

Journal of the Senate

SECOND REGULAR SESSION

TWENTY-FIRST DAY—MONDAY, FEBRUARY 15, 2010

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“I am a firm believer in the people. If given the truth, they can be depended upon to meet any national crises. The great point is to bring them the real facts.” (Abraham Lincoln)

Gracious God, as we begin another busy week we pray that we will continue to invite the people into our discussion, to learn from them and help them see the real facts which we have to deal. As we celebrate this Presidents’ Day help us to continue to learn from the wisdom of those who have gone before us and learning from history not make repeated mistakes but venture into new possibilities based on learned realities. 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, February 11, 2010 was read and approved.

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

Present—Senators

Barnitz	Bartle	Bray	Callahan	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 Champion—1

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Days offered Senate Resolution No. 1627, regarding Patti LaBelle, which was adopted.

Senator Griesheimer offered Senate Resolution No. 1628, regarding Abigail Noelke, Washington, which was adopted.

Senator Griesheimer offered Senate Resolution No. 1629, regarding Jordan Klein, Wildwood, which was adopted.

Senator Griesheimer offered Senate Resolution No. 1630, regarding Sarah Peats, Washington, which was adopted.

Senator Crowell offered Senate Resolution No. 1631, regarding the Fortieth Wedding Anniversary of Mr. and Mrs. Robert Aufdenberg, Jackson, which was adopted.

Senator Crowell offered Senate Resolution No. 1632, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Don Hanscom, Jackson, which was adopted.

Senator Crowell offered Senate Resolution No. 1633, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Dean Sullinger, Chaffee, which was adopted.

Senator Barnitz offered Senate Resolution No. 1634, regarding the River Trails District of the Ozark Trails Council, which was adopted.

Senator Bartle offered Senate Resolution No. 1635, regarding Alexander David Wood, Lee's Summit, which was adopted.

Senator Shoemyer offered Senate Resolution No. 1636, regarding Matthew Karr, Hannibal, which was adopted.

Senator Pearce offered Senate Resolution No. 1637, regarding Jan Smith, Warrensburg, which was adopted.

Senator Griesheimer offered Senate Resolution No. 1638, regarding Devon Mark Goforth, St. Clair, which was adopted.

Senator Engler offered Senate Resolution No. 1639, regarding the 2009 District Champion East Carter R-II High School softball program, which was adopted.

CONCURRENT RESOLUTIONS

Senator Shields offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 48

WHEREAS, the Council of State Governments is a nonpartisan, nonprofit organization which forecasts policy trends for the community of states, commonwealths, and territories on a national and regional basis; and

WHEREAS, the Council of State Governments serves executive, judicial, and legislative branches of state government through leadership education, research, and information services; and

WHEREAS, the Council of State Governments currently comprises four regions, including the Eastern Region, Midwestern Region, Southern Region, and Western Region; and

WHEREAS, the state of Missouri is currently a member of the Southern Region of the Council of State Governments; and

WHEREAS, the council's unique structure focuses on the needs and special concerns of the four regions of the United States; and

WHEREAS, as a member of the Southern Region of the Council of State Governments, the state of Missouri has been honored to work

with the states of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia and West Virginia; and

WHEREAS, since the state of Missouri is physically located in the center of the United States in the region commonly known as the "Midwest", it would be more appropriate for the state to be a member of the Midwestern Region of the Council of State Governments:

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, hereby petition the Council of State Governments to remove the State of Missouri's membership from the Southern Region of the Council and place this state's membership into the Midwestern Council of State Governments; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Governor Mike Rounds of North Dakota, President of the Council of State Governments; Senator David L. Williams of Kentucky, Chair of the Council of State Governments; Colleen Cousineau, Executive Director of the Southern Legislative Conference of the Council of State Governments; and Michael H. McCabe, Director of the Midwestern Region of the Council of State Governments.

INTRODUCTION OF BILLS

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

SB 939—By Barnitz and Mayer.

An Act to repeal section 173.1003, RSMo, and to enact in lieu thereof one new section relating to the consumer price index used to measure tuition rates for public institutions for higher education.

SB 940—By Pearce.

An Act to repeal sections 313.010, 313.015, 313.040, 313.045, 313.050, and 313.057, RSMo, and to enact in lieu thereof six new sections relating to bingo, with penalty provisions.

SB 941—By Clemens.

An Act to repeal sections 306.109, 306.127, and 306.903, RSMo, and to enact in lieu thereof three new sections relating to watercraft regulations, with penalty provisions.

SB 942—By Rupp.

An Act to amend chapter 71, RSMo, by adding thereto one new section relating to research park annexation.

SB 943—By Shields.

An Act to amend chapter 163, RSMo, by adding thereto one new section relating to state funding for elementary and secondary education.

SB 944—By Shields.

An Act to repeal section 144.030, RSMo, and to enact in lieu thereof one new section relating to a state and local sales tax exemption for gratuities.

SB 945—By Bray.

An Act to repeal section 630.220, RSMo, and to enact in lieu thereof one new section relating to court actions by the department of mental health.

SB 946—By Bray, Days, Wright-Jones and Justus.

An Act to repeal section 160.775, RSMo, and to enact in lieu thereof one new section relating to school safety.

Senator Griesheimer assumed the Chair.

SENATE BILLS FOR PERFECTION

At the request of Senator Crowell, **SB 738**, with **SCS**, was placed on the Informal Calendar. Senator Callahan moved that **SB 596**, with **SCS**, be taken up for perfection, which motion prevailed. **SCS** for **SB 596**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 596

An Act to amend chapter 99, RSMo, by adding thereto six new sections relating to show-me small business districts, with a contingent effective date.

Was taken up.

Senator Callahan moved that **SCS** for **SB 596** be adopted.

At the request of Senator Callahan, **SB 596**, with **SCS** (pending), was placed on the Informal Calendar. Senator Callahan moved that **SJR 22** be taken up for perfection, which motion prevailed.

At the request of Senator Callahan, **SJR 22** was placed on the Informal Calendar.

At the request of Senator Wright-Jones, **SB 839**, with **SCS**, was placed on the Informal Calendar. Senator Shields moved that **SB 644**, with **SCS**, be taken up for perfection, which motion prevailed. **SCS** for **SB 644**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 644

An Act to repeal sections 67.1000, 67.1361, and 70.220, RSMo, and to enact in lieu thereof three new sections relating to taxes to fund tourism and convention centers.

Was taken up.

Senator Shields moved that **SCS** for **SB 644** be adopted, which motion prevailed.

On motion of Senator Shields, **SCS** for **SB 644** was declared perfected and ordered printed. Senator Nodler moved that **SB 588**, with **SCS**, be taken up for perfection, which motion prevailed. **SCS** for **SB 588**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 588

An Act to repeal sections 137.180 and 137.355, RSMo, and to enact in lieu thereof two new sections relating to projected property tax liability notices for certain counties.

Was taken up.

Senator Nodler moved that **SCS** for **SB 588** be adopted.

Senator Nodler offered **SS** for **SCS** for **SB 588**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 588

An Act to repeal sections 137.180 and 137.355, RSMo, and to enact in lieu thereof two new sections relating to projected property tax liability notices for certain counties.

Senator Nodler moved that **SS** for **SCS** for **SB 588** be adopted, which motion prevailed.

On motion of Senator Nodler, **SS** for **SCS** for **SB 588** was declared perfected and ordered printed.

Senator Shields moved that **SB 578** be taken up for perfection, which motion prevailed.

Senator Shields offered **SS** for **SB 578**, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 578

An Act to repeal sections 68.025, 68.035, 68.040, and 68.070, RSMo, and to enact in lieu thereof eighteen new sections relating to port authorities.

Senator Shields moved that **SS** for **SB 578** be adopted.

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

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 578, Page 31, Section 68.255, Line 23 of said page, by inserting immediately after said line the following:

“68.259. Notwithstanding the provisions of section 1.140 to the contrary, the provisions of sections 68.025, 68.035, 68.040, 68.057, 68.070, 68.200, 68.205, 68.210, 68.215, 68.220, 68.225, 68.230, 68.235, 68.240, 68.245, 68.250, 68.255, and 68.260 as contained in this act shall be nonseverable, and if any provision is for any reason held to be invalid, such decision shall invalidate all of the remaining provisions of sections 68.025, 68.035, 68.040, 68.057, 68.070, 68.200, 68.205, 68.210, 68.215, 68.220, 68.225, 68.230, 68.235, 68.240, 68.245, 68.250, 68.255, and 68.260 as contained in this act.”; and

Further amend the title and enacting clause accordingly.

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

Senator Ridgeway offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 578, Page 16, Section 68.210, Line 18 of said page, by inserting after all of said line the following:

“3. Notwithstanding the provisions of sections 68.200 to 68.260 to the contrary, a port authority located within any county of the first classification with more than one hundred eighty-four thousand but fewer than one hundred eighty-eight thousand inhabitants shall not have the authority to establish any port improvement district within its port district boundaries.”

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

Senator Shields moved that **SS** for **SB 578**, as amended, be adopted, which motion prevailed.

On motion of Senator Shields, **SS** for **SB 578**, as amended, was declared perfected and ordered printed. Senator Dempsey assumed the Chair.

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 adopted **HCR 38**.

HOUSE CONCURRENT RESOLUTION NO. 38

Whereas, unfunded federal mandates place unreasonable demands on limited state resources; and

Whereas, the federal government has continuously exhibited a lack of understanding and regard to states who are required by their respective constitutions to balance spending with resources; and

Whereas, the continuous imposition of these mandates will place the State of Missouri in a position of either funding federal requirements with limited resources, thus causing reductions to other state services, or they will impede the state from drawing down federal funds for currently enacted programs:

Now, therefore, be it resolved that the members of the House of Representatives of the Ninety-fifth General Assembly, Second Regular Session, the Senate concurring therein, hereby urgently request the United States Congress to cease and desist from imposing continuous unfunded mandates on states; and

Be it further resolved that the General Assembly urgently requests that the Governor of the State of Missouri and the Missouri Congressional delegation resist continued funding requirements for the Missouri budget; and

Be it further resolved that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for President Barack Obama, Vice President Joe Biden, the Speaker of the United States House of Representatives, the Majority Leader of the United States Senate, Governor Jay Nixon, and each member of the Missouri Congressional delegation.

In which the concurrence of the Senate is respectfully requested.

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 1497**, entitled:

An Act to repeal sections 28.190, 29.280, 30.060, 30.070, 30.080, 105.030, 105.040, and 105.050, RSMo, and to enact in lieu thereof nine new sections relating to vacancies in certain statewide offices.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

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 was referred **SS** for **SCS** for **SB 580**, 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.

REFERRALS

President Pro Tem Shields referred **SS** for **SCS** for **SB 580** to the Committee on Governmental Accountability and Fiscal Oversight.

President Pro Tem Shields referred **SCR 47** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

SENATE BILLS FOR PERFECTION

Senator Griesheimer moved that **SB 581** be taken up for perfection, which motion prevailed.

On motion of Senator Griesheimer, **SB 581** was declared perfected and ordered printed.

HOUSE BILLS ON SECOND READING

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

HB 1442—Ways and Means.

HCS for **HB 1540**—Judiciary and Civil and Criminal Jurisprudence.

COMMUNICATIONS

Senator Crowell submitted the following:

February 15, 2010

Ms. Terry Spieler
Secretary of Senate
State Capitol Building – Room 325
Jefferson City, Missouri 65101

Dear Madame Secretary:

I respectfully request that the following bills be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

SB629 - Establishes the Missouri Healthy Workplace Recognition Program;

SB686 - Allows each party to an appeal before the state tax commission one change of hearing officer;

SB687 - Requires official motor vehicle inspection and emission stations to have liability insurance to cover any possible damages to a vehicle during an inspection;

SB716 - Allows the Department of Revenue to issue special event motor vehicle licenses to applicants auctioning certain vehicles;

SB736 - Modifies provisions of law regarding the collection of taxes;

SB758 - Requires notes, bonds, and other instruments in writing issued by the bi-state development agency to mature not more than forty years from the date of issuance, rather than thirty years;

SB767 - Removes the restriction on certain counties using a court fee for courtroom renovation and technology;

SB773 - Allows owners of automated teller machines to charge access fees to those with bank accounts in foreign countries;

SB824 - Authorizes the state veterinarian to restrict the movement of animals or birds under investigation for carrying a toxin

Thank you.

Sincerely,
/s/ Jason G. Crowell
Jason G. Crowell
State Senator

INTRODUCTIONS OF GUESTS

Senator Vogel introduced to the Senate, Zachary Jones, Jefferson City; and Zachary was made an honorary page.

Senator Goodman introduced to the Senate, his son, Jack Elliott Goodman, Mt. Vernon; and Jack Elliott was made an honorary page.

Senator Lembke introduced to the Senate, Scout Leader Mark Goforth and Eagle Scouts Nick Martin and Devon Goforth, Troop 721, Gravois Trail District; and Beth and Mark Wilding, St. Louis.

Senator Wright-Jones introduced to the Senate, Mayor Francis Slay and former State Senator Maida Coleman, St. Louis; and Women of Delta Sigma Theta Sorority, Inc.

Senator Stouffer introduced to the Senate, representatives of 4-H Legislative Academy.

Senator Scott introduced to the Senate, his grandson, Landon Scott, Columbia; and Landon was made an honorary page.

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

SENATE CALENDAR

TWENTY-SECOND DAY—TUESDAY, FEBRUARY 16, 2010

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 934-Griesheimer	SB 941-Clemens
SB 935-Griesheimer	SB 942-Rupp
SB 936-Pearce	SB 943-Shields
SB 937-Justus	SB 944-Shields
SB 938-Justus	SB 945-Bray
SB 939-Barnitz and Mayer	SB 946-Bray, et al
SB 940-Pearce	

HOUSE BILLS ON SECOND READING

HCS for HB 1377	HCS for HB 1497
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THIRD READING OF SENATE BILLS

SS for SB 618-Rupp (In Fiscal Oversight)	SS for SCS for SB 580-Griesheimer (In Fiscal Oversight)
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SENATE BILLS FOR PERFECTION

1. SB 670-Justus	2. SB 594-Days, with SCS
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| 3. SB 693-Wilson | 8. SJR 33-Bartle |
| 4. SB 627-Justus | 9. SB 806-Bartle |
| 5. SB 616-Goodman, with SCS | 10. SJR 31-Scott |
| 6. SB 779-Bartle | 11. SB 579-Shields, with SCS |
| 7. SJR 20-Bartle | 12. SB 621-Lager |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

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| SB 577-Shields, with SCS, SS for SCS,
SA 3 & SSA 1 for SA 3 (pending) | SB 738-Crowell, with SCS |
| SB 596-Callahan, with SCS (pending) | SB 839-Wright-Jones, with SCS |
| SBs 607, 602, 615 & 725-Stouffer, with
SCS & SA 1 (pending) | SJR 22-Callahan |

CONSENT CALENDAR

Senate Bills

Reported 2/4

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| SB 753-Dempsey | SB 649-Days and Wright-Jones |
| SB 669-Justus | SB 804-Schmitt |
| SB 668-Justus | |

Reported 2/11

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| SB 772-Scott, with SCS | SB 771-Scott |
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RESOLUTIONS

Reported from Committee

SCR 42-Bray, with SCA 1

To be Referred

SCR 48-Shields	HCR 38-Icet, et al
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