

Journal of the Senate

FIRST REGULAR SESSION

THIRTY-FIRST DAY—TUESDAY, MARCH 3, 2009

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

Luther prayed for Lawmakers: “Give them the ability to work for what is necessary to keep the peace and let them exercise care, lest their laws become impossible burdens.”

Gracious God, we pray also that our senators might fashion and shape laws that will encourage men and women to live well with one another. We pray that they may be able to create legislation that provides governing with strength and power tempered by justice. We pray that our senators will be inspired by wisdom to write laws with integrity that encourages goodwill among all citizens. And pray they accomplish that which is well pleasing to You. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

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

The Journal of the previous day was read and approved.

Senator Engler announced that photographers from KRCG-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	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Shields offered Senate Resolution No. 448, regarding Morgan Schmalz, Parkville, which was adopted.

Senator Shields offered Senate Resolution No. 449, regarding Dakota Beveridge, Parkville, which was adopted.

Senator Shields offered Senate Resolution No. 450, regarding members of MCCA/Phi Theta Kappa's All-Missouri Academic Team, which was adopted.

SECOND READING OF SENATE BILLS

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

SB 511—Ways and Means.

SB 512—Veterans' Affairs, Pensions and Urban Affairs.

SB 513—Financial and Governmental Organizations and Elections.

SB 514—General Laws.

SB 515—Education.

SB 516—Education.

SB 517—Health, Mental Health, Seniors and Families.

SB 518—Veterans' Affairs, Pensions and Urban Affairs.

SB 519—General Laws.

SB 520—Education.

SB 521—Education.

SB 522—Transportation.

SB 523—Financial and Governmental Organizations and Elections.

SB 524—Ways and Means.

SB 525—Transportation.

SB 526—Agriculture, Food Production and Outdoor Resources.

SB 527—Appropriations.

SB 528—Governmental Accountability and Fiscal Oversight.

SB 529—General Laws.

SB 530—General Laws.

SB 531—Commerce, Consumer Protection, Energy and the Environment.

SB 532—Financial and Governmental Organizations and Elections.

SB 533—Veterans' Affairs, Pensions and Urban Affairs.

SB 534—Health, Mental Health, Seniors and Families.

SB 535—General Laws.

SB 536—Health, Mental Health, Seniors and Families.

SB 537—Education.

SB 538—Health, Mental Health, Seniors and Families.

SB 539—Appropriations.

SB 540—General Laws.

SB 541—Financial and Governmental Organizations and Elections.

SB 542—Governmental Accountability and Fiscal Oversight.

SB 543—Governmental Accountability and Fiscal Oversight.

SB 544—General Laws.

SB 545—Commerce, Consumer Protection, Energy and the Environment.

SB 546—Health, Mental Health, Seniors and Families.

SB 547—Small Business, Insurance and Industry.

SB 548—General Laws.

SB 549—Health, Mental Health, Seniors and Families.

SB 550—Veterans' Affairs, Pensions and Urban Affairs.

MESSAGES FROM THE GOVERNOR

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

GOVERNOR OF MISSOURI

Jefferson City

65102

March 02, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

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

Connie L. Herbert, 1553 Trenton Lane, Cape Girardeau, Cape Girardeau County, Missouri 63701, as a member of the Missouri Commission on Autism Spectrum Disorders, for a term ending February 26, 2013, and until her successor is duly appointed and qualified; vice, RSMo 633.200.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

March 02, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

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

Tammy P. Long, 302 West Wimer, Knob Noster, Johnson County, Missouri 65336, as a member of the Missouri Quality Home Care Council, for a term ending March 01, 2010 and until her successor is duly appointed and qualified; vice, RSMo 208.856.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

March 02, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

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

Bruce D. Lynch, 2517 Fox Drive, Poplar Bluff, Butler County, Missouri 63901, as a member of the Missouri Quality Home Care Council, for a term ending March 01, 2012 and until his successor is duly appointed and qualified; vice, RSMo 208.856.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

March 02, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

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

Vicki L. McCarrell, 6879 Highway 135, Pilot Grove, Cooper County, Missouri 65276, as a member of the Missouri Commission on Autism Spectrum Disorders, for a term ending February 26, 2013, and until her successor is duly appointed and qualified; vice, RSMo 633.200.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

March 02, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

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

Anne M. Roux, 808 Kentridge Court, Ballwin, Saint Louis County, Missouri 63021, as a member of the Missouri Commission on Autism Spectrum Disorders, for a term ending February 26, 2013, and until her successor is duly appointed and qualified; vice, RSMo 633.200.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
Jefferson City
65102
March 02, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

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

Juan M. Samaniego, 7530 Milan, Saint Louis, Saint Louis County, Missouri 63130, as a member of the Missouri Quality Home Care Council, for a term ending March 01, 2010 and until his successor is duly appointed and qualified; vice, RSMo 208.856.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

President Pro Tem Shields referred the above appointments to the Committee on Gubernatorial Appointments.

Senator Bartle assumed the Chair.

SENATE BILLS FOR PERFECTION

Senator Griesheimer moved that **SB 174**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 174**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 174

An Act to repeal sections 52.240, 53.175, 67.110, 137.073, 137.106, 137.180, 137.243, 137.355, 137.385, 137.425, 137.490, 137.720, 138.140, and 139.031, RSMo, and to enact in lieu thereof fourteen new sections relating to property taxes, with an emergency clause.

Was taken up.

Senator Griesheimer moved that **SCS** for **SB 174** be adopted.

Senator Griesheimer offered **SS** for **SCS** for **SB 174**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 174

An Act to repeal sections 52.240, 53.175, 67.110, 137.073, 137.106, 137.180, 137.243, 137.355, 137.385, 137.425, 137.490, 137.720, 138.140, 138.380, and 139.031, RSMo, and to enact in lieu thereof fifteen new sections relating to property taxes, with an emergency clause.

Senator Griesheimer moved that **SS** for **SCS** for **SB 174** be adopted.

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

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 174, Page 37, Section 137.180, Line 19, by inserting immediately after the word “assessor.” the following:

“The provisions of this subsection shall not apply to any county of the third or fourth classification.”

Senator Lager moved that the above amendment be adopted.

Senator Pearce assumed the Chair.

At the request of Senator Griesheimer, **SB 174**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

Senator Griesheimer moved that **SB 7** be taken up for perfection, which motion prevailed.

Senator Griesheimer offered **SS** for **SB 7**, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 7

An Act to repeal sections 48.030, 49.310, 50.660, 50.783, 52.290, 52.312, 52.361, 52.370, 54.010, 55.140, 55.190, 59.319, 65.610, 67.280, 67.410, 67.1360, 67.1361, 67.2000, 79.450, 94.400, 94.510, 94.550, 94.577, 94.902, 139.031, 139.140, 139.150, 139.210, 139.220, 140.050, 140.070, 140.080, 140.150, 140.160, 140.190, 140.230, 140.250, 140.260, 140.290, 140.310, 140.340, 140.405, 140.420, 141.160, 165.071, 204.569, 247.031, 320.121, 650.396, and 650.399, RSMo, and to enact in lieu thereof sixty-two new sections relating to political subdivisions, with penalty provisions and an emergency clause for a certain section.

Senator Griesheimer moved that **SS** for **SB 7** be adopted.

Senator Griesheimer offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 7, Pages 49-52, Section 82.860, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

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

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

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 7, Page 30, Section 67.1360, Line 15 of said page, by striking the word “or”; and further amend Line 19 of said page, by inserting after all of said line the following: “or

(35) Any city of the fourth classification with more than three thousand eight hundred but fewer than four thousand inhabitants and located in more than one county;”

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

Senator Justus offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Bill No. 7, Page 52, Section 82.860, Line 14, by inserting after all of said line the following:

“82.1026. The governing body of any home rule city with a population of more than four hundred thousand inhabitants and located in more than one county may enact ordinances to provide for the building official of the city or an authorized representative of the building official to petition the circuit court in the county in which a vacant nuisance building or structure is located for the appointment of a receiver to rehabilitate the building or structure, to demolish it, or to sell it to a qualified buyer.”; and

Further amend the title and enacting clause accordingly.

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

Senator Smith offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Bill No. 7, Page 18, Section 67.281, Line 13 of said page, by inserting after all of said line the following:

“67.399. 1. The governing body of any municipality or county with a charter form of government and with more than one million inhabitants may, by ordinance, establish a semiannual registration fee not to exceed two hundred dollars which shall be charged to the owner of any parcel of residential property improved by a residential structure, or commercial property improved by a structure containing multiple dwelling units, that is vacant, has been vacant for at least six months, and is characterized by violations of applicable housing codes established by such municipality, except that the governing body of any city not within a county may, by ordinance, establish a semiannual registration fee of not more than five hundred dollars to be charged to the owner of any such property.

2. The municipality shall designate a municipal officer to investigate any property that may be subject to the registration fee. The officer shall report his findings and recommendations, and shall determine whether any such property shall be subject to the registration fee. Within five business days, the clerk of the municipality or county with a charter form of government and with more than one million inhabitants shall notify by mail the owners of property on which the registration fee has been levied at their last known address according to the records of the city and the county. The property owner shall have the right to appeal the decision of the office to the municipal court within thirty days of such notification. Absent the existence of any valid appeal or request for reconsideration pursuant to subsection 3 of this section, the registration fee shall begin to accrue on the beginning of the second calendar quarter after the decision of the municipal officer.

3. Within thirty days of the municipality or county with a charter form of government and with more than one million inhabitants making such notification, the property owner may complete any improvements to the property that may be necessary to revoke the levy of the registration fee, and then may request a reinspection of the property and a reconsideration of the levy of the registration fee by the municipality or county with a charter form of government and with more than one million inhabitants. If the municipal or county officer revokes the registration fee, no such assessment shall be made and the matter shall be

considered closed. If the officer affirms the assessment of the registration fee, the property owner shall have the right to appeal the reconsideration decision of the officer to the municipal court within thirty days of such decision. Absent the existence of any valid appeal to the municipal court or other court of competent jurisdiction, the registration fee shall begin to accrue on the beginning of the second calendar quarter after the reconsideration decision of the municipal governing body.

4. The municipal governing body shall establish by ordinance procedures for payment of the registration fee and penalties for delinquent payments of such fees. Any registration fees which are delinquent for a period of one year shall become a lien on the property and shall be subject to foreclosure proceedings in the same manner as delinquent real property taxes. The owner of the property against which the assessment was originally made shall be able to redeem the property only by presenting evidence that the violations of the applicable housing code cited by the municipal officers have been cured and presenting payment of all registration fees and penalties. Upon bona fide sale of the property to an unrelated party said lien shall be considered released and the delinquent registration fee forgiven.”; and

Further amend the title and enacting clause accordingly.

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

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

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Bill No. 7, Pages 47-49, Section 79.450, by striking said section from the bill; and

Further amend said bill, Section 320.121, Pages 115 and 116, by striking said section from the bill; and

Further amend the title and enacting clause accordingly.

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

At the request of Senator Griesheimer, **SB 7**, with **SS**, as amended (pending), was placed on the Informal Calendar.

MESSAGES FROM THE GOVERNOR

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

GOVERNOR OF MISSOURI

Jefferson City

65102

March 3, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Mark N. Templeton as the Director of the Department of Natural Resources, submitted on February 20, 2009. Lines 1 and 2 should be amended as follows:

“Mark N. Templeton, 4905 Royal Litham Drive, Columbia, Boone County, Missouri 65203,”.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

President Pro Tem Shields referred the above addendum to the Committee on Gubernatorial Appointments.

On motion of Senator Engler, the Senate recessed until 4:00 p.m.

RECESS

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

RESOLUTIONS

Senator Engler offered Senate Resolution No. 451, regarding Joseph C. Moulton, Ste. Genevieve, which was adopted.

Senators Bray and Days offered Senate Resolution No. 452, regarding University City, which was adopted.

Senator Crowell offered Senate Resolution No. 453, regarding Mr. and Mrs. Shawn Eugene Roll-Huston, which was adopted.

Senator Justus offered Senate Resolution No. 454, regarding Lieutenant Christopher Hanes, Grandview, which was adopted.

REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 297**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 14**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 21**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 2**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

MESSAGES FROM THE GOVERNOR

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

GOVERNOR OF MISSOURI
Jefferson City
65102

March 03, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

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

Brian H. May, Democrat, 994 Stone Spring Drive, Eureka, Saint Louis County, Missouri 63025, as a member of the Missouri Development Finance Board, for a term ending September 14, 2013, and until his successor is duly appointed and qualified; vice, Nelson C. Grumney, Jr., withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
Jefferson City
65102
March 03, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

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

Todd C. Mayfield, 1526 Timber Trail, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Quality Home Care Council, for a term ending March 01, 2012, and until his successor is duly appointed and qualified; vice, RSMo 208.856.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

President Pro Tem Shields referred the above appointments to the Committee on Gubernatorial Appointments.

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 House has taken up and adopted **HCS** for **HCR 16**.

HOUSE COMMITTEE SUBSTITUTE FOR HOUSE CONCURRENT RESOLUTION NO. 16

Whereas, President of the United States Barack H. Obama has, by executive order, ordered the Pentagon to close the Guantanamo Bay prison within one year; and

Whereas, many of the detainees currently imprisoned at Guantanamo Bay are suspected terrorists and have committed or are accused of committing egregious crimes against the United States of America, including but not limited to orchestrating attacks on the World Trade Center, the Pentagon, and another target in the nation's Capitol on September 11, 2001; and

Whereas, the safety and security of Missouri citizens is an issue of utmost importance to the Missouri General Assembly; and

Whereas, the manner and route of relocation and the ultimate destination of these terror suspects when transferred from the Guantanamo Bay prison remains unclear; and

Whereas, the transportation of these terror suspects through Missouri as they are routed to another military or federal detention center could pose an unnecessary risk to the safety, security, and lives of our citizens; and

Whereas, the temporary internment of these terror suspects in Missouri as they are transported to another military or federal detention center could pose an unnecessary risk to the safety, security, and lives of our citizens; and

Whereas, Missouri seeks the support of the state governments of Missouri's eight contiguous states - Arkansas, Illinois, Iowa, Kansas, Kentucky, Nebraska, Oklahoma, and Tennessee - in notifying our public safety officials of any attempt to transport terror suspects across our borders:

Now, therefore, be it resolved that the members of the House of Representatives of the Ninety-fifth General Assembly, First Regular Session, the Senate concurring therein, hereby strongly urge the United States Congress to reject any act of asylum, containment, transport, imprisonment, or medical care in regard to suspected terrorists from any United States operated foreign prison present within the State of Missouri; and

Be it further resolved that the Missouri General Assembly also encourages all of Missouri's contiguous states to adopt similar resolutions; and

Be it further resolved that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for Barack H. Obama, President of the United States; the Majority Leader and Minority Leader of the United States Senate; the Majority Leader and Minority Leader of the United States House of Representatives; each member of the Missouri Congressional delegation; and the Governor of each of Missouri's eight contiguous states, and the President of the Senate and Speaker of the House of Representatives of each of the legislatures of Missouri's eight contiguous states.

In which the concurrence of the Senate is respectfully requested.

SENATE BILLS FOR PERFECTION

Senator Griesheimer moved that **SB 5**, with **SCS**, be taken up for perfection, which motion prevailed.
SCS for **SB 5**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 5

An Act to amend chapter 64, RSMo, by adding thereto fifteen new sections relating to the Missouri county planning act, with penalty provisions.

Was taken up.

Senator Griesheimer moved that **SCS** for **SB 5** be adopted.

Senator Griesheimer offered **SS** for **SCS** for **SB 5**, entitled:

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

An Act to amend chapter 64, RSMo, by adding thereto fifteen new sections relating to the Missouri county planning act, with penalty provisions.

Senator Griesheimer moved that **SS** for **SCS** for **SB 5** be adopted.

Senator Griesheimer offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 5, Page 3, Section 64.1006, Line 23, by inserting at the end of said line the following: "**At the hearings, the county commission shall provide information identifying the scope, anticipated cost, and funding source for the county planning.**".

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

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

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 5, Page 1, Section 64.1000, Line 10 of said page, by inserting after "counties" the following: "**with an assessed valuation**".

greater than two hundred million dollars”; and

Further amend said bill, Page 3, Section 64.1006, Line 18 of said page, by inserting after “state” the following: “**as described under subsection 2 of section 64.1000**”; and further amend line 26 of said page, by inserting after “county” the following: “**described under subsection 2 of section 64.1000**”; and

Further amend said bill, Page 31, Section 64.1042, Line 25 of said page, by inserting after “commission” the following: “**of a county described under subsection 2 of section 64.1000**”.

Senator Griesheimer moved that the above amendment be adopted.

At the request of Senator Griesheimer, **SB 5**, with **SCS, SS** for **SCS** and **SA 2** (pending), was placed on the Informal Calendar.

Senator Nodler assumed the Chair.

Senator Rupp moved that **SB 38** be taken up for perfection, which motion prevailed.

Senator Mayer assumed the Chair.

Senator Purgason offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 38, Page 1, Section A, Line 2, by inserting immediately after said line the following:

“48.020. **1.** All counties of this state are hereby classified, for the purpose of establishing organization and powers in accordance with the provisions of section 8, article VI, Constitution of Missouri, into four classifications determined as follows:

Classification 1. All counties having an assessed valuation of [six] **seven** hundred **fifty** million dollars and over shall automatically be in the first classification after that county has maintained such valuation for the time period required by section 48.030; however, any county of the second classification which, on August 13, 1988, has had an assessed valuation of at least four hundred million dollars for at least one year may, by resolution of the governing body of the county, elect to be classified as a county of the first classification after it has maintained such valuation for the period of time required by the provisions of section 48.030.

Classification 2. All counties having an assessed valuation of [four] **six** hundred [fifty] million dollars and less than the assessed valuation necessary for that county to be in the first classification shall automatically be in the second classification after that county has maintained such valuation for the time period required by section 48.030.

Classification 3. All counties having an assessed valuation of less than the assessed valuation necessary for that county to be in the second classification shall automatically be in the third classification.

Classification 4. All counties which have attained the second classification prior to August 13, 1988, and which would otherwise return to the third classification after August 13, 1988, because of changes in assessed valuation shall remain a county in the second classification and shall operate under the laws of this state applying to the second classification.

2. The required assessed valuation for each classification under subsection 1 of this section shall

be increased by an amount equal to any percentage increase in the consumer price index.”; and

Further amend the title and enacting clause accordingly.

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

On motion of Senator Rupp, **SB 38**, as amended, was declared perfected and ordered printed.

Senator Pearce moved that **SB 44**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 44**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 44

An Act to repeal sections 221.111, 221.353, 221.510, 575.210, 575.220, and 575.240, RSMo, and to enact in lieu thereof eight new sections relating to private jails, with penalty provisions.

Was taken up.

Senator Pearce moved that **SCS** for **SB 44** be adopted.

Senator Pearce offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 44, Page 2, Section 221.095, Lines 26-27, by striking “any city of the third of fourth classification” and inserting in lieu thereof the following: “**a city**”; and further amend lines 28 and 29, by striking “any city of the third of fourth classification” and inserting in lieu thereof the following: “**of a city**”.

Senator Pearce moved that the above amendment be adopted.

At the request of Senator Pearce, **SB 44**, with **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Purgason, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SCS** for **SB 37**, begs leave to report that it has considered the same and recommends that the bill do pass.

COMMUNICATIONS

Senator Crowell submitted the following:

March 3, 2009

Dear Mrs. Spieler:

I am hereby requesting that **SCS** for **SB 71** be removed from the Consent Calendar.

/s/ Jason Crowell

Senator Bray submitted the following:

March 3, 2009

Terry Spieler
Senate Secretary
Missouri State Senate
State Capitol Building, Room 325
Jefferson City, MO 65101

Dear Ms. Spieler,

In accordance with Rule 45, I am writing to object to the placement of SB 235 on the Consent Calendar. This bill is too controversial to qualify as a consent bill, and therefore should be removed as such and returned to the Ways and Means Committee.

Sincerely,
/s/ Joan Bray
Joan Bray

INTRODUCTIONS OF GUESTS

Senator Crowell introduced to the Senate, the Physician of the Day, Dr. Brian Schafer, M.D., his wife, Holly and their daughters, Eva and Claire, Cape Girardeau.

Senator Goodman introduced to the Senate, Emily Swan, Tim Smith and Zack Thompson, Marena Crouch, Brent Downs, Kayla Lucas, Jake Fuldner, Shey Meeks, Sarah Swank and Braiden Vaught, eighth grade students from Berean Christian Academy, Monett.

Senator Pearce introduced to the Senate, Dr. Sarah Stevens and her daughter, Rachel, Warrensburg.

Senator Shields introduced to the Senate, Leonard Draves, Lori Fordyce, Beth Gregory and John Schlange, St. Joseph.

Senator Wilson introduced to the Senate, Kendyl Boone, Stephens College Childrens' School, Columbia; and Kendyl was made an honorary page.

Senator Schaefer introduced to the Senate, Dr. Lea Cheyney Brandt, OTD, OTR/L, Columbia.

Senator Ridgeway introduced to the Senate, Jeanna Haddock, North Kansas City; and Kristi Sappington, Brookfield.

Senator Schmitt introduced to the Senate, Sarah Haffner, Fenton.

Senator Griesheimer introduced to the Senate, Kathy Zuroweste, New Haven.

Senator Crowell introduced to the Senate, fourth grade students from Cape Christian School, Cape Girardeau.

Senator Bray introduced to the Senate, Dr. Kenneth Carson, Clayton.

Senator Wright-Jones introduced to the Senate, Sheneal R. Clayborne and forty students from Ethel Hedgeman Lyle Academy, St. Louis.

Senator Shields introduced to the Senate, Emergency Medical Services professionals from across Missouri.

Senator Purgason introduced to the Senate, members of Air Evac EMS from around the state.

Senator Wright-Jones introduced to the Senate, Lee Fetter and Aaron Wolf, St. Louis.

Senator Green introduced to the Senate, Natascha Harried, her daughter, Brianna and Patrick Manning, St. Louis County; and Brianna was made an honorary page.

On behalf of Senator Pearce, the President introduced to the Senate, fourth grade students from McEowen Elementary School, Harrisonville.

Senator Wright-Jones introduced to the Senate, Mike Meehan, St. Louis.

Senator Wilson introduced to the Senate, Dr. Lashonda Carter-Boone, Columbia.

Senator Ridgeway introduced to the Senate, Stacy Williamson, Marjorie Bohning, Renita Landers, Carla Whitt, Lisa Mandina, Collin Cochran and Phyllis Lillard, North Kansas City.

Senator Green introduced to the Senate, Principal Kerry McDaniel, teachers Sue Downs and Cheryl Scurry, adults and fifty-one fourth grade students from Robinwood Elementary School, Florissant; and Kaylynn Connor, Albert Behlmann, Jessica Volkmann and Rosemary Burgess were made honorary pages.

Senator Ridgeway introduced to the Senate, Dr. Foster, Dr. Tyler, Dr. Kelling, Dr. Cosner, Dr. King, Dr. Holtz and Dr. Buckmiller, Clay County.

Senator Schmitt introduced to the Senate, Jeannine Stewart, St. Louis; and Jim Baxendale, Webster Groves.

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

SENATE CALENDAR

THIRTY-SECOND DAY—WEDNESDAY, MARCH 4, 2009

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 551-Crowell and Schaefer
SB 552-Crowell
SB 553-Crowell
SB 554-Crowell
SB 555-Lager
SB 556-Mayer
SB 557-Mayer
SB 558-Mayer, et al
SB 559-Schaefer
SB 560-Green
SB 561-Green
SB 562-Smith
SB 563-Smith
SB 564-Smith
SB 565-Wright-Jones
SB 566-Wright-Jones

SB 567-Wright-Jones
SB 568-Rupp
SB 569-Lembke
SB 570-Lembke
SB 571-Lembke
SB 572-Dempsey and Justus
SB 573-Crowell
SB 574-Rupp
SB 575-Smith
SB 576-Dempsey
SJR 14-Wilson
SJR 15-Cunningham
SJR 16-Lager
SJR 17-Lembke
SJR 18-Cunningham

HOUSE BILLS ON SECOND READING

HCS for HB 96
 HB 744-Icet
 HB 287-Day, et al

HB 86-Sutherland
 HCS for HB 242
 HB 65-Wilson (119), et al

THIRD READING OF SENATE BILLS

SCS for SB 104-Justus, et al (In
 Fiscal Oversight)
 SCS for SB 37-Goodman

SB 84-Purgason
 SCS for SB 88-Stouffer
 SB 126-Rupp

SENATE BILLS FOR PERFECTION

SB 176-Stouffer, with SCS
 SBs 237 & 137-Lembke, with SCS
 SB 8-Champion, with SCS
 SB 265-Mayer, et al, with SCS

SB 93-Green, with SCS
 SB 57-Stouffer, with SCS
 SB 231-Cunningham, with SCS
 SB 202-Schaefer, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 191, with SCS
 (Griesheimer) (In Fiscal Oversight)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 5-Griesheimer, with SCS, SS for SCS &
 SA 2 (pending)
 SB 7-Griesheimer, with SS (pending)
 SB 18-Bray, et al, with SCS & SS for SCS
 (pending)
 SB 29-Stouffer
 SB 44-Pearce, with SCS & SA 1 (pending)
 SBs 45, 212, 136, 278, 279, 285 &
 288-Pearce, with SCS (pending)
 SB 58-Stouffer
 SB 72-Stouffer, with SCS

SB 89-Stouffer, with SCS, SA 1 & SSA 1
 for SA 1 (pending)
 SB 174-Griesheimer and Goodman, with
 SCS, SS for SCS & SA 1 (pending)
 SCS for SB 189-Shields
 SBs 223 & 226-Goodman, with SCS (pending)
 SB 255-Pearce
 SBs 261, 159, 180 & 181-Bartle and
 Goodman, with SCS, SS for SCS, SA 3
 & SA 1 to SA 3 (pending)

CONSENT CALENDAR

Senate Bills

Reported 2/25

SBs 165, 164, 248 & 168-Justus, with SCS	SB 368-Stouffer
SB 242-Pearce, with SCS	SB 114-Crowell
SB 96-Justus, et al, with SCS	SB 263-Mayer
SB 293-Barnitz, et al, with SCS	SB 280-Rupp and Cunningham
SB 153-Clemens, with SCS	SB 277-Cunningham

RESOLUTIONS

Reported from Committee

SR 141-Engler, with point of order (pending)	SCR 8-Shoemyer
SCR 5-Stouffer, with SCA 1	SCR 16-Pearce
SCR 7-Pearce	SCR 14-Schmitt
SR 207-Lembke and Smith, with SCS & SS for SCS (pending)	SCR 21-Clemens
SCR 11-Bartle, et al	SCR 2-Crowell

To be Referred

HCS for HCR 16

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