

# SENATOR JIM LEMBKE

## 2009 LEGISLATIVE REPORT

*From the  
Desk of  
Senator Jim Lembke*



*State Capitol, Rm 428  
Jefferson City, MO 65101  
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Dear Friends,

The year 2009 will probably always be remembered as one in which the Missouri Senate faced tough obstacles. And we were able to meet those challenges with real solutions.

The budget was the centerpiece of our collective work during the First Regular Session of the 95th General Assembly. Even though the federal government is essentially requiring us to take their so-called stimulus dollars, I will continue to fight for the taxpayers.

Most importantly, I worked to cut wasteful spending at every turn. This is a fight I will continue to lead as long as I am a public servant.

We have more challenges to come and I will be here to listen to you, the citizens of the First Senatorial District.

*James W. Lembke*

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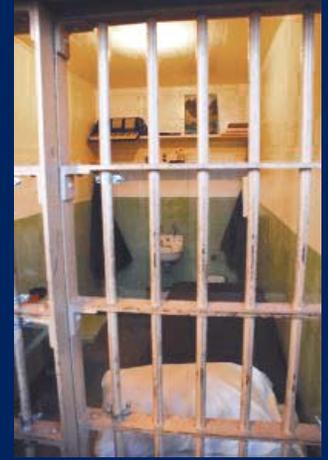
*Contact: How to Reach  
Senator Lembke*

## SB 435: Strengthening Sexual Predator Laws

For far too long, we have heard the horror stories of sexually violent predators taking steps to coerce victims into dropping charges or changing their testimony, allowing the accused to either receive a lighter sentence or walk away without being charged. This year, we in the Missouri Senate worked to end this long-standing practice.

Senate Bill 435 allows the Department of Mental Health (DMH) to work with county jails to confine sexually violent predators. These offenders will be housed separately from others in the jails. The current statute does not include the individuals

committed to the DMH as sexually violent predators. As a result, some of them have sought to contact victims to intimidate or coerce them into recanting their allegations so the predator could challenge his or her commitment. Some predators have sought to contact others to induce them to engage in predatory sexual conduct and report it back to the predator by mail.



The victims of these crimes have been through enough without having to be threatened again by the same perpetrator. While it was more difficult to keep tabs on sexually violent predators before, now the power is there to monitor them and ensure they don't try and get out of the sentence they deserve.

*“Senate Bill 435 will protect families and victims of sexual violence. By limiting outside contact between sexually violent predators and their victims, we’re helping to keep everybody in neighborhoods throughout Missouri safe.”*

— Senator Jim Lembke

## Reforming the Way Our Judges Are Chosen

I was honored to handle House Joint Resolution 10, which would have allowed a constitutional amendment to be written that would have increased the number of governor-appointed citizens serving on the Appellate Judicial Commission and the number of candidates nominated for vacancies.

Reforming the method by which a governor chooses new judges to serve on either the Missouri Court of Appeals or the Missouri Supreme Court has been a topic of interest for lawmakers for several years.

Too many lawyers are deciding who should be serving on Missouri's courts. These lawyers are picking their friends and law partners in an effort to steer court rulings and laws in their favor.

Had the resolution passed, the first changes to the Missouri Plan in over 30 years could have been implemented by Missouri voters, giving them the final say, not bureaucrats. To me, this makes a big difference.

*“I really had hoped for this to pass. The so-called non-partisan courts plan hasn't been touched for over 30 years. It's become outdated and abused by too many lawyers and judges for far too many years.”*

— Senator Jim Lembke

### Missouri's "Non-partisan" Courts Plan ("The Missouri Plan"):

- Adopted by voters in Missouri in 1940.
- Extended to St. Louis County judges in 1970.
- Further-amended in 1976.
- Appellate Judicial Commission makes selection for both the Appeals Courts and the MO Supreme Court.
- List of three judges, called "panel of judges," then goes to the governor.
- Governor then has to choose from selection list within 60 days.

# The 2010 Missouri Budget: Where Your Money Goes

This year, Missouri will spend over \$23 billion, with more than \$780 million coming from the federal government's "stimulus package." My goal is to cut wasteful spending, trim the budget and remind everybody in state government we have to live within our means.

## DISTRIBUTION OF EACH TAX DOLLAR

FY 2010 AFTER VETO MISSOURI OPERATING BUDGET

All Funds: \$23.087 Billion



I handled House Concurrent Resolution 5 in the Senate. The measure turned down pay raise recommendations made by the Missouri Citizens' Commission on Compensation for Elected Officials.

The commission recommended a \$1,500 annual pay raise to each of the state's associate judges and a cost-of-living adjustment (COLA) for judges, legislators and elected officials only if the Missouri General Assembly were to have approved the same COLA for state employees.

## SJR 5: Holding Assessors Accountable



Upon voter approval, Senate Joint Resolution 5 would require the assessor in St. Louis County to be elected, rather than appointed. Having an elected assessor tackles the problem of unfair assessments on the front end, ensuring the assessment process is more open, transparent and fair. The assessor's job should only be to fairly assess property and for those values to fairly reflect market conditions.

The status quo is unacceptable. We need an independent office that is accountable to voters. Too many counties and cities are using property taxes to boost revenues so they can spend more money each year at the expense of taxpayers, homeowners and our senior citizens. This trend must come to an end, and the only way to do this is to make county assessors answer to each and every taxpayer that they serve.

Specifically, SJR 5 would allow voters to decide on a measure requiring the St. Louis County assessor

to be elected. Assessors are elected in more than 100 other counties in the state, including nearby St. Charles County. A recent study by the University of Missouri-St. Louis Public Policy Research Center and the State Tax Commission pointed out that St. Charles County has the highest assessment accuracy in the state. Homeowners in St. Louis County deserve this opportunity to decide if the process that works for more than 100 counties across the state will work for them.

I believe voters will agree that homeowners will benefit from the accountability inherent in an elected position.

Senate Joint Resolution 5 would go into effect if the majority of voters approve the measure, which is expected to appear on the November 2010 ballot. This gives you the ultimate say.



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I was fortunate to see some of my key proposals passed during the First Regular Session of the 95th General Assembly.

We have had one of the most challenging years in our state's history. I am proud to say we in the Legislature have done everything we can to make Missouri more prosperous as we work toward the end of an economic downturn that has hit everyone.

My goal remains the same: cut waste and make sure government lives within its means. Missouri was basically forced to use the money that came from the federal government's so-called stimulus package. I wasn't pleased with this move on their part.

Now that we've started to receive the money, I want to see to it that the funding is spent properly, on one-time projects only. Getting money from the federal government should not be an automatic signal to start new programs and increase spending. I hope my colleagues understand this.

We have a lot of tough decisions to make in the next two or three years. Rest assured, I'll be on your side as we continue to address Missouri's economic future.

This will be a difficult mission and many sacrifices will have to be made by all of us.

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To follow the Missouri Senate,  
including Sen. Lembke's  
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[www.senate.mo.gov](http://www.senate.mo.gov)

*"My door is always open."*