

Journal of the Senate

SECOND REGULAR SESSION

TWELFTH DAY—THURSDAY, JANUARY 28, 2010

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“God does not need great men but great men need God.” (Ulysses S. Grant)

We thank You merciful God for helping us recognize our need of You in our lives and in our family life. Let us be mindful of this gift as we hurry home this day and may we use each minute wisely and lovingly with those You have given us to love. May we rejoice for the community we live in and the community of faith that we are free to worship in, for You are truly a gracious God. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

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

The Journal of the previous day was read and approved.

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

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Griesheimer	Justus	Keaveny	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson

Wright-Jones—33

Absent—Senators—None

Absent with leave—Senator Green—1

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Dempsey offered Senate Resolution No. 1490, regarding Jacqueline “Jackie” Borgmeyer, St. Charles, which was adopted.

Senator Dempsey offered Senate Resolution No. 1491, regarding Donna Hafer, St. Charles, which was adopted.

Senator Dempsey offered Senate Resolution No. 1492, regarding Lorna Frahm, St. Peters, which was adopted.

Senator Dempsey offered Senate Resolution No. 1493, regarding Ken Tucker, which was adopted.

Senator Dempsey offered Senate Resolution No. 1494, regarding Jim Rau, St. Charles, which was adopted.

Senator Barnitz offered Senate Resolution No. 1495, regarding Kimberly Fuhr, Crocker, which was adopted.

Senator Crowell offered Senate Resolution No. 1496, regarding Paula Myers, Cape Girardeau, which was adopted.

Senator Schaefer offered Senate Resolution No. 1497, regarding Linda Hightshoe, Hallsville, which was adopted.

Senator Schaefer offered Senate Resolution No. 1498, regarding Marie Nau Hunter, Columbia, which was adopted.

Senator Crowell offered Senate Resolution No. 1499, regarding Dr. Karen Bangert, which was adopted.

Senator Crowell offered Senate Resolution No. 1500, regarding Northwestern Mutual Financial Network-The Hahs Group, which was adopted.

Senator Callahan offered Senate Resolution No. 1501, regarding Sally Winship, Lee’s Summit, which was adopted.

Senator Rupp offered Senate Resolution No. 1502, regarding the Fellowship of Christian Athletes, St. Charles, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 848—By Barnitz.

An Act to repeal sections 393.1025 and 393.1030, RSMo, and to enact in lieu thereof two new sections relating to methane from agricultural operations.

SB 849—By Barnitz.

An Act to repeal sections 190.335 and 190.339, RSMo, and to enact in lieu thereof two new sections relating to emergency services.

SB 850—By Barnitz.

An Act to repeal section 204.472, RSMo, and to enact in lieu thereof one new section relating to sewer service for certain annexed areas.

SB 851—By Schmitt, Bartle, Lembke, Days, Wright-Jones, Bray, Dempsey, Goodman, Engler, Green, Lager, Vogel, Keaveny, Callahan, Griesheimer, Justus, Purgason, Champion, Ridgeway, Schaefer, McKenna, Wilson, Rupp, Scott, Clemens, Mayer and Stouffer.

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to public notice required for certain meetings of political subdivisions.

SB 852—By Lager, Lembke and Rupp.

An Act to repeal sections 213.010, 213.070, 213.101, 213.111, and 287.780, RSMo, and to enact in lieu thereof five new sections relating to unlawful discriminatory practices in employment.

SB 853—By Keaveny and Wright-Jones.

An Act to repeal section 542.301, RSMo, and to enact in lieu thereof one new section relating to disposition of unclaimed seized property, with an emergency clause.

SB 854—By Keaveny and Wright-Jones.

An Act to repeal section 610.100, RSMo, and to enact in lieu thereof one new section relating to the disclosure of police officer identity in investigative reports.

SB 855—By Schaefer.

An Act to amend chapter 193, RSMo, by adding thereto one new section relating to heritage birth or marriage certificates.

SB 856—By Schaefer.

An Act to repeal section 558.016, RSMo, and to enact in lieu thereof one new section relating to persistent misdemeanor offenders, with penalty provisions.

SB 857—By Schaefer.

An Act to repeal section 556.061, RSMo, and to enact in lieu thereof one new section relating to dangerous felonies.

SB 858—By Schaefer.

An Act to repeal section 575.220, RSMo, and to enact in lieu thereof one new section relating to the crime of failing to return to confinement, with penalty provisions.

SB 859—By Schaefer.

An Act to repeal sections 565.070 and 565.074, RSMo, and to enact in lieu thereof three new sections relating to crimes of assault, with penalty provisions.

SB 860—By Bray.

An Act to repeal section 67.110, RSMo, and to enact in lieu thereof one new section relating to ad valorem property tax rates.

SB 861—By Dempsey.

An Act to amend chapter 197, RSMo, by adding thereto one new section relating to the accreditation of vascular laboratories.

SB 862—By Callahan.

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

SB 863—By Callahan.

An Act to amend chapter 94, RSMo, by adding thereto one new section relating to the imposition of a transient guest tax by certain cities.

SB 864—By Lembke.

An Act to amend chapters 302 and 304, RSMo, by adding thereto two new sections relating to the use of automated traffic enforcement systems by political subdivisions, with penalty provisions.

SB 865—By Wilson and Keaveny.

An Act to amend chapter 452, RSMo, by adding thereto four new sections relating to parenting coordinators.

SB 866—By Wright-Jones.

An Act to amend chapters 197 and 287, RSMo, by adding thereto two new sections relating to hospital patient safety.

SB 867—By Mayer.

An Act to repeal sections 429.005, 429.015, 429.080, 429.180, 429.210, 429.230, 429.320, and 429.330, RSMo, and to enact in lieu thereof nine new sections relating to statutory liens against real estate.

SB 868—By Shields.

An Act to amend chapter 144, RSMo, by adding thereto one new section relating to tax incentives for data storage and server farm facilities.

Senator Dempsey assumed the Chair.

CONCURRENT RESOLUTIONS

Senator Stouffer moved that **SCR 35** and **SCR 32**, with **SCS**, be taken up for 3rd reading and final passage, which motion prevailed.

SCS for **SCRs 35** and **32**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE CONCURRENT RESOLUTIONS NOS. 35 and 32

Relating to the disapproval of the Missouri State Tax Commission's recommendations regarding the value for each grade of agricultural and horticultural land based on productive capability.

Was taken up.

Senator Stouffer moved that **SCS** for **SCRs 35** and **32** be adopted.

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

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Concurrent Resolution Nos. 35 and 32, as it appears

in the Senate Journal for Wednesday, January 27, 2010, Page 174, Line 36, by striking the word “biannually” and inserting in lieu thereof the following: “biennially”.

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

Senator Stouffer moved that **SCS** for **SCRs 35** and **32**, as amended, be adopted, which motion prevailed.

On motion of Senator Stouffer, **SCS** for **SCRs 35** and **32**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion	Clemens	Crowell	Cunningham	Dempsey
Engler	Goodman	Griesheimer	Justus	Lager	Lembke	Mayer	McKenna
Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt	Scott
Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—30		

NAYS—Senators

Bray	Days	Keaveny—3
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Absent—Senators—None

Absent with leave—Senator Green—1

Vacancies—None

The President declared the concurrent resolution passed.

On motion of Senator Stouffer, title to the concurrent resolution was agreed to.

Senator Stouffer moved that the vote by which the concurrent resolution passed be reconsidered.

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

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 passed **HCS** for **HCRs 7, 3** and **17**.

HOUSE COMMITTEE SUBSTITUTE FOR HOUSE CONCURRENT RESOLUTION NOS. 7, 3, and 17

Relating to the disapproval of the Missouri State Tax Commission's recommendations regarding the value for each grade of agricultural and horticultural land based on productive capability.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

Whereas, Section 137.021, RSMo, provides that on or before December thirty-first of each odd-numbered year the State Tax Commission is required under Section 137.021, RSMo, to promulgate by regulation a value for each grade of agricultural and horticultural land based on productive capability; and

Whereas, on December 21, 2009, the State Tax Commission filed with the Secretary of State a proposed amendment to 12 CSR 30.4-010 relating to agricultural land productive values; and

Whereas, the State Tax Commission, in accordance with Section 137.021, RSMo, did on December 15, 2009, propose a value for each of the several grades of agricultural and horticultural land for the 2011 and 2012 assessment years; and

Whereas, Missouri farms are divided into eight grade categories based on land quality, with the best farms in Grade 1 and the worst in Grade 8; and

Whereas, the State Tax Commission increased the value for farms in the four best categories which is generally cropland, lowered values for three lesser categories which include pastures, and made no change to the lowest category; and

Whereas, Missouri farmers are currently carrying some of the highest debt load in the nation and simply cannot afford to pay a property tax increase at this time; and

Whereas, Section 137.021, RSMo, permits the General Assembly to disapprove within the first sixty days of the next Regular Session of the General Assembly the agricultural and horticultural values as proposed by the State Tax Commission:

Now, therefore, be it resolved that the members of the House of Representatives of the Ninety-fifth General Assembly, Second Regular Session, the Senate concurring therein, hereby disapprove the State Tax Commission's proposed amendment to 12 CSR 30.4-010 promulgated under Section 137.021, RSMo, establishing agricultural land values for the 2011 and 2012 assessment years; and

Be it further resolved that the General Assembly recommends that the State Tax Commission review the current procedure for determining and establishing agricultural land values; and

Be it further resolved that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for Governor Jay Nixon and the Missouri State Tax Commission.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointment, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Theodore M. Vollmar, Republican, as a member of the Missouri Health Facilities Review Committee;

Also,

Bruce Manning, Susan Hazelwood, Donald Scott Bockenkamp, Charli Jo Ledgerwood and Gwendolyn Grant, as members of the Safe Drinking Water Commission;

Also,

Kevin O'Malley and James DiRenna, Democrats, as members of the State Board of Registration for the Healing Arts;

Also,

Cathy Steele, as a member of the Missouri Family Trust Board of Trustees;

Also,

Susan E. Block, as a member of the Children's Trust Fund Board;

Also,

Deborah Onken, Mark Skrade, Nancy O'Reilly and Patrick Maloney, as members of the State Committee of Psychologists;

Also,

Abiodun A. Adewale, Kathy W. Achelpohl, Daniel L. Govero and Kenneth M. Frashier, as members of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects;

Also,

LaRee DeFreece, Democrat, as a member of the State Environmental Improvement and Energy Resources Authority;

Also,

Susan A. Fluegel, as a member of the Child Abuse and Neglect Review Board;

Also,

Dianna Reed, Democrat, as a member of the Air Conservation Commission;

Also,

Kimberly Dickerson, Republican, as a member of the Dam and Reservoir Safety Council;

Also,

Boyd Harris, Republican and William Duncan, Democrat, as members of the Missouri Real Estate Appraisers Commission;

Also,

Willis Jackson Magruder, as a member of the Missouri Higher Education Loan Authority;

Also,

Gary Vandiver, Democrat, as a member of the State Soil and Water Districts Commission;

Also,

Angela Beshears, Republican, as a member of the Clay County Board of Election Commissioners;

Also,

Sharon L. Keating, as a member of the Missouri Real Estate Commission.

Senator Shields requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Shields moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointment, which motion prevailed.

Senator Shields assumed the Chair.

Senator Rupp, Chairman of the Committee on Small Business, Insurance and Industry, submitted the following report:

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **SB 618**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Dempsey assumed the Chair.

SECOND READING OF SENATE BILLS

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

SB 816—Ways and Means.

SB 817—Governmental Accountability and Fiscal Oversight.

SB 818—Financial and Governmental Organizations and Elections.

SB 819—Jobs, Economic Development and Local Government.

SB 820—Transportation.

SB 821—Health, Mental Health, Seniors and Families.

SB 822—Transportation.

SB 823—Ways and Means.

SB 824—Agriculture, Food Production and Outdoor Resources.

SB 825—Health, Mental Health, Seniors and Families.

SB 826—Jobs, Economic Development and Local Government.

SB 827—Jobs, Economic Development and Local Government.

SB 828—Health, Mental Health, Seniors and Families.

SB 829—Jobs, Economic Development and Local Government.

SB 830—Jobs, Economic Development and Local Government.

SB 831—Judiciary and Civil and Criminal Jurisprudence.

SB 832—Agriculture, Food Production and Outdoor Resources.

SB 833—Judiciary and Civil and Criminal Jurisprudence.

SB 834—Small Business, Insurance and Industry.

SB 835—Education.

SB 836—Judiciary and Civil and Criminal Jurisprudence.

SB 837—Transportation.

SB 838—Education.

SB 839—Ways and Means.

SB 840—Governmental Accountability and Fiscal Oversight.

SB 841—Transportation.

SB 842—Small Business, Insurance and Industry.

SB 843—Governmental Accountability and Fiscal Oversight.

SB 844—General Laws.

SB 845—Financial and Governmental Organizations and Elections.

SB 846—Veterans’ Affairs, Pensions and Urban Affairs.

SB 847—Financial and Governmental Organizations and Elections.

SJR 38—Financial and Governmental Organizations and Elections.

SJR 39—Education.

INTRODUCTIONS OF GUESTS

Senator Dempsey introduced to the Senate, Michael Flandermeyer, St. Charles.

On motion of Senator Engler, the Senate adjourned until 4:00 p.m., Monday, February 1, 2010.

SENATE CALENDAR

THIRTEENTH DAY—MONDAY, FEBRUARY 1, 2010

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 848-Barnitz	SB 859-Schaefer
SB 849-Barnitz	SB 860-Bray
SB 850-Barnitz	SB 861-Dempsey
SB 851-Schmitt, et al	SB 862-Callahan
SB 852-Lager, et al	SB 863-Callahan
SB 853-Keaveny and Wright-Jones	SB 864-Lembke
SB 854-Keaveny and Wright-Jones	SB 865-Wilson and Keaveny
SB 855-Schaefer	SB 866-Wright-Jones
SB 856-Schaefer	SB 867-Mayer
SB 857-Schaefer	SB 868-Shields
SB 858-Schaefer	SJR 40-Goodman

SENATE BILLS FOR PERFECTION

SB 618-Rupp, et al

INFORMAL CALENDAR

RESOLUTIONS

To be Referred

HCS for HCRs 7, 3 & 17

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