

Journal of the Senate

SECOND REGULAR SESSION

FIFTY-SECOND DAY—WEDNESDAY, APRIL 11, 2012

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Better light work that takes a long time than a hard job that is quickly done.” (Sayings of the Desert Fathers)

Almighty God, we acknowledge that there is much to do and we thank You for allowing us to do what must be done. Help us take what time is needed to accomplish a good thing and to rejoice in our working together for that is what You would have us do. Help us pray for one another so we might draw closer to one another and distances between us diminish. And help us trust in You so we may learn to trust one another in doing what is right for all of us. 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

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
Wasson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Parson offered Senate Resolution No. 1846, regarding the One Hundredth Anniversary of Horace Mann Elementary School, Sedalia, which was adopted.

Senator Dempsey offered Senate Resolution No. 1847, regarding Ameristar Casino, Saint Charles, which was adopted.

Senator Curls offered Senate Resolution No. 1848, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Edward Charles Rambo, which was adopted.

Senator Crowell offered Senate Resolution No. 1849, regarding Deidre Hartmann, Jackson, which was adopted.

Senator Crowell offered Senate Resolution No. 1850, regarding Julie Vangilder, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 1851, regarding Roseann Bruns, which was adopted.

Senator Crowell offered Senate Resolution No. 1852, regarding Anne Brown, Gordonville, which was adopted.

Senator Crowell offered Senate Resolution No. 1853, regarding Dan Burkemper, which was adopted.

Senator Crowell offered Senate Resolution No. 1854, regarding Mr. and Mrs. Michael Ray Uhrhan, which was adopted.

Senator Brown offered Senate Resolution No. 1855, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Raymond Underwood, Salem, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Stouffer moved that **SB 576**, with **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SCS for **SB 576** was again taken up.

Senator Stouffer offered **SS** for **SCS** for **SB 576**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 576

An Act to repeal sections 29.205, 160.400, 160.405, 160.410, 160.415, and 160.420, RSMo, and to enact in lieu thereof nine new sections relating to charter schools.

Senator Stouffer moved that **SS** for **SCS** for **SB 576** be adopted.

Senator Pearce assumed the Chair.

Senator Kehoe assumed the Chair.

Senator Chappelle-Nadal offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 576, Page 2, Section

160.400, Lines 25-26, by striking the following: “thirty-five” and inserting in lieu thereof the following: “**twenty-five**”.

Senator Chappelle-Nadal moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Callahan, Justus, Schaaf and Stouffer.

SA 1 failed of adoption by the following vote:

YEAS—Senators

Chappelle-Nadal Green Justus McKenna Wright-Jones—5

NAYS—Senators

Callahan	Crowell	Cunningham	Curls	Dempsey	Dixon	Engler	Goodman
Keaveny	Kehoe	Lager	Lamping	Lembke	Mayer	Munzlinger	Nieves
Parson	Pearce	Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer
Schmitt	Stouffer	Wasson—27					

Absent—Senators

Brown Kraus—2

Absent with leave—Senators—None

Vacancies—None

Senator Chappelle-Nadal offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 576, Page 40, Section 160.415, Lines 20-21, by striking the following: “or its designee”.

Senator Chappelle-Nadal moved that the above amendment be adopted, which motion failed.

Senator Chappelle-Nadal offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 576, Page 30, Section 160.405, Line 5, by striking the following: “shall” and inserting in lieu thereof the following: “**may**”.

Senator Chappelle-Nadal moved that the above amendment be adopted, which motion failed.

Senator Chappelle-Nadal offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 576, Page 33, Section 160.410, Lines 3-4, by striking the following: “Charter schools may limit admission based on gender only when the school is a single-gender school.”.

Senator Chappelle-Nadal moved that the above amendment be adopted, which motion failed.

Senator Pearce assumed the Chair.

Senator Schaaf assumed the Chair.

Senator Stouffer moved that **SS** for **SCS** for **SB 576** be adopted, which motion prevailed.

On motion of Senator Stouffer, **SS** for **SCS** for **SB 576** was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Dempsey, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SB 742**; **SB 804**; **SB 668**; and **SB 628**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

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 7**.

HOUSE CONCURRENT RESOLUTION NO. 7

WHEREAS, the Tenth Amendment to the Constitution of the United States reads as follows: “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people”; and

WHEREAS, the Tenth Amendment defines the total scope of federal power as being that specifically granted by the Constitution of the United States and no more; and

WHEREAS, the scope of power defined by the Tenth Amendment means that the federal government was created by the states specifically to be an agent of the states; and

WHEREAS, today, in 2012, the states are demonstrably treated as agents of the federal government; and

WHEREAS, many federal mandates are directly in violation of the Tenth Amendment to the Constitution of the United States; and

WHEREAS, the United States Supreme Court has ruled in *New York v. United States*, 112 S. Ct. 2408 (1992), that Congress may not simply commandeer the legislative and regulatory processes of the states; and

WHEREAS, a number of proposals from previous administrations and some now pending from the present administration and from Congress may further violate the Constitution of the United States:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri House of Representatives, Ninety-sixth General Assembly, Second Regular Session, the Senate concurring therein, hereby claims sovereignty for the State of Missouri under the Tenth Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by the Constitution of the United States; and

BE IT FURTHER RESOLVED that this resolution shall serve as a notice and demand to the federal government, as our agent, to cease and desist, effective immediately, mandates that are beyond the scope of these constitutionally-delegated powers; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the Speaker of the House and President of the Senate of each state’s legislature of the United States of America, 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 adopted **HCR 31**.

HOUSE CONCURRENT RESOLUTION NO. 31

WHEREAS, the United States Corps of Engineers' five-year study of the Upper Mississippi River Basin, which is everything north of Cairo, Illinois, failed to produce a plan for flood control acceptable to all stakeholders; and

WHEREAS, the Mississippi River Commission did recommend Plan H to the United States Congress; and

WHEREAS, the Corps of Engineers has not recommended this plan to the United States Congress, citing the expense of the construction of 500-year levees along these rivers, estimated to be \$6 billion, does not meet current cost-benefit guidelines for federal funding; and

WHEREAS, the Corps of Engineers additionally determined a need for better data based upon new hydrology and flow studies and the need to study tributaries of the Mississippi River; and

WHEREAS, the Corps of Engineers indicated that ramifications of the additional 500-year levees and their potential to cause additional flooding would need to be determined, and affected populations and communities informed and advised of the potential impact; and

WHEREAS, the affected counties include the Missouri counties of Lincoln, Pike, and St. Charles; and

WHEREAS, Plan H designates only about half of the levees in the Missouri counties of Lincoln, Pike, and St. Charles be raised, while to the north a higher percentage of 500-year levees are recommended for both sides of the river; and

WHEREAS, the stakeholders in the Missouri counties of Lincoln, Pike, and St. Charles desire the protections provided by the 500-year levees; and

WHEREAS, the proposed Plan H, if implemented, denies the benefits of 500-year levees to those making a living along the Mississippi River, negatively impacting agriculture, transportation, businesses, industries, tourism, hunting, fishing, boating, infrastructure, and residences; and

WHEREAS, over 6,500 citizens have signed petitions opposing the proposed Plan H; and

WHEREAS, the Upper Mississippi River Basin should receive funding comparable to funding for the Southern Mississippi River Basin from Cairo, Illinois, to New Orleans, Louisiana:

NOW THEREFORE BE IT RESOLVED that the members of the House of Representatives of the Ninety-sixth General Assembly, Second Regular Session, the Senate concurring therein, hereby strongly urge the United States Congress to support a comprehensive plan for the Upper Mississippi River Basin that enhances system-wide flood control without creating adverse impacts on existing levees, levee districts, rural communities, and metropolitan areas. The plan should be based on analysis that quantifies the impacts of enhanced flood control measures and acknowledges the importance of keeping agricultural land in production. The proposed Plan H making the Missouri counties of Lincoln, Pike, and St. Charles the lowest points on the Mississippi River levee system is totally unacceptable and we ask the Missouri Congressional delegation to oppose this plan; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copies of this resolution for 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 adopted **HCR 36**.

HOUSE CONCURRENT RESOLUTION NO. 36

WHEREAS, the states of Missouri and Israel share a deep and abiding friendship; and

WHEREAS, Missouri's own President Harry S Truman announced on May 14, 1948, that the United States would become the first country to recognize the new Nation of Israel; and

WHEREAS, from its very founding, democracy has been the cornerstone of the State of Israel; and

WHEREAS, since its establishment, Israel has fulfilled the dreams of its founders who evidence a vigorous, open, and stable democracy; and

WHEREAS, Israel is deeply committed to maintaining its vigorous democratic society; and

WHEREAS, the State of Israel and the United States share democratic values and ideals, and fundamental strategic interests in promoting

regional freedom and stability; and

WHEREAS, the ongoing commitment of Israel to the democratic ideals of freedom and pluralism has been unswerving, and is a commitment that Israel shares with the United States:

NOW THEREFORE BE IT RESOLVED that the members of the House of Representatives of the Ninety-sixth General Assembly, Second Regular Session, the Senate concurring therein, hereby:

- (1) Express their respect and admiration for the people of Israel;
- (2) Commend the people of Israel for their dedication to democratic ideals - a dedication made manifest through 64 years since the establishment of the state;
- (3) Affirm the shared values and commitment to freedom and democracy which bind the United States-Israel relationship;
- (4) Reaffirm the importance of projects of mutual economic benefit, which include improved trade, technology development, science, agriculture; and tourism; 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 the Prime Minister of Israel, Benjamin Netanyahu, and the Missouri Department of Economic Development.

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 adopted **HCR 42**.

HOUSE CONCURRENT RESOLUTION NO. 42

WHEREAS, Missouri needs a foundational, centralized, guiding document that clarifies the state's interpretation of existing laws and practices relating to educating children who are deaf and hard of hearing; and

WHEREAS, Missouri needs to clarify standard educational principles for educators and administrators, and to provide ongoing direction to policymakers so that children who are deaf and hard of hearing will not be left behind in our educational system; and

WHEREAS, deaf and hard of hearing children have the same right and potential to become as independent and self-actualizing as their hearing peers:

NOW THEREFORE BE IT RESOLVED that the members of the House of Representatives of the Ninety-sixth General Assembly, Second Regular Session, the Senate concurring therein, hereby endorse the "Deaf and Hard of Hearing Children's Bill of Rights" as follows:

- (1) Children who are deaf or hard of hearing are entitled to appropriate screening and assessment of hearing capabilities, communication, and language needs at the earliest possible age and to the continuation of screening services throughout the educational experience;
- (2) Children who are deaf or hard of hearing are entitled to early intervention to provide for acquisition of solid language bases developed at the earliest possible age;
- (3) Children who are deaf or hard of hearing are entitled to their parents' or guardians' full and informed participation in their educational planning;
- (4) Children who are deaf or hard of hearing benefit from interaction with adult role models who are deaf or hard of hearing;
- (5) Children who are deaf or hard of hearing benefit from interacting with their deaf, hard of hearing, and hearing peers;
- (6) Children who are deaf or hard of hearing are entitled to qualified teachers, interpreters, and resource personnel who communicate effectively with each child in that child's preferred mode of communication;
- (7) Children who are deaf or hard of hearing are entitled to placement best suited to each child's individual needs, including but not limited to social, emotional, and cultural needs, with consideration for the child's age, degree of hearing loss, academic level, mode of communication, style of learning, motivational level, and amount of family support;
- (8) Children who are deaf or hard of hearing are entitled to individual considerations for free, appropriate education across a full spectrum of educational programs;
- (9) Children who are deaf or hard of hearing are entitled to full support services provided by qualified professionals in their educational

settings;

(10) Children who are deaf or hard of hearing are entitled to full access to all programs in their educational settings;

(11) Children who are deaf or hard of hearing are entitled to have the public fully informed concerning medical, cultural, and linguistic issues of deafness and hearing loss;

(12) Children who are deaf or hard of hearing benefit by having deaf and hard of hearing adults involved in determining the extent, content, and purpose of programs that affect their education; and

(13) Children who are deaf or hard of hearing are entitled to free and unrestricted communication with others who communicate in their same language mode. The child's preferred mode of communication should be respected in order to attain the highest education possible for that individual in an appropriate environment; and

BE IT FURTHER RESOLVED that notwithstanding any of the above principles, nothing in this resolution shall require:

(1) Individual school districts to ensure the availability of a specific number of deaf or hard of hearing peers; or

(2) Parents to abrogate their statutory rights to educational choice; 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 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 **HB 1403**, entitled:

An Act to repeal sections 287.067, 287.120, 287.140, 287.141, 287.143, 287.149, 287.150, 287.160, 287.210, 287.220, 287.690, and 287.715, RSMo, and to enact in lieu thereof thirteen new sections relating to workers' compensation, with an emergency clause for certain sections.

Emergency clause defeated.

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 1272**, entitled:

An Act to amend chapter 537, RSMo, by adding thereto one new section relating to certain court actions against correctional facilities.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

On motion of Senator Dempsey, the Senate recessed until 4:30 p.m.

RECESS

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

RESOLUTIONS

Senator Mayer offered Senate Resolution No. 1856, regarding Pamela Peeler, Caruthersville, which was adopted.

MESSAGES FROM THE HOUSE

The following message was 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 **HCR 53**, entitled:

HOUSE CONCURRENT RESOLUTION NO. 53

Relating to submission of a revised Summary Statement to House Committee Substitute No. 2 for Senate Joint Resolution No. 2, Ninety-sixth General Assembly, First Regular Session, to the secretary of state.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

WHEREAS, on March 27, 2012, the Circuit Court of Cole County in *Aziz v. Mayer*, Case No. 11AC-CC00439 consolidated with No. 11AC-CC00449, found that the Summary Statement as enacted in House Committee Substitute No. 2 for Senate Joint Resolution No. 2, Ninety-sixth General Assembly, First Regular Session, “is insufficient and unfair because...the Proposed Constitutional Amendment (1) does not contain a “Voter Protection Act” in any of its sections; (2) the words “voter protection act,” “protection,” or “act” do not appear anywhere therein; and (3) no indication is given to where this “Voter Protection Act” can be found”; and

WHEREAS, Section 116.155, RSMo, allows the General Assembly to formulate a summary statement for measures it refers to the people for a vote; and

WHEREAS, the Court in *Aziz* stated, “Because significant changes are required here and policy choices need to be made as to how to reallocate the words in a revised summary statement, the Court chooses to vacate the summary statement and to provide the General Assembly an opportunity to revise it”; and

WHEREAS, in accordance with the Court’s statement which gives the General Assembly the opportunity to revise the Summary Statement, the General Assembly hereby submits a revised Summary Statement to House Committee Substitute No. 2 for Senate Joint Resolution No. 2, Ninety-sixth General Assembly, First Regular Session, to read as follows:

“Shall the Missouri Constitution be amended to create standards for enacting general laws that authorize advance voting, require the use of government-issued photo identification in order to vote, and govern voting procedures based on whether an individual is voting in person or by absentee ballot?”:

NOW THEREFORE BE IT RESOLVED that the members of the House of Representatives of the Ninety-sixth General Assembly, Second Regular Session, the Senate concurring therein, hereby submits a revised Summary Statement to House Committee Substitute No. 2 for Senate Joint Resolution No. 2, Ninety-sixth General Assembly, First Regular Session, in order to address the issues raised in *Aziz v. Mayer*, Case No. 11AC-CC00439 consolidated with No. 11AC-CC00449, by the Circuit Court of Cole County; and

BE IT FURTHER RESOLVED that this resolution of the General Assembly be deemed as an official submission by the General Assembly of a revised Summary Statement for House Committee Substitute No. 2 for Senate Joint Resolution No. 2, Ninety-sixth General Assembly, First Regular Session, to the Secretary of State; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for Robin Carnahan, Secretary of State.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REPORTS OF STANDING COMMITTEES

Senator Dempsey, 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 576**, 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

Senator Cunningham moved that **SB 510**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 510**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 510

An Act to repeal section 137.076, RSMo, and to enact in lieu thereof one new section relating to assessment of real property for tax purposes.

Was taken up.

Senator Cunningham moved that **SCS** for **SB 510** be adopted, which motion prevailed.

On motion of Senator Cunningham, **SCS** for **SB 510** was declared perfected and ordered printed.

HOUSE BILLS ON THIRD READING

HCS for **HB 1193**, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 1106**, entitled:

An Act to repeal sections 52.010, 54.033, and 54.330, RSMo, and to enact in lieu thereof three new sections relating to elections.

Was taken up by Senator Parson.

Senator Stouffer assumed the Chair.

Senator Parson offered **SS** for **HCS** for **HB 1106**, entitled:

SENATE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1106

An Act to repeal sections 52.010, 54.033, 54.330, and 115.342, RSMo, and to enact in lieu thereof four new sections relating to certain public offices that have statutory bond requirements.

Senator Parson moved that **SS** for **HCS** for **HB 1106** be adopted.

Senator McKenna offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Committee Substitute for House Bill No. 1106, Page 1, Section A, Line 4 of said page, by inserting immediately after all of said line the following:

“50.332. [Each county officer] In all counties [except first class counties having a charter form of government] **of the first, second, third, and fourth classes, and in any county with a charter form of government and with more than two hundred thousand but fewer than three hundred fifty thousand inhabitants, each county officer** may, subject to the approval of the governing body of the county, contract with the governing body of any municipality located within such county, either in whole or in part, to

perform the same type of duties for such municipality as such county officer is performing for the county. Any compensation paid by a municipality for services rendered pursuant to this section shall be paid directly to the county, or county officer, or both, as provided in the provisions of the contract, and any compensation allowed any county officer under any such contract may be retained by such officer in addition to all other compensation provided by law.”; and

Further amend said bill, page 2, section 52.010, line 4 of said page, by inserting immediately after all of said line the following:

“52.320. 1. The collector of revenue in counties using data processing systems of record keeping, except counties of the first class having a charter form of government, in addition to other duties provided by law, shall coordinate the purification of the tax data flows from the offices of the recorder, county clerk and assessor with that of the collector of revenue in cooperation with the data processing center handling such records.

2. In all counties of the first class not having a charter form of government **and in any county with a charter form of government and with more than two hundred thousand but fewer than three hundred fifty thousand inhabitants** the collector of revenue may enter into a contract with a city providing for the collection of municipal taxes by the collector. Any compensation paid by a city for services rendered pursuant to this section shall be paid directly to the county, or collector, or both, as provided in the contract, and all compensation, not to exceed three thousand dollars annually from all such contracts, allowed the collector under any such contract may be retained by the collector in addition to all other compensation provided by law.”; and

Further amend the title and enacting clause accordingly.

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

Senator Parson moved that **SS** for **HCS** for **HB 1106**, as amended, be adopted, which motion prevailed.

On motion of Senator Parson, **SS** for **HCS** for **HB 1106**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Nieves Ridgeway—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Parson, title to the bill was agreed to.

Senator Parson moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

HCS for HB 1174, with **SCS**, entitled:

An Act to repeal section 162.081, RSMo, and to enact in lieu thereof one new section relating to school accreditation, with an emergency clause.

Was taken up by Senator Pearce.

SCS for HCS for HB 1174, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1174

An Act to repeal section 162.081, RSMo, and to enact in lieu thereof one new section relating to school accreditation, with an emergency clause.

Was taken up.

Senator Pearce moved that **SCS for HCS for HB 1174** be adopted.

Senator Schmitt offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1174, Page 5, Section 162.081, Line 157, by inserting after all of said line the following:

“167.131. 1. The board of education of each district in this state that does not maintain an accredited school **for specific grade levels** pursuant to the authority of the state board of education to classify schools as established in section 161.092 shall pay [the] tuition [of] **as calculated by the receiving district under subsection 2 of this section** and provide transportation consistent with the provisions of section 167.241 for each pupil resident therein who attends an accredited **public** school in another district of the same or an adjoining county.

2. The rate of tuition to be charged by the district attended and paid by the sending district is the per pupil cost of maintaining the district’s grade level grouping which includes the school attended. The cost of maintaining a grade level grouping shall be determined by the board of education of the district but in no case shall it exceed all amounts spent for teachers’ wages, incidental purposes, debt service, maintenance and replacements. The term “debt service”, as used in this section, means expenditures for the retirement of bonded indebtedness and expenditures for interest on bonded indebtedness. Per pupil cost of the grade level grouping shall be determined by dividing the cost of maintaining the grade level grouping by the average daily pupil attendance. If there is disagreement as to the amount of tuition to be paid, the facts shall be submitted to the state board of education, and its decision in the matter shall be final. Subject to the limitations of this section, each pupil shall be free to attend the public school of his or her choice.

167.133. 1. (1) The board of education of each district in this state that has been declared unaccredited pursuant to the authority of the state board of education as established in section 161.092 shall pay tuition and provide transportation consistent with the provisions of section 167.241 for each pupil resident therein who meets the criteria of this section.

(2) Unless a receiving district qualifies under subdivision (3) of this subsection, the rate of tuition to be charged by the district attended and paid by the sending district is the per-pupil cost of maintaining the district's grade-level grouping which includes the school attended. The cost of maintaining a grade-level grouping shall be determined by the board of education of the district but in no case shall it exceed all amounts spent for teachers' wages, incidental purposes, debt service, maintenance and replacements. The term "debt service", as used in this section, means expenditures for the retirement of bonded indebtedness and expenditures for interest on bonded indebtedness. Per-pupil cost of the grade-level grouping shall be determined by dividing the cost of maintaining the grade-level grouping by the average daily pupil attendance.

(3) When any metropolitan school district is unaccredited or any district located in a county with a charter form of government and with more than nine hundred fifty thousand inhabitants is unaccredited, the tuition amount for students residing in those districts shall be the same as the tuition payment in effect at the time for any voluntary interdistrict transfer program regardless of whether the receiving district was or is participating in the interdistrict transfer program. If there is disagreement as to the amount of tuition to be paid, the facts shall be submitted to the state board of education, and its decision in the matter shall be final.

2. A pupil from an unaccredited district may attend a school in another district of the same or an adjoining county if the receiving district is accredited without provision and if the pupil has been enrolled in and attending a public school in the district during the school year when such declaration is made, or has enrolled and attended in the unaccredited district in school years subsequent to the year in which the declaration is made. Pupils who reside in the unaccredited district who become eligible for kindergarten or first grade in a school year after the effective date of this section are also eligible to transfer. A student who resides in an unaccredited district but who is attending a private school on or after the date the district is declared unaccredited shall become eligible to transfer to a public school in another district of the same or adjoining county under this section after the student has enrolled in and completed a full school year in a public school or charter school in the unaccredited district.

3. By June 30, 2012, each school district shall establish specific criteria through board policy for the admission of nonresident pupils from districts that have been classified as unaccredited by the state board of education who seek admission into a school district under this section. The primary criteria shall be the availability of highly qualified teachers in existing classroom space. Each district shall establish criteria for calculating available seats that take into account the district's resident student population growth or decrease, based on demographic projections provided by the office of socioeconomic data analysis, such that the receiving district shall not be required to employ additional teachers or construct new classrooms to accommodate such transfer pupils. No resident pupil shall be displaced from a school to which he or she would otherwise be assigned to accommodate the admission of a nonresident pupil. The assignment of a student to a particular building shall be the decision of the receiving district. Once a student from an unaccredited district has been accepted under this section, the student may complete his or her educational program in the district even if the student's residence district has regained its accreditation.

4. Subject to the limitations of this section, each pupil shall be free to attend the public school of his or her choice.

167.425. 1. When the state board of education classifies a metropolitan school district as unaccredited or any school district located in a county with a charter form of government and with more than nine hundred thousand inhabitants as unaccredited, the department of elementary and secondary education shall establish a clearinghouse, as provided in this section, to assist students to transfer from an unaccredited district.

2. For purposes of this section, “clearinghouse” means a neutral third party appointed by the department of elementary and secondary education to coordinate student transfers from unaccredited school districts to accredited districts subject to the conditions of section 167.133.

3. The clearinghouse shall make information and assistance available to assist parents or guardians who intend to transfer their child from an unaccredited district to an accredited district under this section.

4. The parent or guardian of a pupil residing in an unaccredited district who intends to enroll the parent’s or guardian’s child in an accredited district under the provisions of this section shall send initial notification to the pupil’s school district of residence and the clearinghouse. Each parent or guardian of a pupil who provides notice of intent to transfer from an unaccredited school district to another school under this section shall do so on forms prescribed by the department of elementary and secondary education. Initial notification shall be made by January fifteenth for enrollment in the subsequent school year.

5. (1) If a parent or guardian fails to file the initial notification forms by the deadline specified in subsection 4 of this section, and satisfies the definition of good cause as defined in subdivision (3) of this subsection, or if the request is to enroll a child in a school in an accredited district under this section for kindergarten or first grade or in any grade if a child is moving into Missouri or moving into the public school district for the first time, the parent or guardian shall be permitted, if accepted, to enroll the child in the other district in the same manner as if the deadline had been met.

(2) Until the last Friday in March of that calendar year, the parent or guardian requesting transfer shall send notification to the district of residence and the clearinghouse, on forms prescribed by the department of elementary and secondary education, that good cause, as defined in subdivision (3) of this subsection, exists for failure to meet the deadline. The clearinghouse shall take action to approve the request if good cause exists. A denial of a request by the clearinghouse is not subject to appeal.

(3) For purposes of this section, “good cause” means a change in a child’s residence due to a change in family residence, a change in a child’s parents’ marital status, a guardianship or custody change, placement in foster care, adoption, participation in a substance abuse or mental health treatment program, or student health or safety concerns; or a change in the status of a child’s district of residence, such as removal of accreditation by the state board of education, permanent closure of a public or nonpublic school that the child attends, or revocation of a charter school’s charter as provided in section 160.405. If the good cause relates to a change in status of a child’s school district of residence, however, action by a parent or guardian must be taken to file the notification within forty-five days of the last official action relating to such status. Student health or safety concerns shall include, but not be limited to, ongoing bullying, supported by official school reports, sexual misconduct complaints, reports, or investigations, and drug or alcohol concerns with peers. If the district does not agree with the parent’s or child’s concerns, a written notice of need for relocation

from a medical or mental health professional shall suffice to satisfy “good cause” under this subsection.

6. The clearinghouse may contract with a school district, any voluntary interdistrict council, or any private entity for transportation services.

7. The expenses associated with the administration of pupil transfers under this section shall be defrayed by the department of elementary and secondary education retaining funds to cover the cost of administration from the state school aid withheld from a transfer student’s district of residence.”; and

Further amend the title and enacting clause accordingly.

Senator Schmitt moved that the above amendment be adopted.

At the request of Senator Pearce, **HCS** for **HB 1174**, with **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

REFERRALS

President Pro Tem Mayer referred **SS** for **SCS** for **SB 576** to the Committee on Ways and Means and Fiscal Oversight.

INTRODUCTIONS OF GUESTS

Senator Justus introduced to the Senate, Wyatt Shimeall, Columbus, Ohio.

Senator Keaveny introduced to the Senate, Patricia Bailey, St. Louis.

Senator Dempsey introduced to the Senate, representatives of Missouri Chamber Leadership Class of 2012 from around the state.

Senator Ridgeway introduced to the Senate, Missouri’s 2012 National Distinguished Principal, Diane Simpson and her husband Bill, Park Hill; and Lonnie Schneider and Andrea Follett, Jefferson City.

Senator Dixon introduced to the Senate, the Physician of the Day, Dr. Norman Knowlton, Springfield.

Senator Dixon introduced to the Senate, Christine Murphy and eighth grade students from St. Agnes Catholic School, Springfield.

Senator Dixon introduced to the Senate, Kenneth McClure, Debbie Donnellan and University Staff Ambassadors from Missouri State University, Springfield.

Senator Goodman introduced to the Senate, Tammy Holder, Elizabeth Sperry, Brett Williams, Caylen Cantrell, Dakota Tucker, Brandy Bettels, Megan Murry, Kenny Lowe, Caleb Johns, Taylor Short, Garrett Gutshall, Daryl Brown, Stephanie Knowls and Kurt McDonald, from College of the Ozarks, Point Lookout.

Senator Rupp introduced to the Senate, seventh grade students from St. Paul Catholic School.

Senator Lager introduced to the Senate, fourth grade students from Walt Disney Elementary, Marceline.

Senator Mayer introduced to the Senate, Caleb Johns, Dexter.

On behalf of Senator Pearce, the President introduced to the Senate, Chris Patterson and Lane Patterson, Lee’s Summit.

Senator Nieves introduced to the Senate, Chairman Jon Bopp and members of the West St. Louis County

Chamber of Commerce.

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

SENATE CALENDAR

FIFTY-THIRD DAY—THURSDAY, APRIL 12, 2012

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 1789
HCS for HB 1060
HCS for HB 1361
HCS for HB 1111
HCS for HB 1150
HB 1691-Dugger
HCS for HB 1640

HCS for HB 1608
HCS for HB 1515
HB 1109-Brattin, et al
HCS for HB 1110
HB 1273-Kelly (126), et al
HB 1403-Schatz, et al
HCS for HB 1272

THIRD READING OF SENATE BILLS

SS#2 for SCS for SB 806-Cunningham
SCS for SB 837-Dempsey
SS for SB 742-Brown
SB 804-Engler

SB 668-Lembke
SB 628-Schaefer
SS for SCS for SB 576-Stouffer
(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 491-Munzlinger, with SCS

HOUSE BILLS ON THIRD READING

HB 1104-Schoeller and Smith (150), with SCS
(Engler) (In Fiscal Oversight)
HB 1188-Allen, et al, with SCA 1 (Schmitt)

HCS for HB 2014 (Schaefer)
HB 1179-Hampton, et al (Mayer)

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SCS for SB 677-Pearce

SCS for SB 842-Lamping

SENATE BILLS FOR PERFECTION

SB 438-Mayer	SB 656-Lager and Dixon, with SCS
SB 439-Mayer, with SCS & SA 1 (pending)	SB 659-Dempsey and Rupp
SB 442-Stouffer, with SCS	SB 661-Schmitt, with SCS (pending)
SB 449-Rupp	SB 666-Keaveny, with SCS & SS for SCS (pending)
SB 451-Cunningham, with SCS	SB 675-Crowell, with SCS (pending)
SB 457-Schmitt, with SCS & SS for SCS (pending)	SB 676-Nieves, with SCA 1 (pending)
SB 465-Schaaf	SB 682-Dempsey, with SCS
SB 474-Kraus, with SCS & SA 1 (pending)	SB 693-Crowell
SB 475-Lamping	SB 695-Parson
SB 479-Crowell	SB 710-Engler, et al, with SCS & SS#2 for SCS (pending)
SB 490-Munzlinger, with SCS	SB 717-Stouffer
SB 516-Schaaf, with SCS (pending)	SB 743-Brown
SB 547-Purgason	SB 744-Wright-Jones, with SCS & SA 2 (pending)
SB 548-Purgason, with SCS	SB 788-Keaveny, with SCS (pending)
SB 549-Lembke	SB 795-Callahan, et al, with SCS
SBs 553 & 435-Brown, with SCS, SS for SCS & SA 1 (pending)	SB 807-Dempsey
SB 577-Goodman and Rupp, with SCS	SB 818-Parson, with SCS
SB 584-Richard and Kehoe, with SCS	SB 843-Lamping, with SCS & SS for SCS (pending)
SBs 588 & 585-Schmitt, with SCS (pending)	SB 903-Lamping
SB 589-Kraus, with SCS (pending)	SB 909-Cunningham, et al
SB 596-Brown, with SCS	SJR 25-Crowell
SB 621-Brown, with SCS, SS for SCS & SA 1 (pending)	SJR 29-Lamping, with SS & SA 1 (pending)
SB 623-Cunningham, with SCS	SJR 30-Lamping
SB 625-Kehoe, with SCS	SJR 39-Cunningham
SB 645-Schaefer	SJR 47-Rupp, with SCS
SB 650-Ridgeway, with SS & SA 2 (pending)	SJR 50-Curls
SB 652-Lager	

HOUSE BILLS ON THIRD READING

HCS for HB 1174, with SCS & SA 1 (pending) (Pearce)	HCS for HB 1193, with SCS (Engler)
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SENATE BILLS WITH HOUSE AMENDMENTS

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

RESOLUTIONS

Reported from Committee

SCR 16-Stouffer
SCR 20-Rupp
SCR 21-Pearce, et al

SCR 25-Mayer
HCR 37-Barnes, et al (Pearce)

To be Referred

HCR 7-Rowland
HCR 31-Schieffer, et al
HCR 36-Asbury, et al

HCR 42-Rowland, et al
HCR 53-Schoeller, et al

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