

# Journal of the Senate

SECOND REGULAR SESSION

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**ELEVENTH DAY—WEDNESDAY, JANUARY 27, 2010**

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Walk in wisdom towards them that are without...Let your speech be always with grace.” (Colossians 4:5-6)

Gracious God, help us do our best at all times, to behave as You would have Your children, “who walk in wisdom” live. Help us that we might use our intelligence wisely, at every opportunity to effectively help those who are hurting and provide direction for those who are lost. May our behavior express warm hearts, kindly voices and an open hand and may our speech be endowed with grace for others to see and experience. 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	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Shoemyer offered Senate Resolution No. 1467, regarding Katie Walker, Hannibal, which was adopted.

Senator Shoemyer offered Senate Resolution No. 1468, regarding Shelbi Walker, Hannibal, which was adopted.

Senator Shoemyer offered Senate Resolution No. 1469, regarding Alyssa Zoe-Ann Epperson, Center, which was adopted.

Senator Shoemyer offered Senate Resolution No. 1470, regarding Audrey Ann Powell, New London, which was adopted.

Senator Champion offered Senate Resolution No. 1471, regarding Charles R. Slavens, Springfield, which was adopted.

Senator Mayer offered Senate Resolution No. 1472, regarding Mitchell Davis, Poplar Bluff, which was adopted.

Senator Lager offered Senate Resolution No. 1473, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Clay Dean Clevenger, Braymer, which was adopted.

Senator Lager offered Senate Resolution No. 1474, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Roland Barmann, Maryville, which was adopted.

Senator Lager offered Senate Resolution No. 1475, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Elic Riley, Elmo, which was adopted.

Senator Purgason offered Senate Resolution No. 1476, regarding the One Hundredth Birthday of Anna Mae Browning, Camdenton, which was adopted.

Senator Rupp offered Senate Resolution No. 1477, regarding Phyllis Cross, Troy, which was adopted.

Senator Rupp offered Senate Resolution No. 1478, regarding Pat Summerall, which was adopted.

Senator Rupp offered Senate Resolution No. 1479, regarding Joe Witte, Troy, which was adopted.

Senator Stouffer offered Senate Resolution No. 1480, regarding Ean Daniel Wilson, Odessa, which was adopted.

Senator Ridgeway offered Senate Resolution No. 1481, regarding Andrew Ryan Matheney, which was adopted.

Senator Ridgeway offered Senate Resolution No. 1482, regarding Brent Michael Zuraff, which was adopted.

Senator Ridgeway offered Senate Resolution No. 1483, regarding Nicholas Allen Frankenfield, which was adopted.

Senator Ridgeway offered Senate Resolution No. 1484, regarding Cody Nelson Auffert, which was adopted.

Senator Ridgeway offered Senate Resolution No. 1485, regarding Preston Alexander Owen, which was adopted.

Senator Vogel offered Senate Resolution No. 1486, regarding Miriam Moseley, Jefferson City, which was adopted.

Senator Vogel offered Senate Resolution No. 1487, regarding the Capital Area American Red Cross, Jefferson City, which was adopted.

Senator Clemens offered Senate Resolution No. 1488, regarding the 2009 National Champion FFA Floriculture Team, Marshfield High School, which was adopted.

Senator Rupp offered Senate Resolution No. 1489, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Roger Tiesing, Troy, which was adopted.

Senator Griesheimer requested unanimous consent of the Senate to allow Franklin County Sheriff, Gary Toelke, to enter the Senate Chamber with a side arm, which request was granted.

Senator Stouffer assumed the Chair.

### **INTRODUCTION OF BILLS**

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

**SB 836**—By Justus.

An Act to repeal sections 302.309, 478.003, 478.009, 479.010, 577.010, 577.012, 577.023, and 577.041, RSMo, and to enact in lieu thereof eleven new sections relating to intoxication-related offenses, with penalty provisions.

**SB 837**—By Rupp.

An Act to repeal sections 302.220 and 302.230, RSMo, and to enact in lieu thereof three new sections relating to fraudulent transactions involving motor vehicle documents, with penalty provisions.

**SB 838**—By Rupp.

An Act to repeal sections 160.400, 160.405, 160.410, 160.415, and 160.420, RSMo, and to enact in lieu thereof five new sections relating to charter schools.

**SB 839**—By Wright-Jones.

An Act to repeal section 313.812, RSMo, and to enact in lieu thereof one new section relating to the imposition of penalties on holders of gaming licenses.

**SB 840**—By Schmitt.

An Act to amend chapter 620, RSMo, by adding thereto one new section relating to tax incentives to attract sporting events to Missouri.

**SB 841**—By Schmitt.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to memorial highway designations.

**SB 842**—By Schmitt.

An Act to repeal section 208.215, RSMo, and to enact in lieu thereof one new section relating to the MO HealthNet division's authority to collect from third-party payors.

**SB 843**—By Shoemyer, Barnitz and Griesheimer.

An Act to repeal sections 135.010 and 135.025, RSMo, and to enact in lieu thereof two new sections relating to the property tax credit.

**SB 844**—By Shields.

An Act to amend chapter 37, RSMo, by adding thereto one new section relating to contracts for purchasing, printing, and services for statewide elected officials.

**SB 845**—By Barnitz.

An Act to repeal sections 115.279, 115.281, 115.287, 115.291, and 115.292, RSMo, and to enact in lieu thereof seven new sections relating to uniformed and overseas voters.

**SB 846**—By Barnitz.

An Act to repeal sections 447.503 and 447.559, RSMo, and to enact in lieu thereof two new sections relating to lost and unclaimed property.

**SB 847**—By Barnitz.

An Act to repeal sections 115.287 and 115.293, RSMo, and to enact in lieu thereof two new sections relating to delivery and counting of absentee ballots.

**SJR 40**—By Goodman.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article I of the Constitution of Missouri, and adopting one new section in lieu thereof relating to guaranteeing the right to vote by secret ballot.

**SJR 41**—By Lembke.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article I of the Constitution of Missouri, and adopting one new section in lieu thereof relating to guaranteeing the right to vote by secret ballot.

Senator Lembke requested unanimous consent of the Senate to withdraw **SJR 41**, which request was granted.

## REPORTS OF STANDING COMMITTEES

Senator Engler, 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 were referred **SCR 35** and **SCR 32**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

### 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.

WHEREAS, the State Tax Commission is required pursuant to section 137.021 of the Revised Statutes of Missouri to biannually promulgate by regulation a value based upon productive capability for each grade of agricultural and horticultural land; 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 proposed amendment to 12 CSR 30-4.010 increases the values of various agricultural land grades beyond the level which the General Assembly considers to be fair and reasonable; and

WHEREAS, section 137.021 of the Revised Statutes of Missouri permits the General Assembly to disapprove, within the first sixty days of the regular session, the promulgated agricultural values:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-fifth General Assembly, Second Regular Session, the House of Representatives concurring therein, that the members of the General Assembly disapprove of the new agricultural land productive values contained in the proposed amendment to 12 CSR 30-4.010 and that the State Tax Commission shall continue to use values set forth in the most recent preceding regulation promulgated under section 137.021 of the Revised Statutes of Missouri; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for Governor Jay Nixon and the Missouri State Tax Commission.

### **INTRODUCTIONS OF GUESTS**

Senator Justus introduced to the Senate, Carol Hallquist, Kahtia Bobo and Sister Berta Sailer, Kansas City.

Senator Clemens introduced to the Senate, the Physician of the Day, Dr. John Lilly, M.D., Willard.

Senator Clemens introduced to the Senate, Sarah Greek and her brother, Stephen, Gentryville; and Stephen was made an honorary page.

Senator Nodler introduced to the Senate, Brian and Amy Carpenter, Joplin.

Senator Schaefer introduced to the Senate, Nidhi Khurana, Columbia; and Nidhi was made an honorary page.

Senator Griesheimer introduced to the Senate, Sheriff Gary Toelke, Franklin County.

Senator Lager introduced to the Senate, members of the Class 2A State Champion Maryville High School football team.

Senator Shoemyer introduced to the Senate, Crystal and Mary Short, Hannibal.

Senator Scott introduced to the Senate, Michael Dublin, Bolivar.

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

### **SENATE CALENDAR**

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**TWELFTH DAY—THURSDAY, JANUARY 28, 2010**

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### **FORMAL CALENDAR**

### **SECOND READING OF SENATE BILLS**

SB 816-Lembke  
SB 817-Lembke

SB 818-Lembke  
SB 819-Lembke

SB 820-McKenna	SB 836-Justus
SB 821-Nodler, et al	SB 837-Rupp
SB 822-Keaveny	SB 838-Rupp
SB 823-Ridgeway	SB 839-Wright-Jones
SB 824-Clemens	SB 840-Schmitt
SB 825-Clemens	SB 841-Schmitt
SB 826-Griesheimer	SB 842-Schmitt
SB 827-Schaefer	SB 843-Shoemyer, et al
SB 828-Schaefer	SB 844-Shields
SB 829-Schaefer	SB 845-Barnitz
SB 830-Schaefer	SB 846-Barnitz
SB 831-Schaefer	SB 847-Barnitz
SB 832-Dempsey	SJR 38-Ridgeway
SB 833-Goodman	SJR 39-Crowell
SB 834-Rupp	SJR 40-Goodman
SB 835-Rupp and Keaveny	

## INFORMAL CALENDAR

## RESOLUTIONS

Reported from Committee

SCRs 35 &amp; 32-Stouffer, et al, with SCS

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