than one assistant commissioner, two majors, nine captains, nine lieutenants, and one director of radio, each of whom shall have the same qualifications as the commissioner, and such additional force of sergeants, corporals and patrolmen[, so that the total number of members of the patrol shall not exceed ninety-nine officers and patrolmen] and such numbers of radio personnel as the commissioner deems necessary.

2. In case of a national emergency the commissioner may name additional patrolmen and radio

personnel in a number sufficient to replace, temporarily, patrolmen and radio personnel called into military services.

3. Applicants shall not be discriminated against because of race, creed, color, national origin, religion or sex.”; and

Further amend the title and enacting clause accordingly.

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

Senator Green offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bill No. 1107, Page 23, Section 577.080, Line 42, by inserting immediately after all of said line the following:

“Section 1. Effective January 1, 2010, the department of public safety shall combine the Missouri state highway patrol and the Missouri state water patrol into a newly created division, entitled the “Division of State Law Enforcement”.”; and

Further amend the title and enacting clause accordingly.

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

Senator Dempsey assumed the Chair.

Senator Loudon offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for Senate Bill No. 1107, Page 22, Section 565.082, Line 32, by inserting after all of said line the following:

“577.023. 1. For purposes of this section, unless the context clearly indicates otherwise:

(1) An “aggravated offender” is a person who:

(a) Has pleaded guilty to or has been found guilty of three or more intoxication-related traffic offenses;

or

(b) Has pleaded guilty to or has been found guilty of one or more intoxication-related traffic offense and, in addition, any of the following: involuntary manslaughter under subdivision (2) or (3) of subsection 1 of section 565.024, RSMo; murder in the second degree under section 565.021, RSMo, where the underlying felony is an intoxication-related traffic offense; or assault in the second degree under subdivision (4) of subsection 1 of section 565.060, RSMo; or assault of a law enforcement officer in the second degree under subdivision (4) of subsection 1 of section 565.082, RSMo;

(2) A “chronic offender” is:

(a) A person who has pleaded guilty to or has been found guilty of four or more intoxication-related traffic offenses; or

(b) A person who has pleaded guilty to or has been found guilty of, on two or more separate occasions, any combination of the following: involuntary manslaughter under subdivision (2) or (3) of subsection 1 of section 565.024, RSMo; murder in the second degree under section 565.021, RSMo, where the underlying

felony is an intoxication-related traffic offense; assault in the second degree under subdivision (4) of subsection 1 of section 565.060, RSMo; or assault of a law enforcement officer in the second degree under subdivision (4) of subsection 1 of section 565.082, RSMo; or

(c) A person who has pleaded guilty to or has been found guilty of two or more intoxication-related traffic offenses and, in addition, any of the following: involuntary manslaughter under subdivision (2) or (3) of subsection 1 of section 565.024, RSMo; murder in the second degree under section 565.021, RSMo, where the underlying felony is an intoxication-related traffic offense; assault in the second degree under subdivision (4) of subsection 1 of section 565.060, RSMo; or assault of a law enforcement officer in the second degree under subdivision (4) of subsection 1 of section 565.082, RSMo;

(3) An “intoxication-related traffic offense” is driving while intoxicated, driving with excessive blood alcohol content, involuntary manslaughter pursuant to subdivision (2) or (3) of subsection 1 of section 565.024, RSMo, murder in the second degree under section 565.021, RSMo, where the underlying felony is an intoxication-related traffic offense, assault in the second degree pursuant to subdivision (4) of subsection 1 of section 565.060, RSMo, assault of a law enforcement officer in the second degree pursuant to subdivision (4) of subsection 1 of section 565.082, RSMo, or driving under the influence of alcohol or drugs in violation of state law or a county or municipal ordinance, where the defendant was represented by or waived the right to an attorney in writing;

(4) A “persistent offender” is one of the following:

(a) A person who has pleaded guilty to or has been found guilty of two or more intoxication-related traffic offenses;

(b) A person who has pleaded guilty to or has been found guilty of involuntary manslaughter pursuant to subdivision (2) or (3) of subsection 1 of section 565.024, RSMo, assault in the second degree pursuant to subdivision (4) of subsection 1 of section 565.060, RSMo, assault of a law enforcement officer in the second degree pursuant to subdivision (4) of subsection 1 of section 565.082, RSMo; and

(5) A “prior offender” is a person who has pleaded guilty to or has been found guilty of one intoxication-related traffic offense, where such prior offense occurred within five years of the occurrence of the intoxication-related traffic offense for which the person is charged.

2. Any person who pleads guilty to or is found guilty of a violation of section 577.010 or 577.012 who is alleged and proved to be a prior offender shall be guilty of a class A misdemeanor.

3. Any person who pleads guilty to or is found guilty of a violation of section 577.010 or 577.012 who is alleged and proved to be a persistent offender shall be guilty of a class D felony.

4. Any person who pleads guilty to or is found guilty of a violation of section 577.010 or section 577.012 who is alleged and proved to be an aggravated offender shall be guilty of a class C felony.

5. Any person who pleads guilty to or is found guilty of a violation of section 577.010 or section 577.012 who is alleged and proved to be a chronic offender shall be guilty of a class B felony.

6. No state, county, or municipal court shall suspend the imposition of sentence as to a prior offender, persistent offender, aggravated offender, or chronic offender under this section nor sentence such person to pay a fine in lieu of a term of imprisonment, section 557.011, RSMo, to the contrary notwithstanding. No prior offender shall be eligible for parole or probation until he or she has served a minimum of five days imprisonment, unless as a condition of such parole or probation such person performs at least thirty days of

community service under the supervision of the court in those jurisdictions which have a recognized program for community service. No persistent offender shall be eligible for parole or probation until he or she has served a minimum of ten days imprisonment, unless as a condition of such parole or probation such person performs at least sixty days of community service under the supervision of the court. No aggravated offender shall be eligible for parole or probation until he or she has served a minimum of sixty days imprisonment. No chronic offender shall be eligible for parole or probation until he or she has served a minimum of two years imprisonment.

7. The state, county, or municipal court shall find the defendant to be a prior offender, persistent offender, aggravated offender, or chronic offender if:

(1) The indictment or information, original or amended, or the information in lieu of an indictment pleads all essential facts warranting a finding that the defendant is a prior offender or persistent offender; and

(2) Evidence is introduced that establishes sufficient facts pleaded to warrant a finding beyond a reasonable doubt the defendant is a prior offender, persistent offender, aggravated offender, or chronic offender; and

(3) The court makes findings of fact that warrant a finding beyond a reasonable doubt by the court that the defendant is a prior offender, persistent offender, aggravated offender, or chronic offender.

8. In a jury trial, the facts shall be pleaded, established and found prior to submission to the jury outside of its hearing.

9. In a trial without a jury or upon a plea of guilty, the court may defer the proof in findings of such facts to a later time, but prior to sentencing.

10. The defendant shall be accorded full rights of confrontation and cross-examination, with the opportunity to present evidence, at such hearings.

11. The defendant may waive proof of the facts alleged.

12. Nothing in this section shall prevent the use of presentence investigations or commitments.

13. At the sentencing hearing both the state, county, or municipality and the defendant shall be permitted to present additional information bearing on the issue of sentence.

14. The pleas or findings of guilty shall be prior to the date of commission of the present offense.

15. The court shall not instruct the jury as to the range of punishment or allow the jury, upon a finding of guilty, to assess and declare the punishment as part of its verdict in cases of prior offenders, persistent offenders, aggravated offenders, or chronic offenders.

16. Evidence of a prior [convictions] **plea of guilty or finding of guilty in an intoxication-related traffic offense** shall be heard and determined by the trial court out of the hearing of the jury prior to the submission of the case to the jury, and shall include but not be limited to evidence of convictions received by a search of the records of the Missouri uniform law enforcement system maintained by the Missouri state highway patrol. After hearing the evidence, the court shall enter its findings thereon. A [conviction of a violation of a municipal or county ordinance in a county or municipal court for driving while intoxicated or a conviction or a] plea of guilty or a finding of guilty followed by **incarceration**, a suspended imposition of sentence, suspended execution of sentence, probation or parole or any combination thereof in **any intoxication-related traffic offense in a state, county or municipal court or any combination thereof**,

shall be treated as a prior [conviction] **plea of guilty or finding of guilty for purposes of this section.**”; and

Further amend said bill, page 23, section 577.080, line 42 by inserting after all of said line the following:

“Section B. Because of the need to protect public safety and ensure that persons guilty of multiple intoxication-related traffic offenses receive an appropriate sentence, the repeal and reenactment of section 577.023 is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of section 577.023 of this act shall be in full force and effect upon its passage and approval.”; and

Further amend the title and enacting clause accordingly.

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

Senator Scott moved that **SCS** for **SB 1107**, as amended, be adopted, which motion prevailed.

On motion of Senator Scott, **SCS** for **SB 1107**, as amended, was declared perfected and ordered printed.

Senator Loudon moved that **SB 1007** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Loudon offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 1007, Page 3, Section 290.512, Line 22, by inserting after all of said line the following:

“290.523. The department may, in accordance with chapter 536, RSMo, promulgate such rules and regulations as are necessary for the enforcement and administration of sections 290.500 to 290.530. 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 Loudon moved that the above amendment be adopted, which motion failed.

Senator Green offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 1007, Page 1, Section A, Line 3, by inserting immediately after said line, the following:

“285.309. 1. Every employer doing business in this state who employs five or more employees shall, if applicable, submit federal 1099 miscellaneous forms to the department of revenue. Such forms shall be submitted to the department of revenue within the time lines established for the filing of Missouri Form 99 forms.

2. Any employer who intentionally, on five or more occasions, fails to submit information on any employee required under subsection 1 of this section is guilty of a class A misdemeanor and shall be fined not more than one hundred dollars for each time the employer fails to submit the information on or after the fifth occurrence. If the failure is the result of a conspiracy between the employer and the employee or worker to not supply the required report or to supply a false or incomplete report, the fine shall be one thousand dollars for each failure to report or each false or incomplete report on and after the fifth occurrence.

285.500. For the purposes of sections 285.500 to 285.515 the following terms mean:

(1) “Employee”, any individual who performs services for an employer that would indicate an employer-employee relationship in satisfaction of the factors in IRS Rev. Rule 87-41, 1987-1 C.B.296.;

(2) “Employer”, any individual, organization, partnership, political subdivision, corporation, or other legal entity which has or had in the entity's employ five or more individuals performing any of the following services within this state:

(a) Construction as defined in section 290.210, RSMo;

(b) Public works as defined in section 290.210, RSMo;

(c) Maintenance work as defined in section 290.210, RSMo.

285.503. 1. An employer knowingly misclassifies a worker if that employer fails to claim the worker as an employee but knows, or has reason to know, that worker is an employee.

2. The attorney general may investigate alleged or suspected violations of sections 285.500 to 285.515 and shall have all powers provided by sections 407.040 to 407.090, RSMo, in connection with any investigation of an alleged or suspected violation of sections 285.500 to 285.515 as if the acts enumerated in sections 285.500 to 285.515 are unlawful acts proscribed by chapter 407, RSMo.

3. In addition to the powers set out in subsection 1 of this section, the attorney general may serve and enforce subpoenas related to the enforcement of sections 285.500 to 285.515.

285.506. 1. In any action brought under sections 285.500 to 285.515, the state shall have the burden of proving that the employer misclassified the worker. If the state is unable to produce any evidence supporting its contention that the alleged misclassified worker is misclassified, the court shall find that the worker is not an employee for purposes of that action.

2. In any action brought under sections 285.500 to 285.515, there is a rebuttable presumption that a worker is an employee if the worker is an unauthorized alien as defined in 8 U.S.C. 1324a(h)(3). To rebut this presumption, the employer must produce an I-9 form to establish that the worker is not an unauthorized alien or other documentation to show that the worker is an independent contractor. If the employer fails to produce such evidence, the court shall find that the worker is an employee for purposes of that action.

285.509. 1. The department of labor and industrial relations shall establish a complaint form to receive complaints about alleged misclassification of workers. The form shall be made available on the Internet. Upon receiving a complaint, the department shall cross-check the complaint against any employer records it maintains and shall also cross-check the complaint against any records maintained by the department of revenue.

2. If the department determines, after conducting the review set out in subsection 1 of this section, that an employer appears to have misclassified a worker, it shall forward its determination along with supporting documentation to the attorney general.

3. Upon receiving the department's determination, the attorney general may request additional information or records from the department of labor and industrial relations, the department of revenue, or any other state agency that may have information or records relevant to the matter. Upon request, the department or other state agency shall provide the information or records requested. If the attorney general receives records that are otherwise closed pursuant to law, the attorney general shall likewise treat any such records obtained in the course of an investigation as closed records, except that such records may be used in the course of any action brought under sections 285.500 to 285.515.

4. The department of labor and industrial relations shall have the authority to promulgate rules necessary to administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.

285.512. 1. Whenever the attorney general has reason to believe that an employer has engaged in, is engaging in, or is about to engage in any conduct that would be a violation of sections 285.500 to 285.515, the attorney general may seek an injunction prohibiting the employer from engaging in such conduct.

2. The attorney general may bring an action for injunctive relief in the circuit court of any county where the alleged violation is occurring or about to occur.

3. In seeking injunctive relief, the attorney general may petition the court to order that all work contracted for by the employer at any site of the employer be halted if the court determines that the employer has engaged in, or is about to engage in, any conduct that would be a violation of sections 285.500 to 285.515. In addition to such relief, the court may issue any other order or judgment necessary to prevent the employer from committing any further violations of sections 285.500 to 285.515.

285.515. 1. If a court determines that an employer has knowingly misclassified a worker, the court shall enter a judgment in favor of the state and award penalties in the amount of fifty dollars per day per misclassified worker up to a maximum of fifty thousand dollars to the Missouri worker protection fund established in section 285.518.

2. If a court determines that an employer has knowingly misclassified a worker after having been previously adjudicated for knowing misclassification of a worker, the court shall enter a judgment in favor of the state and award penalties in the amount of one hundred dollars per day per misclassified worker up to a maximum of one hundred thousand dollars to the Missouri worker protection fund established in section 285.518.

3. The court may, in addition to the penalties authorized by this section, order that attorneys' fees

and costs be paid to the state.

4. The attorney general may enter into a consent judgment with any person alleged to have violated sections 285.500 to 285.515.

285.518. There is hereby created in the state treasury the “Missouri Worker Protection Fund”, which shall consist of money collected under sections 285.500 to 285.515. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180, RSMo. Upon appropriation, money in the fund shall be used solely for the administration of sections 285.500 to 285.515. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund. This fund shall be administered by the attorney general for the purposes of ensuring that Missouri employers hire employees and subcontract with workers who are not misclassified. The fund shall consist of:

- (1) All amounts ordered to be paid into the fund pursuant to section 285.515;
- (2) Any amounts appropriated to the fund; and
- (3) Any voluntary contributions, gifts, or bequests to the fund.”; and

further amend said bill, page 3, section B, line 2 by inserting after the word “employees”, the following: “and the need to provide a level playing field for Missouri employers and workers”; and
Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted.

At the request of Senator Loudon, **SB 1007**, with **SA 2** (pending) was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 2014**. Representatives: Icet, Robb, Stevenson, Storch and Curls.

MESSAGES FROM THE GOVERNOR

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

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
March 31, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

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

John L. Bognar, 5970 Pennbrooke Drive, Saint Louis, Saint Louis County, Missouri 63129, as a member of the Board of Geologist Registration, for a term ending April 11, 2010, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
March 31, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

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

Carol A. Gosselink, Democrat, 3240 South Roanoke Avenue, Springfield, Greene County, Missouri 65807, as a member of the State Board of Senior Services, for a term ending August 30, 2010, and until her successor is duly appointed and qualified; vice, Lillian Eunice, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 1, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

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

John W. McCulloch, Republican, 814 Sherwood Drive, Jefferson City, Cole County, Missouri 65109, as a member of the State Board of Embalmers and Funeral Directors, for a term ending April 1, 2013, and until his successor is duly appointed and qualified; vice, Marcia Shadel, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
March 31, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

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

Billy D. Meyer, 9754 East Highway 86, Neosho, Newton County, Missouri 64850, as a member of the Missouri Workforce Investment Board, for a term ending March 3, 2010, and until his successor is duly appointed and qualified; vice, RSMo 620.511.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
March 31, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

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

Judith E. Pastorino, 1840 West Way, Columbia, Boone County, Missouri 65203, as a member of the Advisory Commission for Physical

Therapists, for a term ending October 1, 2010, and until her successor is duly appointed and qualified; vice, Christel Johnson, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
March 31, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

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

George C. Sumter, 936 Ridge Drive, Warrensburg, Johnson County, Missouri 64093, as student representative of the Truman State University Board of Governors, for a term ending January 1, 2009, and until his successor is duly appointed and qualified; vice, Emily Kiddoo, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
March 31, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

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

Sarah C. Tate, 2510 SE Kimbrough Court, Lee's Summit, Jackson County, Missouri 64063, as a member of the Missouri Workforce Investment Board, for a term ending March 3, 2010, and until her successor is duly appointed and qualified; vice, RSMo 620.511.

Respectfully submitted,
MATT BLUNT

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 2014**: Senators Nodler, Mayer, Purgason, Bray and Green.

REFERRALS

President Pro Tem Gibbons referred the Gubernatorial Appointments to the Committee on Gubernatorial Appointments.

President Pro Tem Gibbons referred **SCS** for **SBs 930** and **947** and **SS** for **SCS** for **SBs 858, 750, 751, 927, 1186, 1255, 1268** and **1269** to the Committee on Governmental Accountability and Fiscal Oversight.

RESOLUTIONS

Senator Lager offered Senate Resolution No. 2232, regarding Zachary Robert Beattie, Savannah, which was adopted.

Senator Loudon offered Senate Resolution No. 2233, regarding Laura L. Meyer, St. Louis, which was adopted.

Senator Lager offered Senate Resolution No. 2234, regarding Daniel Stokes, Trenton, which was adopted.

Senator Lager offered Senate Resolution No. 2235, regarding Jason Ausberger, Trenton, which was adopted.

On behalf of Senator Ridgeway, Senator Shields offered Senate Resolution No. 2236, regarding Dr. Jahnae H. Barnett, which was adopted.

Senator Wilson offered Senate Resolution No. 2237, regarding Michael Luke Bradford, which was adopted.

Senator Wilson offered Senate Resolution No. 2238, regarding Matthew Elbridge Gerry, which was adopted.

Senator Wilson offered Senate Resolution No. 2239, regarding Adam Emmanuel Doria, which was adopted.

Senator Wilson offered Senate Resolution No. 2240, regarding Rose Bryant, Kansas City, which was adopted.

Senator Crowell offered Senate Resolution No. 2241, regarding Aidan Jeremiah "A.J." Coale, Springfield, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Shields introduced to the Senate, the Physician of the Day, Dr. Adrian J. Delaney III, M.D., MBA, Kansas City.

Senator Scott introduced to the Senate, representatives of Missouri Credit Unions.

Senator Gibbons introduced to the Senate, Kim Drury and fifty-four fourth grade students from St. Peters School, Kirkwood; and Bridget Mayfield, Emily Sindelar, Joe Bellon and Jack Eisenbarger were made honorary pages.

Senator Kennedy introduced to the Senate, Allan Schindler, Susan Johnson, Cathy Donze, Jim Krause, Donna Schumann, Fred Baras, Bruce Hopson, Art Schuermann, Julie Krause, Cathie Sorbello, Lois Thompson and Teresa Dorlac, representatives of South County Chamber of Commerce.

Senator Nodler introduced to the Senate, Ms. Butterfield and twenty-six students from Seneca High School.

Senator Green introduced to the Senate, members of Missouri State Council of Machinists, Communication Workers of America, United Auto Workers, UNITE/HERE, United Steelworkers of America and United Food and Commercial Workers from around the state.

Senator Justus introduced to the Senate, teachers, parents and fourth grade students from St. Peters School, Kansas City.

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

SENATE CALENDAR

 FORTY-FOURTH DAY—WEDNESDAY, APRIL 2, 2008

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 1722
HCS for HB 1326

HCS for HJR 43

THIRD READING OF SENATE BILLS

SS for SCS for SB 898-Clemens
(In Fiscal Oversight)

SS for SCS for SBs 761 & 774-Stouffer
(In Fiscal Oversight)

SS for SCS for SBs 858, 750, 751,
927, 1186, 1255, 1268 & 1269-Rupp
(In Fiscal Oversight)

SCS for SBs 930 & 947-Stouffer
(In Fiscal Oversight)

SCS for SB 873-Graham

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 713-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)
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 (pending)
SB 865-Rupp and Gibbons, with SCS
SB 874-Graham, with SCS
SB 881-Green
SBs 909, 954, 934 & 1003-Engler, with SCS

SB 915-Ridgeway	SB 1046-Mayer
SB 929-Green and Callahan, with SCS	SB 1052-Rupp
SB 957-Goodman	SB 1054-Dempsey, with SCS
SBs 982, 834 & 819-Purgason, with SCS	SB 1058-Mayer
SB 990-Champion	SB 1067-Ridgeway, et al
SBs 993 & 770-Crowell, with SCS, SS for SCS, SA 4 and SSA 1 for SA 4 (pending)	SB 1081-Nodler and Green, with SCS
SB 996-Crowell, with SCS	SB 1093-Loudon, et al
SB 997-Crowell	SB 1094-Loudon, with SCS
SB 1000-Justus	SB 1099-Graham
SB 1007-Loudon, with SA 2 (pending)	SB 1103-Gibbons
SBs 1021 & 870-Loudon, et al, with SCS	SB 1138-McKenna, with SCS
SB 1035-Scott, with SCS	SBs 1234 & 1270-Shields, with SCS
SB 1040-Clemens, with SCS	SJR 45-Clemens

CONSENT CALENDAR

Senate Bills

Reported 3/13

SB 1105-Coleman, with SCS	SB 932-Loudon
SB 1150-Barnitz, with SCS (In Fiscal Oversight)	SB 976-Ridgeway
SB 1157-Green, with SCS	SB 1074-Dempsey and Graham
SB 1209-Callahan, with SCS	SB 1185-Gibbons and Bartle, with SCS
SBs 1153, 1154, 1155 & 1156-Crowell, with SCS	SB 1235-Justus, with SCS
SB 1168-Dempsey and Smith, with SCS	SB 1261-Bray, with SCS
SB 733-Champion and Gibbons	SB 928-Green
	SB 839-Engler
	SBs 1225 & 1226-Mayer, with SCS

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

HCS for HB 2014, with SCS (Nodler)

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