

Journal of the Senate

SECOND REGULAR SESSION

FIRST EXTRA SESSION

FIFTH DAY—THURSDAY, JULY 1, 2010

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“You who seek God, let your hearts revive.” (Psalm 69:32)

Gracious God, we gather once again to complete the work required of us. We ask that our discussions and inquiries with one another bring clarification and help us make good decisions. And we pray that we will do all that is necessary to finish the work before us in good order. And Lord, watch our travel and keep us mindful of our responsibilities to others we share the road. Bring us safely home, to use our time away for health, recreation and intimacy with our loved ones and with You, our 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 Journals for Thursday, June 24, 2010; Friday, June 25, 2010; Tuesday, June 29, 2010; and Wednesday, June 30, 2010 were read and approved.

Senator Engler announced that photographers from KOMU-TV, ABC 17 News, KMBC-TV and 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	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	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 Bray—1

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Wright-Jones offered Senate Resolution No. 31, regarding Almost Home, Saint Louis, which was adopted.

Senator Champion offered Senate Resolution No. 32, regarding Center Baptist Church, Ash Grove, which was adopted.

Senator Schaefer offered the following resolution:

SENATE RESOLUTION NO. 33

WHEREAS, Governor Jeremiah (Jay) Nixon, by proclamation, has convened the Ninety-fifth General Assembly of the State of Missouri into the First Extraordinary Session of the Second Regular Session; and

WHEREAS, the call of the extraordinary session specifically includes establishing an economic development program designed to support and strengthen the automobile manufacturing and supplier industry through the providing of benefits in the form of retained withholding taxes for qualifying jobs at automobile manufacturing facilities and their suppliers; and

WHEREAS, the call of the extra session also specifically includes modernizing various aspects of the state employee retirement system by requiring employee contributions and changing retirement eligibility and employee options for employees hired after January 1, 2011; and

WHEREAS, during the Second Regular Session of the Ninety-fifth General Assembly, legislation was considered that would have provided key economic development incentives by providing state and local sales and use tax exemptions for all machinery, equipment, computers, electrical energy, gas, water and other utilities including telecommunication services used in new data storage centers and server farm facilities; and

WHEREAS, Missouri needs to attract and expand quality jobs in the technology sector; and

WHEREAS, companies providing data storage centers and server farm facilities have and are considering the expansion and development of data storage centers and server farm facilities in the state of Missouri:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-fifth General Assembly, First Extraordinary Session, hereby urge the Governor to expand the call of the Extraordinary Session to include legislation to provide economic incentives for the expansion and development of electronic data storage centers; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Governor Jeremiah (Jay) Nixon.

REFERRALS

President Pro Tem Shields referred **SR 33** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

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 **HCS** for **HB 1**, with **SCS**, begs leave to report that it has considered the same and recommends that the bill do pass.

HOUSE BILLS ON THIRD READING

HCS for **HB 1**, with **SCS**, entitled:

An Act to repeal sections 56.809, 70.605, 104.190, 104.480, 105.915, 105.927, and 169.020, RSMo, and to enact in lieu thereof sixteen new sections relating to retirement, with an emergency clause for certain sections.

Was taken up by Senator Crowell.

SCS for **HCS** for **HB 1**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1**

An Act to amend chapters 104 and 476, RSMo, by adding thereto eight new sections relating to retirement.

Was taken up.

Senator Stouffer assumed the Chair.

Senator Crowell moved that **SCS** for **HCS** for **HB 1** be adopted.

At the request of Senator Crowell, **HCS** for **HB 1**, with **SCS** (pending), was placed on the Informal Calendar.

On motion of Senator Engler, the Senate recessed until 1:40 p.m.

RECESS

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

RESOLUTIONS

Senator Pearce offered Senate Resolution No. 34, regarding Michael Brookshier, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 35, regarding Jordan Miller, Cole Camp, which was adopted.

Senator Pearce offered Senate Resolution No. 36, regarding Jason Foose, Holden, which was adopted.

Senator Pearce offered Senate Resolution No. 37, regarding Zackary Kaltefleiter, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 38, regarding Anthony DeFreitas, Oldsmar, Florida, which was adopted.

Senator Griesheimer offered Senate Resolution No. 39, regarding the Wabash Frisco & Pacific Railroad Association, Incorporated, Glencoe, which was adopted.

HOUSE BILLS ON THIRD READING

Senator Crowell moved that **HCS** for **HB 1**, with **SCS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SCS for **HCS** for **HB 1** was again taken up.

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

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1, Page 7, Section 104.1500, Line 35, by inserting after the word “term.” the following:

“No member shall serve on the board after the expiration of their term, until reappointed by the governor to a successive term.”

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

Senator Crowell offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1, Page 20, Section 476.521, Line 111, by inserting after all of said line the following:

“8. Any judge who is receiving retirement compensation under section 476.529 or 476.530 who becomes employed as an employee eligible to participate in the closed plan or in the year 2000 plan under chapter 104, shall not receive such retirement compensation for any calendar month in which the retired judge is so employed. Any judge who is receiving retirement compensation under section 476.529 or section 476.530 who subsequently serves as a judge as defined pursuant to subdivision (4) of subsection 1 of section 476.515 shall not receive such retirement compensation for any calendar month in which the retired judge is serving as a judge; except that upon retirement such judge's annuity shall be recalculated to include any additional service or salary accrued based on the judge's subsequent service. A judge who is receiving compensation under section 476.529 or 476.530 may continue to receive such retirement compensation while serving as a senior judge or senior commissioner and shall receive additional credit and salary for such service pursuant to section 476.682.”; and

Further amend said page, section 476.527, lines 1-16, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Crowell moved that the above amendment be adopted.

Senator Justus offered SSA 1 for SA 2:

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

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1, Page 20, Section 476.527, Lines 1-16, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

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

SA 2 was again taken up.

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

Senator Lager offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1, Page 11,

Section 104.1500, Line 198, by inserting after “board.” the following: **“The board shall not have the authority to employ legal counsel to conduct litigation on behalf of the respective retirement system. Such authority to employ legal counsel shall remain with the board of the respective system. Nothing in this subsection shall prevent legal counsel hired by any system from representing the board as necessary.”**

Senator Lager moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bartle, Green, Keaveny and Schaefer.

Senator Dempsey assumed the Chair.

SA 3 failed of adoption by the following vote:

YEAS—Senators

Bartle	Green	Lager	McKenna	Purgason	Rupp	Schaefer—7
--------	-------	-------	---------	----------	------	------------

NAYS—Senators

Barnitz	Callahan	Champion	Clemens	Crowell	Cunningham	Days	Dempsey
Engler	Goodman	Griesheimer	Justus	Keaveny	Lembke	Mayer	Pearce
Ridgeway	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson

Wright-Jones—25

Absent—Senators—None

Absent with leave—Senators

Bray	Nodler—2
------	----------

Vacancies—None

Senator Keaveny offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1, Page 11, Section 104.1500, Line 178, by inserting after all of said line the following:

“21. No employee of the board shall have a business relationship with any service provider of the board until two years have expired after the date of his or her resignation or termination as an employee of the board.”; and

Further renumber the remaining subsections accordingly.

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

Senator Crowell moved that **SCS** for **HCS** for **HB 1**, as amended, be adopted, which motion prevailed.

On motion of Senator Crowell, **SCS** for **HCS** for **HB 1**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Callahan	Champion	Clemens	Crowell	Cunningham	Days	Dempsey
Engler	Goodman	Griesheimer	Keaveny	Lembke	Mayer	McKenna	Pearce

Ridgeway Rupp Schmitt Scott Shields Stouffer Vogel Wilson
 Wright-Jones—25

NAYS—Senators
 Barnitz Green Justus Lager Purgason Schaefer Shoemyer—7

Absent—Senators—None

Absent with leave—Senators
 Bray Nodler—2

Vacancies—None

The President declared the bill passed.

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

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

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

SENATE BILLS FOR PERFECTION

Senator Crowell moved that **SB 1** be taken up for perfection, which motion prevailed.

Senator Crowell offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 1, Page 4, Section 104.1091, Line 113, by inserting after “plan” as it appears the first time on said line the following: “**to members covered under this section**”; and

Further amend said bill, page 7, section 104.1500, line 35, by inserting after the word “term.” the following:

“**No member shall serve on the board after the expiration of their term, until reappointed by the governor to a successive term.**”; and

Further amend said bill and section, page 11, line 178, by inserting after all of said line the following:

“**21. No employee of the board shall have a business relationship with any service provider of the board until two years have expired after the date of his or her resignation or termination as an employee of the board.**”; and

Further renumber the remaining subsections accordingly; and

Further amend said bill, Page 19, Section 476.521, Line 104, by inserting after “476.565” the following: “**to judges covered under this section**”; and

Further amend said bill and section, page 20, line 110, by inserting after all of said line the following:

“**8. Any judge who is receiving retirement compensation under section 476.529 or 476.530 who becomes employed as an employee eligible to participate in the closed plan or in the year 2000 plan under chapter 104, shall not receive such retirement compensation for any calendar month in which the retired judge is so employed. Any judge who is receiving retirement compensation under section 476.529 or section 476.530 who subsequently serves as a judge as defined pursuant to subdivision (4)**

of subsection 1 of section 476.515 shall not receive such retirement compensation for any calendar month in which the retired judge is serving as a judge; except that upon retirement such judge's annuity shall be recalculated to include any additional service or salary accrued based on the judge's subsequent service. A judge who is receiving compensation under section 476.529 or 476.530 may continue to receive such retirement compensation while serving as a senior judge or senior commissioner and shall receive additional credit and salary for such service pursuant to section 476.682.”; and

Further amend said page, section 476.527, lines 1-16, by striking all of said section from the bill; and
Further amend the title and enacting clause accordingly.

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

On motion of Senator Crowell, **SB 1**, as amended, was declared perfected and ordered printed.

On motion of Senator Engler, the Senate recessed until 6:15 p.m.

RECESS

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

INTRODUCTION OF BILLS

The following Bill was read the 1st time and ordered printed:

SB 2—By Ridgeway.

An Act to repeal section 620.1881, RSMo, and to enact in lieu thereof two new sections relating to job growth.

INTRODUCTIONS OF GUESTS

Senator Vogel introduced to the Senate, his son, Specialist Jacob Lloyd Vogel, 75th Ranger Regiment 1st Battalion, United States Army.

Senator Green introduced to the Senate, his daughter, Megan Ann, St. Louis.

On motion of Senator Engler, the Senate adjourned until 9:00 a.m., Thursday, July 8, 2010.

SENATE CALENDAR

—————
SIXTH DAY—THURSDAY, JULY 8, 2010
—————

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 2-Ridgeway

HOUSE BILLS ON THIRD READING

HCS for HB 2, with SCS (Ridgeway) (In Fiscal Oversight)

✓