

# Journal of the Senate

SECOND REGULAR SESSION

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**TWENTIETH DAY—WEDNESDAY, FEBRUARY 13, 2008**

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“The prayer of the righteous is powerful and effective.” (James 5:16)

Gracious Father, we thank You for the attentiveness You give to the prayers of Your people. We are fortified by knowing that we come before You with our request on behalf of others and You will listen. We pray that You provide us the persistence to remain faithful in our praying and in the work that flows from them. 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	Callahan	Champion	Clemens	Coleman	Crowell	Days	Dempsey
Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus	Kennedy
Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—31	

Absent—Senators—None

Absent with leave—Senators

Bartle	Bray	Koster—3
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Vacancies—None

The Lieutenant Governor was present.

**RESOLUTIONS**

On behalf of Senator Bray, Senator Coleman offered Senate Resolution No. 1818, regarding the Mid County Family YMCA, which was adopted.

Senator Rupp offered Senate Resolution No. 1819, regarding the Sixty-fourth Wedding Anniversary of John and Dorris Denny, O'Fallon, which was adopted.

Senator Rupp offered Senate Resolution No. 1820, regarding Daniel Robert "Dan" Zagaja, Lake St. Louis, which was adopted.

Senator Shoemyer offered Senate Resolution No. 1821, regarding The Glas(s)cock Family Society of the USA, which was adopted.

Senator Shoemyer offered Senate Resolution No. 1822, regarding The William W. McAfee Sr. Family Society of the USA, which was adopted.

Senators Goodman and Champion offered Senate Resolution No. 1823, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. John Breen Burk, Galena, which was adopted.

Senator Lager offered Senate Resolution No. 1824, regarding Lloyd Hansen, Hopkins, which was adopted.

Senator Lager offered Senate Resolution No. 1825, regarding Austin T. Kerns, Savannah, which was adopted.

Senator Lager offered Senate Resolution No. 1826, regarding Julian Gibson-Cornell, Maryville, which was adopted.

Senator Griesheimer offered Senate Resolution No. 1827, regarding Chiara Ogle, which was adopted.

Senator Griesheimer offered Senate Resolution No. 1828, regarding Ashley Cox, Saint Clair, which was adopted.

Senator Griesheimer offered Senate Resolution No. 1829, regarding Wynn Scheer, which was adopted.

Senator Griesheimer offered Senate Resolution No. 1830, regarding Michael Dixon, which was adopted.

Senator Griesheimer offered Senate Resolution No. 1831, regarding Benjamin Daniel Woodruff, Eureka, which was adopted.

Senator Griesheimer offered Senate Resolution No. 1832, regarding Joseph Richard Woodruff, Eureka, which was adopted.

Senator Crowell offered Senate Resolution No. 1833, regarding Annabelle Dianne Rhodes, Cape Girardeau, which was adopted.

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

**INTRODUCTION OF BILLS**

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

**SB 1131**—By Wilson.

An Act to repeal section 99.845, RSMo, and to enact in lieu thereof one new section relating to economic activity taxes for payment of tax increment financing projects.

**SB 1132**—By Days and Bray.

An Act to repeal sections 193.125 and 193.255, RSMo, and to enact in lieu thereof four new sections relating to adoption records.

**SB 1133**—By Ridgeway.

An Act to repeal section 304.130, RSMo, and to enact in lieu thereof one new section relating to the regulation of vehicular traffic by first class counties.

### **REPORTS OF STANDING COMMITTEES**

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SB 724**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

### **SENATE BILLS FOR PERFECTION**

**SB 935**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Ridgeway, **SB 747** and **SB 736**, with **SCS**, were placed on the Informal Calendar.

**SB 759**, with **SCS**, was placed on the Informal Calendar.

Senator Purgason moved that **SB 931**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 931**, entitled:

#### **SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 931**

An Act to amend chapter 267, RSMo, by adding thereto one new section relating to the national animal identification system.

Was taken up.

Senator Purgason moved that **SCS** for **SB 931** be adopted.

Senator Purgason offered **SS** for **SCS** for **SB 931**, entitled:

#### **SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 931**

An Act to amend chapter 267, RSMo, by adding thereto one new section relating to the national animal identification system.

Senator Purgason moved that **SS** for **SCS** for **SB 931** be adopted, which motion prevailed.

Senator Scott assumed the Chair.

On motion of Senator Purgason, **SS** for **SCS** for **SB 931** was declared perfected and ordered printed.

**SB 994**, with **SCS**, was placed on the Informal Calendar.

Senator Coleman moved that **SB 830**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 830**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 830

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to combat veterans.

Was taken up.

Senator Coleman moved that **SCS** for **SB 830** be adopted.

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

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 830, Page 1, Section 173.900, Line 10, by striking the word "All" and inserting in lieu thereof the following: "**Subject to appropriations, all public**"; and further amend said line, by inserting immediately after the word "education" the following: "**located in Missouri**".

Senator Shields moved that the above amendment be adopted.

At the request of Senator Shields, the above amendment was withdrawn.

Senator Coleman moved that **SCS** for **SB 830** be adopted, which motion prevailed.

On motion of Senator Coleman, **SCS** for **SB 830** was declared perfected and ordered printed.

**SB 726**, with **SCS**, was placed on the Informal Calendar.

Senator Crowell moved that **SB 994**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

**SCS** for **SB 994**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 994

An Act to repeal section 169.010, RSMo, and to enact in lieu thereof one new section relating to the public school retirement system of Missouri, with an emergency clause.

Was taken up.

Senator Crowell moved that **SCS** for **SB 994** be adopted, which motion prevailed.

On motion of Senator Crowell, **SCS** for **SB 994** was declared perfected and ordered printed.

Senator Kennedy moved that **SB 718**, with **SCS**, **SS** for **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 Rupp, **SA 1** was withdrawn.

Senator Rupp offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 718, Page 6, Section 32.105, Line 20 of said page, by inserting immediately after said line the following:

**“135.681. 1. The director of the department of economic development or the director's designee shall issue letter rulings regarding the tax credit program authorized under section 135.680, subject to the terms and conditions set forth in this section. The director of the department of economic development may impose additional terms and conditions consistent with this section to requests for letter rulings by regulation promulgated under chapter 536, RSMo. For the purposes of this section, the term “letter ruling” means a written interpretation of law to a specific set of facts provided by the applicant requesting a letter ruling.**

**2. The director or director's designee shall respond to a request for a letter ruling within sixty days of receipt of such request. The applicant may provide a draft letter ruling for the department's consideration. The applicant may withdraw the request for a letter ruling, in writing, prior to the issuance of the letter ruling. The director or the director's designee may refuse to issue a letter ruling for good cause, but must list the specific reasons for refusing to issue the letter ruling. Good cause includes, but is not limited to:**

**(1) The applicant requests the director to determine whether a statute is constitutional or a regulation is lawful;**

**(2) The request involves a hypothetical situation or alternative plans;**

**(3) The facts or issues presented in the request are unclear, overbroad, insufficient, or otherwise inappropriate as a basis upon which to issue a letter ruling; and**

**(4) The issue is currently being considered in a rulemaking procedure, contested case, or other agency or judicial proceeding that may definitely resolve the issue.**

**3. Letter rulings shall bind the director and the director's agents and their successors until such time as the taxpayer or its shareholders, members, or partners, as applicable, claim all of such tax credits on a Missouri tax return, subject to the terms and conditions set forth in properly published regulations. The letter ruling shall apply only to the applicant.**

**4. Letter rulings issued under the authority of this section shall not be a rule as defined in section 536.010, RSMo, in that it is an interpretation issued by the department with respect to a specific set of facts and intended to apply only to that specific set of facts, and therefore shall not be subject to the rulemaking requirements of chapter 536, RSMo.**

**5. Information in letter ruling requests as described in section 620.014, RSMo, shall be closed to the public. Copies of letter rulings shall be available to the public provided that the applicant identifying information and otherwise protected information is redacted from the letter ruling as provided in subsection 1 of section 610.024, RSMo.”; and**

Further amend the title and enacting clause accordingly.

Senator Rupp moved that the above amendment be adopted.

Senator Callahan offered SA 1 to SA 2:

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 718, Page 2, Section 135.681, Line 13, by inserting immediately after “3.” the following (1);

And further amend said page, same section, line 19 by inserting immediately after all of said line the following “(2) **If, at any time after the issuance of a letter under this section, the director determines that the taxpayer no longer qualifies for a tax credit under law, the director may withdraw the letter ruling and such letter ruling shall have no legal effect. In the event the director withdraws a letter ruling, such letter ruling shall not be admissible as evidence in a court proceeding for any purpose.**”

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

SA 2 was again taken up.

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

Senator Griesheimer offered SA 3, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 718, Pages 12-19, Section 620.495, by striking all of said section of the bill; and

Further amend the title and enacting clause accordingly.

Senator Griesheimer moved that the above amendment be adopted.

At the request of Senator Griesheimer, SA 3 was withdrawn.

Senator Engler offered SA 4:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 718, Page 18, Section 620.495, Line 10, by inserting immediately after the word “year” the following:

“, **provided that no less than twenty-five percent of the amount of tax credits issued annually under this section shall be issued for contributions benefitting small business incubators located in rural areas, as such term is defined under section 620.1878, RSMo**”.

Senator Engler moved that the above amendment be adopted.

At the request of Senator Kennedy, SB 718, with SCS, SS for SCS and SA 4 (pending), was placed on the Informal Calendar.

On motion of Senator Shields, the Senate recessed until 6:00 p.m.

**RECESS**

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

### HOUSE BILLS ON SECOND READING

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

**HB 2019**—Appropriations.

**HB 2020**—Appropriations.

### INTRODUCTIONS OF GUESTS

Senator Shoemyer introduced to the Senate, Cheryl Mack, Linda Stinson and members of the Mark Twain High School FCCLA, Center.

Senator Ridgeway introduced to the Senate, Kate Kresl, Amanda Hanson, Vicky Steele, Shelly Stotts, and Courtney Mace, Missouri Dental Hygiene Association.

On behalf of Senator Green and herself, Senator Coleman introduced to the Senate, Issac and Beverly Robinson, Florissant.

Senator Coleman introduced to the Senate, Mary Armstrong, Sheryl Davenport and Kelly Parks, St. Louis.

Senator Loudon introduced to the Senate, the Physician of the Day, Dr. Tad Berry, M.D., St. Louis.

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

### SENATE CALENDAR

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TWENTY-FIRST DAY—THURSDAY, FEBRUARY 14, 2008

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### FORMAL CALENDAR

### SECOND READING OF SENATE BILLS

SB 1089-Justus  
SB 1090-Bray  
SB 1091-Bray, et al  
SB 1092-Engler  
SB 1093-Loudon, et al  
SB 1094-Loudon  
SB 1095-Loudon  
SB 1096-Graham  
SB 1097-Graham  
SB 1098-Bray and Engler  
SB 1099-Graham  
SB 1100-Bray, et al  
SB 1101-Bray, et al

SB 1102-Bray  
SB 1103-Gibbons  
SB 1104-Kennedy and Smith  
SB 1105-Coleman  
SB 1106-Scott  
SB 1107-Scott, et al  
SB 1108-Scott  
SB 1109-Scott  
SB 1110-Clemens  
SB 1111-Clemens  
SB 1112-Clemens  
SB 1113-Bray, et al  
SB 1114-Bray

SB 1115-Bray, et al	SB 1125-Crowell
SB 1116-Days	SB 1126-Scott
SB 1117-Smith	SB 1127-Rupp and Crowell
SB 1118-Griesheimer	SB 1128-Bray, et al
SB 1119-Griesheimer	SB 1129-Coleman
SB 1120-Loudon	SB 1130-Stouffer
SB 1121-Loudon	SB 1131-Wilson
SB 1122-Ridgeway	SB 1132-Days and Bray
SB 1123-Loudon	SB 1133-Ridgeway
SB 1124-Loudon	

## HOUSE BILLS ON SECOND READING

HB 1661-LeVota, et al

## THIRD READING OF SENATE BILLS

SCS for SB 724-Scott, et al

## SENATE BILLS FOR PERFECTION

SBs 840 & 857-Engler, with SCS  
 SB 720-Coleman, with SCS

SBs 761 &amp; 774-Stouffer, with SCS

## INFORMAL CALENDAR

## SENATE BILLS FOR PERFECTION

SB 711-Gibbons, et al, with SCS  
 SB 718-Kennedy, with SCS, SS for SCS and  
 SA 4 (pending)  
 SB 726-Shields, with SCS

SBs 747 & 736-Ridgeway and Gibbons,  
 with SCS  
 SB 759-Stouffer, with SCS  
 SB 935-Greisheimer, et al, with SCS

## CONSENT CALENDAR

Senate Bills

Reported 2/7

SB 801-Ridgeway  
 SB 845-Rupp and Dempsey  
 SB 820-Rupp

SB 943-Clemens  
 SB 978-Griesheimer  
 SB 760-Stouffer, with SCS

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