

Journal of the Senate

SECOND REGULAR SESSION

THIRTY-FOURTH DAY—MONDAY, MARCH 5, 2012

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Wait on the Lord with patient expectation and fervent prayer.” (Psalm 27:14)

My Lord and God, we do wait patiently in prayer for Your healing presence for all those who were injured, killed or suffered various losses by the tornados that hit our nation. It was a devastation that touched so many Americans including many in Missouri that we empathize with those hurting and pray for them. We also pray for Ms. Spieler at the death of her father and ask, O Lord, for Your mercy and comfort during this time of grief by her and her family. Bless them and us, O Lord, and be an ever present help. 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 for Thursday, March 1, 2012 was read and approved.

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

Present—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer—32

Absent—Senators—None

Absent with leave—Senators

Wasson Wright-Jones—2

Vacancies—None

The Lieutenant Governor was present.

Senator Cunningham requested unanimous consent of the Senate to correct the report made by the Committee on General Laws on March 1, 2012, by submitting the correct senate committee substitute for **SB 744**, which request was granted.

RESOLUTIONS

Senator Dempsey offered Senate Resolution No. 1587, regarding the Niagara Foundation and the Turkish American Society of Missouri, which was adopted.

Senator Lembke offered Senate Resolution No. 1588, regarding Ronald D. and Anne E. Oestreich, Saint Louis, which was adopted.

Senator Kraus offered Senate Resolution No. 1589, regarding Chase Wrisinger, which was adopted.

Senator Parson offered Senate Resolution No. 1590, regarding Matt Fulson and the Fulson Housing Group LLC, which was adopted.

Senator Schaefer offered Senate Resolution No. 1591, regarding Kimberly Harper, which was adopted.

Senator Schaefer offered Senate Resolution No. 1592, regarding Robert Baum, PhD, which was adopted.

Senator Munzlinger offered Senate Resolution No. 1593, regarding Joshua Dean Damon, Jr., Wayland, which was adopted.

Senator Munzlinger offered Senate Resolution No. 1594, regarding Stu Strickler, Williamstown, which was adopted.

Senator Cunningham offered Senate Resolution No. 1595, regarding Rebecca Robinson, Ballwin, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Dixon moved that **SB 470**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 470**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 470

An Act to repeal sections 387.040, 387.050, 387.080, 387.110, 387.207, 390.051, 390.061, 390.116, and 390.280, RSMo, and to enact in lieu thereof thirteen new sections relating to motor carrier transportation regulated by the state highways and transportation commission.

Was taken up.

Senator Dixon moved that **SCS** for **SB 470** be adopted.

Senator Dixon offered **SS** for **SCS** for **SB 470**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 470

An Act to repeal sections 387.040, 387.050, 387.080, 387.110, 387.207, 390.051, 390.061, 390.116, and 390.280, RSMo, and to enact in lieu thereof thirteen new sections relating to motor carrier transportation

regulated by the state highways and transportation commission.

Senator Ridgeway assumed the Chair.

Senator Dixon moved that **SS** for **SCS** for **SB 470** be adopted, which motion prevailed.

On motion of Senator Dixon, **SS** for **SCS** for **SB 470** was declared perfected and ordered printed.

Senator Stouffer moved that **SB 480**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 480**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 480

An Act to repeal sections 144.030 and 390.020, RSMo, and to enact in lieu thereof two new sections relating to regulation of motor carriers.

Was taken up.

Senator Stouffer moved that **SCS** for **SB 480** be adopted, which motion prevailed.

On motion of Senator Stouffer, **SCS** for **SB 480** was declared perfected and ordered printed.

Senator Crowell moved that **SB 492**, with **SS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for **SB 492** was again taken up.

At the request of Senator Crowell, **SS** for **SB 492** was withdrawn.

Senator Crowell offered **SS No. 2** for **SB 492**, entitled:

SENATE SUBSTITUTE NO. 2 FOR
SENATE BILL NO. 492

An Act to repeal sections 104.1084 and 104.1091, RSMo, and to enact in lieu thereof two new sections relating to retirement.

Senator Crowell moved that **SS No. 2** for **SB 492** be adopted, which motion prevailed.

On motion of Senator Crowell, **SS No. 2** for **SB 492** was declared perfected and ordered printed.

Senator Pearce assumed the Chair.

Senator Parson moved that **SB 591**, with **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 was again taken up.

At the request of Senator Dempsey, **SA 1** was withdrawn.

Senator Ridgeway offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 591, Page 5, Section 137.115, Lines 127-132, by striking all of said lines and inserting in lieu thereof the following: “the **lowest** trade-in value published in the October issue of [the National Automobile Dealers’ Association Official Used Car Guide, or its successor publication, as the recommended] **a single nationally recognized** guide of information for

determining the true value of motor vehicles described in such publication. **Such publication shall be approved by the state tax commission in conjunction with the association representing the majority of assessors of this state. The state tax commission shall also approve four additional guides for determining the true value of motor vehicles. If the owner of the motor vehicle presents evidence that any of the four other approved publications has a lower published trade-in value that is applicable to the motor vehicle, the assessor shall use such value in determining the true value of the motor vehicle.** In the absence of a listing for a particular motor vehicle in”; and further amend line 133, by striking the word “publication” and inserting in lieu thereof the following: **“publications”**; and

Further amend said bill and section, page 7, line 201, by inserting after all of said line the following:

“138.060. 1. The county board of equalization shall, in a summary way, determine all appeals from the valuation of property made by the assessor, and shall correct and adjust the assessment accordingly. There shall be no presumption that the assessor’s valuation is correct. In any county with a charter form of government with a population greater than two hundred eighty thousand inhabitants but less than two hundred eighty-five thousand inhabitants, and in any county with a charter form of government with greater than one million inhabitants, and in any city not within a county, the assessor shall have the burden to prove that the assessor’s valuation does not exceed the true market value of the subject property. In such county or city, in the event a physical inspection of the subject property is required by subsection 10 of section 137.115, the assessor shall have the burden to establish the manner in which the physical inspection was performed and shall have the burden to prove that the physical inspection was performed in accordance with section 137.115. In such county or city, in the event the assessor fails to provide sufficient evidence to establish that the physical inspection was performed in accordance with section 137.115, the property owner shall prevail on the appeal as a matter of law. At any hearing before the state tax commission or a court of competent jurisdiction of an appeal of assessment from a first class charter county or a city not within a county, the assessor shall not advocate nor present evidence advocating a valuation higher than that value finally determined by the assessor or the value determined by the board of equalization, whichever is higher, for that assessment period. **In an appeal concerning the assessor’s valuation of a motor vehicle, the assessor shall have the burden to prove that the owner’s evidence of a lower published trade-in value from one of the publications approved pursuant to subsection 9 of section 137.115 does not demonstrate the true value of the motor vehicle.**

2. The county clerk shall keep an accurate record of the proceedings and orders of the board, and the assessor shall correct all erroneous assessments, and the clerk shall adjust the tax book according to the orders of such board and the orders of the state tax commission, except that in adding or deducting such percent to each tract or parcel of real estate as required by such board or state tax commission, he shall add or deduct in each case any fractional sum of less than fifty cents, so that the value of any separate tract shall contain no fractions of a dollar.”; and

Further amend the title and enacting clause accordingly.

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

Senator Parson moved that **SCS for SB 591**, as amended, be adopted, which motion prevailed.

On motion of Senator Parson, **SCS for SB 591**, as amended, was declared perfected and ordered printed.

Senator Schaaf moved that **SB 727** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Schaaf offered **SS** for **SB 727**, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 727

An Act to repeal section 208.044, RSMo, and to enact in lieu thereof two new sections relating to child care subsidies.

Senator Schaaf moved that **SS** for **SB 727** be adopted.

At the request of Senator Schaaf, **SB 727**, with **SS** (pending), was placed on the Informal Calendar.

Senator Engler moved that **SB 710**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 710**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 710

An Act to repeal sections 195.060, 195.080, and 334.747, RSMo, and to enact in lieu thereof twelve new sections relating to a prescription drug monitoring program, with penalty provisions.

Was taken up.

Senator Engler moved that **SCS** for **SB 710** be adopted.

Senator Engler offered **SS** for **SCS** for **SB 710**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 710

An Act to repeal sections 195.015, 195.060, 195.080, and 334.747, RSMo, and to enact in lieu thereof thirteen new sections relating to a prescription drug monitoring program, with penalty provisions.

Senator Engler moved that **SS** for **SCS** for **SB 710** be adopted.

Senator Schaaf offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 710, Page 1, In the Title, Lines 4-5 of said title, by striking the words “a prescription drug monitoring program, with penalty provisions” and inserting in lieu thereof the following: “controlled substances”; and

Further amend said bill, pages 6-7, section 195.450, by striking all of said section from the bill; and

Further amend said bill, pages 7-9, section 195.453, by striking all of said section from the bill; and

Further amend said bill, pages 9-11, section 195.456, by striking all of said section from the bill; and

Further amend said bill, page 11, section 195.459, lines 15-20 of said page, by striking all of said section from the bill; and

Further amend said bill, pages 11-12, section 195.462, by striking all of said section from the bill; and

Further amend said bill, page 12, section 195.465, lines 6-20 of said page, by striking all of said section

from the bill; and

Further amend said bill, pages 12-13, section 195.468, by striking all of said section from the bill; and

Further amend said bill, page 13-14, section 195.474, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

At the request of Senator Engler, **SB 710**, with **SCS, SS** for **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

REFERRALS

President Pro Tem Mayer referred **SCR 26** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

SECOND READING OF CONCURRENT RESOLUTIONS

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

SCR 27—Rules, Joint Rules, Resolutions and Ethics.

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 **HB 1349**, entitled:

An Act to repeal section 362.333, RSMo, and to enact in lieu thereof one new section relating to irrevocable life insurance trusts.

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 1114**, entitled:

An Act to repeal section 190.335, RSMo, and to enact in lieu thereof one new section relating to emergency service boards.

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 1037**, entitled:

An Act to repeal section 233.280, RSMo, and to enact in lieu thereof one new section relating to the compensation of road district commissioners.

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 1072**, entitled:

An Act to amend chapter 191, RSMo, by adding thereto six new sections relating to the volunteer health services act.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REFERRALS

President Pro Tem Mayer referred **SS** for **SCS** for **SB 699** to the Committee on Ways and Means and Fiscal Oversight.

INTRODUCTIONS OF GUESTS

Senator Justus introduced to the Senate, Sister Berta Sailor, Susie Roling and Dave Watsula, Kansas City.

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

SENATE CALENDAR

THIRTY-FIFTH DAY—TUESDAY, MARCH 6, 2012

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 857-Brown	SB 870-Lamping
SB 858-Schaaf	SB 871-Lamping
SB 859-Nieves	SB 872-Justus
SB 860-Nieves	SB 873-Lembke
SB 861-Purgason	SB 874-McKenna
SB 862-Engler	SB 875-Goodman
SB 863-Wright-Jones	SB 876-Kehoe and Parson
SB 864-Wright-Jones	SB 877-Mayer
SB 865-Pearce	SB 878-Mayer
SB 866-Lembke	SB 879-Wasson
SB 867-Lembke	SB 880-Wasson
SB 868-Kehoe	SB 881-Pearce
SB 869-Kehoe, et al	SB 882-Pearce

SB 883-Richard	SB 898-Schaefer
SB 884-Nieves	SB 899-Green
SB 885-Engler	SB 900-Munzlinger
SB 886-Engler	SB 901-Lembke
SB 887-Ridgeway	SB 902-Lamping
SB 888-Ridgeway	SB 903-Lamping
SB 889-Lager	SB 904-Mayer
SB 890-Lager	SB 905-Mayer
SB 891-Lager	SB 906-Kraus
SB 892-Kraus	SB 907-Schaaf
SB 893-Kraus	SB 908-Kehoe
SB 894-Curls	SB 909-Cunningham, et al
SB 895-Curls	SB 910-Ridgeway
SB 896-Schaefer	SB 911-Ridgeway
SB 897-Schaefer	SB 912-McKenna and Green

HOUSE BILLS ON SECOND READING

HB 1104-Schoeller and Smith (150)	HCS for HB 1457
HB 1075-Sater	HB 1517-Nolte, et al
HB 1093-Elmer, et al	HCS for HJR 41
HB 1141-Gatschenberger, et al	HCS for HBs 1186 & 1147
HB 1156-Rowland, et al	HCS for HB 1308
HB 1179-Hampton, et al	HCS for HB 1442
HB 1185-Parkinson and Kelley (126)	HB 1131-Fisher
HB 1250-Ruzicka, et al	HB 1441-Fisher
HB 1251-Ruzicka	HJR 45-Solon, et al
HB 1269-Brattin, et al	HB 1318-Riddle, et al
HB 1103-Crawford and Wyatt	HCS for HB 1731
HB 1192-Koenig, et al	HCS for HB 1030
HB 1041-Thomson	HCS for HB 1139
HCS for HB 1059	HCS for HB 1106
HB 1107-Dugger, et al	HCS for HB 1174
HB 1112-Gosen	HB 1349-Jones (117), et al
HB 1128-Largent	HB 1114-Weter
HB 1188-Allen, et al	HB 1037-Dugger
HB 1347-Franz	HCS for HB 1072

THIRD READING OF SENATE BILLS

SS for SCS for SB 699-Goodman (In
Fiscal Oversight)

SENATE BILLS FOR PERFECTION

- | | |
|--------------------------------|--|
| 1. SB 711-Lamping, with SCS | 9. SB 689-Engler and Schmitt, with SCS |
| 2. SB 722-Lamping, with SCS | 10. SB 620-Rupp |
| 3. SB 726-Parson, with SCS | 11. SB 744-Wright-Jones, with SCS |
| 4. SB 623-Cunningham, with SCS | 12. SB 693-Crowell |
| 5. SB 569-Kraus, with SCS | 13. SB 650-Ridgeway |
| 6. SB 607-Stouffer | 14. SJR 48-Dixon |
| 7. SB 714-Lager, with SCS | 15. SJR 50-Curls |
| 8. SB 743-Brown | |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|---|--|
| SB 438-Mayer | SB 589-Kraus, with SCS (pending) |
| SB 439-Mayer, with SCS | SB 596-Brown, with SCS |
| SB 442-Stouffer, with SCS | SB 621-Brown, with SCS & SS for SCS
(pending) |
| SB 457-Schmitt, with SCS & SS for SCS
(pending) | SB 635-Pearce, with SCS |
| SB 465-Schaaf | SB 710-Engler, et al, with SCS, SS for
SCS & SA 1 (pending) |
| SB 474-Kraus, with SCS & SA 1 (pending) | SB 717-Stouffer |
| SB 479-Crowell | SB 727-Schaaf, with SS (pending) |
| SB 547-Purgason | SB 749-Lamping, with SS & SA 1 (pending) |
| SBs 553 & 435-Brown, with SCS, SS for
SCS & SA 1 (pending) | SJR 29-Lamping, with SS & SA 1 (pending) |
| SB 577-Goodman and Rupp, with SCS | SJR 37-Crowell |

SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 773-Parson, with HA 2 & HA 3

RESOLUTIONS

Reported from Committee

SCR 16-Stouffer
SCR 21-Pearce, et al

SCR 24-Stouffer

✓