

# Journal of the Senate

SECOND REGULAR SESSION

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FIFTY-NINTH DAY—MONDAY, APRIL 24, 2006

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The Senate met pursuant to adjournment.

Senator Goodman in the Chair.

## HOUSE BILLS ON SECOND READING

The following Bill was read the 2nd time and referred to the Committee indicated:

**HCS for HB 1021**—Appropriations.

## REFERRALS

President Pro Tem Gibbons referred **SS No. 2** for **SCS** for **SBs 1014** and **730** to the Committee on Governmental Accountability and Fiscal Oversight.

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

## RECESS

The time of recess having expired, the Senate was called to order by President Kinder.

Reverend Carl Gauck offered the following prayer:

“Owe no man anything, but to love one another.” (Romans 13:8)

Gracious God, as we begin this new week with its new pressures and differences with one another, let us be reminded that as Your children we owe to You and all humankind the debt of love. Let us express this love and kindness and helpfulness to those we work with and meet each day. Let us live as if love is not optional,

but something we have to pay daily as Your own. 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 Journals for Thursday, April 20, 2006 and Friday, April 21, 2006 were read and approved.

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

### Present—Senators

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

Wilson—33

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

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

### **RESOLUTIONS**

Senator Graham offered Senate Resolution No. 2798, regarding Caitlin Jenkins, Harrisburg, which was adopted.

Senator Crowell offered Senate Resolution No. 2799, regarding Steven Schaffner, which was adopted.

Senator Crowell offered Senate Resolution No. 2800, regarding Pam Schulte, which was adopted.

Senator Crowell offered Senate Resolution No. 2801, regarding Lynne Karnes, which was adopted.

Senator Crowell offered Senate Resolution No. 2802, regarding Mark Langenfeld, which was adopted.

Senator Crowell offered Senate Resolution No. 2803, regarding Mark Hahn, which was adopted.

Senator Crowell offered Senate Resolution No. 2804, regarding Kelly Steinbecker, which was adopted.

Senator Crowell offered Senate Resolution No. 2805, regarding Alicia Zarlingo, which was adopted.

Senator Crowell offered Senate Resolution No. 2806, regarding Katherine Kasten, which was adopted.

Senator Crowell offered Senate Resolution No. 2807, regarding Amanda Craven, which was adopted.

Senator Crowell offered Senate Resolution No. 2808, regarding Stacy Estes, which was adopted.

Senator Crowell offered Senate Resolution No. 2809, regarding Gold Awardee Melissa

Manetz, which was adopted.

Senator Crowell offered Senate Resolution No. 2810, regarding Silver Awardee Melissa Manetz, which was adopted.

Senator Crowell offered Senate Resolution No. 2811, regarding Rebecca Koeller, which was adopted.

Senator Crowell offered Senate Resolution No. 2812, regarding Barbara Gillard, which was adopted.

Senator Crowell offered Senate Resolution No. 2813, regarding Roxanne Hudak, which was adopted.

Senator Crowell offered Senate Resolution No. 2814, regarding Mary Smith, which was adopted.

Senator Crowell offered Senate Resolution No. 2815, regarding Sarah DeWilde, which was adopted.

Senator Crowell offered Senate Resolution No. 2816, regarding Bayley Hotop, which was adopted.

Senator Crowell offered Senate Resolution No. 2817, regarding Janel Koenig, which was adopted.

Senator Crowell offered Senate Resolution No. 2818, regarding Lisa Lambert, which was adopted.

Senator Crowell offered Senate Resolution No. 2819, regarding Carissa Luttrell, which was adopted.

Senator Crowell offered Senate Resolution No. 2820, regarding Heidi Lappe, which was adopted.

Senator Crowell offered Senate Resolution No. 2821, regarding Chelsie Pingel, which was adopted.

Senator Engler offered Senate Resolution No. 2822, regarding Mitzi Midkiff, which was adopted.

Senator Engler offered Senate Resolution No. 2823, regarding Gary Midkiff, which was adopted.

Senator Engler offered Senate Resolution No. 2824, regarding Regina Romann, which was adopted.

Senator Engler offered Senate Resolution No. 2825, regarding Nancy Stone, which was adopted.

Senator Engler offered Senate Resolution No. 2826, regarding Laurel Babbitt, which was adopted.

Senator Engler offered Senate Resolution No. 2827, regarding Phyllis Eller, which was adopted.

Senator Engler offered Senate Resolution No. 2828, regarding Joe Strobl, which was adopted.

Senator Green offered Senate Resolution No. 2829, regarding Sister Rosalyce Mercurio, SSND, which was adopted.

Senator Green offered Senate Resolution No. 2830, regarding Dr. Kevin McClain, which was adopted.

Senator Graham offered Senate Resolution No. 2831, regarding the 2006 Ellis Fischel Cancer Center Gala, which was adopted.

Senator Engler offered Senate Resolution No. 2832, regarding Roger Faulkner, Des Arc, which was adopted.

Senator Engler offered Senate Resolution No. 2833, regarding Gale Bollinger, Cadet, which was adopted.

Senator Engler offered Senate Resolution No. 2834, regarding Freda Moore, Doe Run, which was adopted.

Senator Engler offered Senate Resolution No. 2835, regarding Phillip Ron Nixon, Potosi, which was adopted.

Senator Engler offered Senate Resolution No. 2836, regarding Sharon Gifford, Bonne Terre, which was adopted.

Senator Engler offered Senate Resolution No.

2837, regarding Patricia Scott, which was adopted.

Senator Engler offered Senate Resolution No. 2838, regarding Regina L. McDaniel, which was adopted.

Senator Shields offered Senate Resolution No. 2839, regarding Kevin E. Kinkade, R.Ph., which was adopted.

Senator Stouffer offered Senate Resolution No. 2840, regarding Bill Jackson, Brunswick, which was adopted.

Senator Stouffer offered Senate Resolution No. 2841, regarding Logan Lenz, Concordia, which was adopted.

Senator Stouffer offered Senate Resolution No. 2842, regarding Saints Peter and Paul Catholic Church, Boonville, which was adopted.

Senator Bray offered Senate Resolution No. 2843, regarding Lillian "Lil" Guttin, Saint Louis, which was adopted.

Senator Alter offered Senate Resolution No. 2844, regarding Gloria William, which was adopted.

Senator Alter offered Senate Resolution No. 2845, regarding Michael Pipkin, which was adopted.

Senator Alter offered Senate Resolution No. 2846, regarding Judith Hutchison, which was adopted.

Senator Alter offered Senate Resolution No. 2847, regarding Lora Duncan, which was adopted.

Senator Alter offered Senate Resolution No. 2848, regarding Carole Schmidt, which was adopted.

Senator Alter offered Senate Resolution No. 2849, regarding Jacqueline Schroeder, which was adopted.

Senator Alter offered Senate Resolution No. 2850, regarding Ann Capps, which was adopted.

Senator Alter offered Senate Resolution No.

2851, regarding Mary Bollinger, which was adopted.

Senator Alter offered Senate Resolution No. 2852, regarding David Bess, which was adopted.

Senator Alter offered Senate Resolution No. 2853, regarding Alane Antoine, which was adopted.

Senator Alter offered Senate Resolution No. 2854, regarding Debra Zavadil, which was adopted.

Senator Alter offered Senate Resolution No. 2855, regarding Krista Wysong-Kelam, which was adopted.

Senator Alter offered Senate Resolution No. 2856, regarding Edgar White, which was adopted.

Senator Alter offered Senate Resolution No. 2857, regarding Krista Welker, which was adopted.

Senator Alter offered Senate Resolution No. 2858, regarding Susangela Thurman, which was adopted.

Senator Alter offered Senate Resolution No. 2859, regarding Lorraine Riesinger, which was adopted.

Senator Alter offered Senate Resolution No. 2860, regarding Sally Perstrobe, which was adopted.

Senator Alter offered Senate Resolution No. 2861, regarding Stephen Jennemann, which was adopted.

Senator Alter offered Senate Resolution No. 2862, regarding Jerald Joyce, which was adopted.

Senator Alter offered Senate Resolution No. 2863, regarding Susan Casteel, which was adopted.

Senator Engler offered Senate Resolution No. 2864, regarding Dr. Robert M. Taylor, Festus, which was adopted.

Senator Klindt offered Senate Resolution No. 2865, regarding the Fiftieth Wedding Anniversary

of Mr. and Mrs. Richard Kost, Mercer, which was adopted.

Senator Klindt offered Senate Resolution No. 2866, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Paul Polley, Ridgeway, which was adopted.

Senators Bray and Gibbons offered Senate Resolution No. 2867, regarding Charles T. “Ted” Curtis, Webster Groves, which was adopted.

Senator Bartle offered Senate Resolution No. 2868, regarding William Cole Thompson, which was adopted.

Senator Bartle offered Senate Resolution No. 2869, regarding Thomas Keeley, Lee’s Summit, which was adopted.

Senator Bartle offered Senate Resolution No. 2870, regarding Grant Michael Guevel, Lee’s Summit, which was adopted.

Senator Bartle offered Senate Resolution No. 2871, regarding Luke Christopher Williams, Lee’s Summit, which was adopted.

## REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **SCS** for **SB 820** and **SS No. 2** for **SCS** for **SBs 1014** and **730**, begs leave to report that it has considered the same and recommends that the bills do pass.

## REFERRALS

President Pro Tem Gibbons referred **HCR 10**; **HCR 37**; and **HCR 18** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

President Pro Tem Gibbons referred **HCS** for **HB 1742**, with **SCS** to the Committee on Governmental Accountability and Fiscal

Oversight.

Senator Gross assumed the Chair.

### SENATE BILLS FOR PERFECTION

At the request of Senator Engler, **SB 759** was placed on the Informal Calendar.

At the request of Senator Champion, **SB 998**, with **SCS**, was placed on the Informal Calendar.

Senator Alter moved that **SB 1250**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 1250**, entitled:

#### SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1250

An Act to repeal sections 161.092, 172.360, 174.130, 178.635, and 178.780, RSMo, and to enact in lieu thereof ten new sections relating to illegal aliens.

Was taken up.

Senator Alter moved that **SCS** for **SB 1250** be adopted.

Senator Scott assumed the Chair.

Senator Green offered **SA 1**:

#### SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 1250, Page 8, Section 590.700, Line 9, by inserting after all of said line the following:

**“Section 1. 1. Every contractor or other employer working on a public works project in this state shall require each newly hired independent contractor to fill out a federal W-9 form. Copies of the forms shall be forwarded to the department of revenue within thirty days from the hiring of each independent contractor.**

**2. Any contractor or other employer working on a public works project in this state shall not, in an attempt to avoid tax liability or reporting requirements for any employee, avoid**

**payments to the unemployment compensation fund under chapter 288, RSMo, or avoid payments to the second injury fund under chapter 287, RSMo, denote or treat such employee as an independent contractor, contract labor, or any other term or category implying the absence of an employment relationship.**

**3. Any interested party, including a bidder, contractor, subcontractor or any person employed on a public works project, or the department of revenue may, upon reasonable suspicion that any contractor or subcontractor is currently or has misclassified employees as independent contractors, file a complaint with the labor and industrial relations commission alleging a violation of this section.**

**4. Upon receiving such a complaint, the labor and industrial relations commission shall investigate each claim for a determination of a violation of this section. In determining whether there was a violation of this section, the commission shall compel each contractor or subcontractor to provide records documenting each independent contractor's job title, a description of the work performed on the project and the number of hours the individual in question has worked on the project. Within sixty days of receiving a complaint under this section, the commission shall conduct a hearing to determine a violation of this section. At the hearing, there shall be a rebuttable presumption that any independent contractor who has logged two thousand eighty hours on the project has been misclassified as an independent contractor. This presumption may be rebutted if the employer establishes by a preponderance of the evidence that the independent contractor in question was properly classified. The commission shall have power to administer oaths, take testimony, subpoena and require the attendance of witnesses and the production of accounts,**

books, papers, records, and other documents. Subpoenas may be signed by any member of the commission. In case of failure to obey a subpoena, and upon application by the commission, any judge of a court of competent jurisdiction of the state in which the commission is sitting or in which the person to whom the subpoena is directed may be found may make an order requiring compliance with the subpoena, and the court may punish failure to obey the order as a contempt.

5. Either party may appeal the commission's finding to the circuit court of cole county.

6. Any such contractor or other employer who misclassifies an employee as an independent contractor or otherwise misclassifies the employee's employment status shall be fined an amount equal to twice the amount of tax otherwise due on the employee's taxable wages, payments otherwise due to the unemployment compensation fund under chapter 288, RSMo, and payments otherwise due to the second injury fund under chapter 287, RSMo, to be paid to the department of labor.

7. No such contractor or other employer shall terminate or in any manner discriminate against an employee because the employee has communicated to the employer the intent to seek reclassification as an employee instead of an independent contractor or has communicated the intent to file an action alleging a violation of this section.

8. The director of revenue is authorized to take all necessary action to enforce the provisions of this section, including, but not limited to, taking all actions necessary to collect the fines and taxes due pursuant to this section. The director of revenue shall direct to the unemployment compensation fund and to the second injury fund amounts that are collected for payments due to those funds.”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted.

Senator Crowell raised the point of order that SA 1 is out of order as it goes beyond the scope of the underlying legislation.

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

Senator Gross offered SA 2:

#### SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 1250, Page 7, Section 208.009, Line 49, by inserting after all of said line the following:

“285.025. 1. The state of Missouri hereby proclaims that no employer who employs illegal aliens shall be eligible for any state-administered or subsidized tax credit, tax abatement, or loan from this state, **or a loan from any governing body in this state.** The director of each agency administering or subsidizing a tax credit, tax abatement or loan pursuant to chapter 32, 100, 135, 253, **349**, 447, or 620, RSMo, shall place in such agency's criteria for eligibility for such credit, abatement, exemption or loan a signed statement of affirmation by the applicant that such applicant employs no illegal aliens. Any individual, individual proprietorship, corporation, partnership, firm or association that is found by the director of the agency administering the program to have negligently employed an illegal alien in this state shall be ineligible for any state-administered or subsidized tax credit, tax abatement, or loan, **or a loan from any governing body in this state,** pursuant to chapter 32, 100, 135, 253, **349**, 447, or 620, RSMo, for five years following such determination; provided, however, that the director of the agency administering such credit, abatement, exemption or loan may, in the director's discretion, elect not to apply such administrative action for a first-time occurrence. Any person, corporation,

partnership or other legal entity that is found to be ineligible for a state-administered or subsidized tax credit, tax abatement, or **any** loan pursuant to this subsection may make an appeal with the administrative hearing commission pursuant to the provisions of chapter 621, RSMo. "Negligent", for the purposes of this subsection means that a person has failed to take the steps necessary to comply with the requirements of 8 U.S.C. 1324a with respect to the examination of an appropriate document or documents to verify whether the individual is an unauthorized alien.

2. Beginning August 28, 1999, any individual, individual proprietorship, corporation, partnership, firm or association that knowingly accepts any [state-administered or subsidized] tax credit, tax abatement or loan in violation of subsection 1 of this section shall upon conviction be guilty of a class A misdemeanor, and such action may be brought by the attorney general in Cole County circuit court."; and

Further amend the title and enacting clause accordingly.

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

The Senate paused for a moment of silence, followed by a prayer, in memory of James Walsh.

Senator Gibbons offered **SA 3**:

#### SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 1250, Page 7, Section 208.009, Line 49, by inserting after all of said line the following:

**"544.677. 1. When any person is charged with a felony and confined for any period of time in a county jail, municipal jail, or regional jail, a reasonable effort shall be made by the jailer to determine whether or not such person is a citizen of the United States. If the jailer reasonably believes that such person is not a citizen of the United States, he or she shall make**

**a reasonable effort to verify that such person has been lawfully admitted to the United States, and if lawfully admitted, that such lawful status has not expired. If verification of the person's lawful status cannot be made from documents in his or her possession, verification shall be made within forty-eight hours through a query to the United States Department of Homeland Security. If it is determined that the person being confined is not lawfully within the United States, the jailer or an employee of the jailer shall notify the United States Department of Homeland Security.**

**2. Nothing in this section shall be construed to deny a person bond or from being released from confinement when such person is otherwise eligible for release.";** and

Further amend the title and enacting clause accordingly.

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

Senator Gross assumed the Chair.

Senator Green offered **SA 4**:

#### SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bill No. 1250, Page 1, Section A, Line 4, by inserting immediately after all of said line the following:

**"34.077. 1. It is hereby declared to be the policy of the state of Missouri that any employer who employs any undocumented worker shall be prohibited from entering into a contract as, or performing work as, a contractor or subcontractor on a project governed by a public works contract.**

**2. No employer who employs an undocumented worker, as defined by the federal Immigration Reform and Control Act of 1986, shall be eligible to enter into a public works contract, as defined in section 34.058, nor shall any employer who employs any undocumented**

worker be eligible to contract as a subcontractor on a project governed by a public works contract. No employer who employs an undocumented worker shall be allowed to perform work as a contractor or subcontractor on a project governed by a public works contract.

3. Any public entity inviting bids for or letting a public works contract shall insert in such entity's criteria for eligibility for the award of such contract a signed, notarized statement by the applicant affirming that such applicant employs no undocumented workers. Any public entity entering into a public works contract shall cause to be inserted into such contract:

(1) A provision that prohibits the contractor from employing any undocumented worker at any time during the period covered by such contract;

(2) A provision that prohibits the contractor, or any level of subcontractor, from contracting with any subcontractor who employs any undocumented worker at any time during the period covered by such contract;

(3) A provision to the effect that compliance with the provisions of this section shall be material to the contract and any violation of any provision of this section shall constitute a material breach of the contract and shall allow the public entity to unilaterally and immediately terminate the contract with the contractor; and

(4) A provision that requires the contractor to include such provisions in their bond contract that will guarantee the faithful performance of and compliance with the requirements of this section, and that will hold the public entity harmless for any losses incurred as a direct or indirect result of the contractor's violation of this section, and for any losses incurred as a direct or indirect result of the public entity's termination of the contract pursuant to this section.

4. Any entity that is found to have knowingly or negligently employed an undocumented worker at any time during the period said entity was under contract on a project governed by a public works contract, in violation of this section, shall be ineligible to work on any project governed by a public works contract for three years following such determination. An entity may appeal such determination with the administrative hearing commission pursuant to the provisions of chapter 621, RSMo. For purposes of this section, the word "negligent" shall have the meaning set forth in section 285.025, RSMo.

5. In addition to other provisions of law which may allow interested parties or others to take action to enforce the provisions of this section, the attorney general is authorized to take all necessary action to enforce the provisions of this section, including, but not limited to, obtaining an order for injunction from a court of competent jurisdiction:

(1) To stop a contractor from bidding on, or entering into, or performing work pursuant to, any contract or subcontract for construction of public works; and

(2) To stop a public entity from paying a contractor who has violated any provision of this section."; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted.

Senator Crowell offered SA 1 to SA 4, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 4

Amend Senate Amendment No. 4 to Senate Committee Substitute for Senate Bill No. 1250, Page 2, Section 34.077, Lines 24-25, by striking the words "or negligently" and further amend page



3, line 2, by striking the word “For” and further strike lines 3-4.

Senator Crowell moved that the above amendment be adopted.

Senator Green requested a roll call vote be taken on the adoption of **SA 1** to **SA 4** and was joined in his request by Senators Crowell, Days, Graham and Kennedy.

**SA 1** to **SA 4** was adopted by the following vote:

YEAS—Senators

Alter	Bartle	Cauthorn	Champion
Clemens	Crowell	Engler	Gibbons
Goodman	Griesheimer	Gross	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel—22		

NAYS—Senators

Barnitz	Bray	Callahan	Days
Dougherty	Graham	Green	Kennedy
Wilson—9			

Absent—Senator Wheeler—1

Absent with leave—Senator Coleman—1

Vacancies—1

**SA 4**, as amended, was again taken up.

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

Senator Kennedy offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for Senate Bill No. 1250, Pages 1-3, Section 161.092, by deleting said section from the bill; and further amend the title and enacting clause accordingly.

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

Senator Bray offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for Senate Bill No. 1250, Pages 6-7, Section 208.009, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

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

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

SENATE AMENDMENT NO. 7

Amend Senate Committee Substitute for Senate Bill No. 1250, Page 1, Section 43.032, Lines 1-11, by striking said section from the bill; and

further amend said bill, section 590.700, pages 7-8 by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

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

Senator Alter moved that **SCS** for **SB 1250**, as amended, be adopted, which motion prevailed.

On motion of Senator Alter, **SCS** for **SB 1250**, as amended, was declared perfected and ordered printed.

**THIRD READING OF SENATE BILLS**

**SCS** for **SB 820**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 820

An Act to repeal sections 33.700 and 33.710, RSMo, and section 44.045 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 58, ninety-third general assembly, first regular session and section 44.045 as enacted by conference committee substitute for house committee substitute for senate

committee substitute for senate bills nos. 420 and 344, ninety-third general assembly, first regular session, and to enact in lieu thereof three new sections relating to governmental emergencies.

Was taken up by Senator Koster.

On motion of Senator Koster, **SCS for SB 820** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Crowell	Dougherty	Engler	Gibbons
Goodman	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Vogel	Wheeler	Wilson—31	

NAYS—Senator Days—1

Absent—Senators—None

Absent with leave—Senator Coleman—1

Vacancies—1

The President declared the bill passed.

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

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

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

**SS No. 2 for SCS for SBs 1014 and 730**, introduced by Senator Scott, entitled:

SENATE SUBSTITUTE NO. 2 FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 1014 and 730

An Act to repeal sections 115.105, 115.126, 115.159, 115.163, 115.223, 115.427, 115.430, 115.431, 115.445, 115.631, and 115.637, RSMo, and to enact in lieu thereof eighteen new sections

relating to election administration, with penalty provisions and an expiration date and an emergency clause for a certain section.

Was taken up.

Senator Goodman assumed the Chair.

On motion of Senator Scott, **SS No. 2 for SCS for SBs 1014 and 730** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Bartle	Callahan	Cauthorn
Champion	Clemens	Crowell	Engler
Gibbons	Goodman	Griesheimer	Gross
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel—23	

NAYS—Senators

Barnitz	Bray	Days	Dougherty
Graham	Green	Kennedy	Wheeler
Wilson—9			

Absent—Senators—None

Absent with leave—Senator Coleman—1

Vacancies—1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Callahan
Cauthorn	Champion	Clemens	Crowell
Engler	Gibbons	Goodman	Griesheimer
Gross	Klindt	Koster	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel—23	

NAYS—Senators

Bray	Days	Dougherty	Graham
Green	Kennedy	Wheeler	Wilson—8

Absent—Senator Loudon—1

Absent with leave—Senator Coleman—1

Vacancies—1

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

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

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

### REPORTS OF STANDING COMMITTEES

Senator Gross, Chairman of the Committee on Appropriations, submitted the following report:

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 1021**, begs leave to report that it has considered the same and recommends that the bill do pass.

### 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 **SB 645**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1767**, entitled:

An Act to repeal sections 192.925, 197.500, 198.006, 198.070, 198.532, 208.909, 210.906, 559.100, 565.180, 565.182, 565.184, 565.188, 565.200, 570.145, 660.050, 660.053, 660.054, 660.055, 660.057, 660.058, 660.060, 660.062, 660.067, 660.069, 660.70, 660.099, 660.250, 660.255, 660.260, 660.261, 660.263, 660.265, 660.270, 660.275, 660.280, 660.285, 660.290,

660.295, 660.300, 660.305, 660.310, 660.315, 660.317, 660.320, 660.321, 660.400, 660.403, 660.405, 660.407, 660.409, 660.411, 660.414, 660.416, 660.418, 660.420, 660.512, 660.620, 660.625, 660.600, 660.603, 660.605, and 660.608, RSMo, and to enact in lieu thereof sixty-nine new sections relating to protections for disabled persons and the elderly, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

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

An Act to repeal section 143.121, RSMo, and to enact in lieu thereof one new section relating to Missouri adjusted gross income calculations.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1534**, entitled:

An Act to amend chapter 196, RSMo, by adding thereto one new section relating to funding for the life sciences research trust fund.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1619**, entitled:

An Act to repeal section 147.010, RSMo, and

to enact in lieu thereof one new section relating to annual franchise tax rates.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1910**, entitled:

An Act to amend chapters 34 and 290, RSMo, by adding thereto eight new sections relating to public contracts.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

#### HOUSE BILLS ON SECOND READING

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

**HCS for HB 1092**—Ways and Means.

**HCS for HB 1441**—Agriculture, Conservation, Parks and Natural Resources.

**HCS for HB 1900**—Financial and Governmental Organizations and Elections.

**HB 1864**—Judiciary and Civil and Criminal Jurisprudence.

**HCS for HB 1322**—Judiciary and Civil and Criminal Jurisprudence.

**HCS for HB 1581**—Ways and Means.

**HB 1728**—Commerce, Energy and the Environment.

**HB 1884**—Financial and Governmental Organizations and Elections.

#### REPORTS OF STANDING COMMITTEES

Senator Stouffer, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on

Transportation, to which was referred **HCS for HB 1532**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

#### RESOLUTIONS

Senator Engler offered Senate Resolution No. 2872, regarding Paula D. Jackson, which was adopted.

Senator Engler offered Senate Resolution No. 2873, regarding Judy Woodham, which was adopted.

Senator Engler offered Senate Resolution No. 2874, regarding Eunice Oliver, which was adopted.

Senator Engler offered Senate Resolution No. 2875, regarding Kathleen Ann Heine, which was adopted.

Senator Dougherty offered Senate Resolution No. 2876, regarding Andrea Lynn Mulford, which was adopted.

Senator Dougherty offered Senate Resolution No. 2877, regarding Bill Siedhoff, Saint Louis, which was adopted.

Senator Gibbons offered Senate Resolution No. 2878, regarding the Sixty-fifth Birthday of Elsie Schiller, Fenton, which was adopted.

Senator Champion offered Senate Resolution No. 2879, regarding Shirley Shedd, Springfield, which was adopted.

#### INTRODUCTIONS OF GUESTS

On behalf of Senator Vogel and himself, Senator Gross introduced to the Senate, Cassie and Allana Grewing, Holts Summit; and Allana was made an honorary page.

Senator Clemens introduced to the Senate, Travis and Amber Crider, Springfield.

Senator Engler introduced to the Senate, Jeff and Sue Lindsey and the Van Buren Middle School Student Council, Van Buren.

Senator Shields introduced to the Senate, Crispin Rea and Deaha Hawkins, students from Park University, Parkville.

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

SENATE CALENDAR

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SIXTIETH DAY—TUESDAY, APRIL 25, 2006

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FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SJR 43-Crowell, et al

HOUSE BILLS ON SECOND READING

HCS for HB 1767

HCS for HB 1677

HCS for HB 1534

HB 1619-Sutherland, et al

HB 1910-Fisher, et al

SENATE BILLS FOR PERFECTION

SB 1187-Gibbons, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 1456, with SCS (Ridgeway)  
(In Fiscal Oversight)

HCS for HB 1339 (Goodman)

HCS for HBs 1270 & 1027, with SCS  
(Cauthorn)

HB 1623-St. Onge, et al (Stouffer)

HCS for HB 978, with SCS (Goodman)

HCS for HB 1306, with SCS (Crowell)

HCS for HB 1742, with SCS (Shields)  
(In Fiscal Oversight)

HCS for HB 1021 (Gross)

HCS for HB 1532, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 566-Dougherty, et al, with SCS & SS  
for SCS (pending)

SB 617-Koster, with SCS  
SB 635-Cauthorn

SB 637-Cauthorn, et al, with SCS & SA 3 (pending)	SB 862-Engler, with SCS
SB 642-Scott	SB 998-Champion, with SCS
SB 655-Nodler, with SCS	SB 1009-Klindt, with SS (pending)
SBs 665 & 757-Engler, with SCS & SA 1 (pending)	SBs 1031 & 846-Klindt, with SCS
SB 687-Scott and Bartle, with SCS	SB 1038-Mayer
SB 736-Crowell and Cauthorn, with SCS	SB 1049-Shields, with SCS
SB 759-Engler	SB 1092-Klindt, with SCS
SB 816-Griesheimer and Coleman, with SCS & SS#2 for SCS (pending)	SB 1104-Cauthorn and Klindt, with SCS
SB 817-Scott, et al	SB 1114-Goodman & Loudon, with SCS
SB 841-Ridgeway, et al, with SCS	SB 1188-Gibbons
SB 849-Mayer, et al, with SS, SA 6 & SA 1 to SA 6 (pending)	SB 1217-Goodman
	SB 1251-Shields, with SCS

#### CONSENT CALENDAR

##### Senate Bills

Reported 2/9

SB 760-Engler, with SCS

##### House Bills

Reported 4/3

HB 1157-Cooper (120), et al (Scott)

Reported 4/12

HCS for HB 1559 (Callahan)	HB 1427-Johnson (90), et al (Kennedy)
HB 1858-Lipke (Goodman)	HB 1169-Cooper (120) (Scott)
HCS for HBs 1617 & 1374 (Stouffer)	HCS for HB 1759 (Clemens)
HCS for HB 1053 (Wheeler)	HCS for HB 1739 (Bartle)
HCS#2 for HB 1703 (Bartle)	HCS for HB 1244 (Engler)
HB 1857-Lipke (Goodman)	HCS for HB 1551 (Engler)
HCS for HB 1343 (Cauthorn)	HB 1601-Weter, et al, with SCS (Dougherty)
HB 1204-Roorda, et al (Alter)	

HB 1687-Wright (137), et al, with SCA 1 (Champion)	HCS for HB 1511, with SCS (Shields)
HB 1222-Cooper (158) (Scott)	HB 1732-Fraser, et al (Days)
HB 1491-Walton, et al (Days)	HB 1494-Emery, et al (Scott)
HB 1437-Threlkeld, with SCS (Bartle)	HB 1393-Behnen, et al (Goodman)
HCS for HB 1515 (Koster)	HB 983-Meadows, et al (Alter)
HCS for HB 1787, with SCS (Mayer)	HB 984-Meadows, et al (Alter)
HCS for HB 1344 (Coleman)	HB 1715-Pratt (Bartle)
HCS for HB 1552 (Wilson)	HB 998-Smith (118) (Scott)
HCS for HB 1138 (Ridgeway)	HCS for HB 1135 (Stouffer)
HCS for HB 1256 (Days)	HCS for HB 1710 (Gibbons)
HCS for HB 1762, with SCS (Scott)	HCS for HB 1333 (Mayer)
HCS for HBs 1382 & 1158, with SCS (Ridgeway)	HCS for HB 1366 (Engler)
HB 1488-Roorda, et al (Kennedy)	HB 1424-Franz (Purgason)
HCS for HB 1180 (Bray)	HCS for HB 1711 (Gibbons)
HB 1234-Loehner, et al (Clemens)	HB 1707-Dusenberg, et al, with SCS (Bartle)
HB 1245-Sater, et al (Shields)	HB 1509-Bruns and Wildberger, with SCS (Vogel)
HCS for HB 1449, with SCS (Mayer)	HCS for HB 977, with SCS (Engler)

## Reported 4/13

HB 1088-Schaaf, et al (Scott)	HB 1722-Sutherland, et al (Mayer)
HCS for HB 1037 (Klindt)	HB 1833-Wood, et al (Goodman)
HCS for HB 1440, with SCS (Ridgeway)	HB 1988-Wagner, et al (Barnitz)
HB 1144-May, et al (Clemens)	HB 1466-Daus (Coleman)
HB 1577-Pollock, et al (Clemens)	

**BILLS IN CONFERENCE AND BILLS  
CARRYING REQUEST MESSAGES**

## In Conference

HB 1001-Icet, with SCS (Gross)	HB 1008-Icet, with SCS (Gross)
HCS for HB 1002, with SCS (Gross)	HB 1009-Icet, with SCS (Gross)
HCS for HB 1003, with SCS (Gross)	HCS for HB 1010, with SCS (Gross)
HCS for HB 1004, with SCS (Gross)	HCS for HB 1011, with SCS (Gross)
HCS for HB 1005, with SCS (Gross)	HCS for HB 1012, with SCS (Gross)
HCS for HB 1006, with SCS (Gross)	HB 1013-Icet, with SCS (Gross)
HCS for HB 1007, with SCS (Gross)	

RESOLUTIONS

Reported from Committee

SR 2363-Gross

MISCELLANEOUS

REMONSTRANCE 1-Gross

Unofficial

Journal

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