

Journal of the Senate

SECOND REGULAR SESSION

SIXTIETH DAY—WEDNESDAY, APRIL 25, 2012

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“People grow old only by deserting their ideals. Years may wrinkle the skin but to give up interest wrinkles the soul.” (General Douglas MacArthur)

Loving Lord, we know that whatever our physical age we realize that we “are as old as our doubts” so help us continue as a people of faith and help us stay young in our hopefulness and what is ahead of us this week. Let us never desert the ideals that brought us into public service and help us stay youthful in our optimism for the future You are leading us into. 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.

Senator Dempsey announced photographers from KOMU-TV and KRCG-TV were given permission to take pictures in the Senate Chamber.

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 McKenna offered Senate Resolution No. 1992, regarding Steve Markus, Pevely, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 1993, regarding the American Heart Association, which was adopted.

Senator Brown offered Senate Resolution No. 1994, regarding Melvyn “Smitty” Smith, Jefferson City, which was adopted.

REFERRALS

President Pro Tem Mayer referred **HCR 6; HCR 18; HCR 43; HCR 46; HCR 47; HCR 49;** and **HCR 52** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

**SECOND READING OF
CONCURRENT RESOLUTIONS**

The following Concurrent Resolution was read the 2nd time and referred to the Committee indicated:
HCS for HCR 33—Rules, Joint Rules, Resolutions and Ethics.

On motion of Senator Dempsey, the Senate recessed until 3:00 p.m.

RECESS

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

RESOLUTIONS

Senator Goodman offered Senate Resolution No. 1995, regarding Ethan T. Spencer, which was adopted.

Senator Goodman offered Senate Resolution No. 1996, regarding Crane High School, which was adopted.

Senator Goodman offered Senate Resolution No. 1997, regarding Bradleyville High School, which was adopted.

Senator Dempsey offered Senate Resolution No. 1998, regarding Jim Thro’s Auto Repair, which was adopted.

Senator Dempsey offered Senate Resolution No. 1999, regarding Wamhoff Financial Planning and Accounting Services, Inc., which was adopted.

Senator Dempsey offered Senate Resolution No. 2000, regarding Sherry Gibson, which was adopted.

Senator Dempsey offered Senate Resolution No. 2001, regarding Glazer’s Distributors of Missouri, which was adopted.

Senator Dempsey offered Senate Resolution No. 2002, regarding Jake’s on Main, which was adopted.

Senator Dixon offered Senate Resolution No. 2003, regarding Coach Brian Reynolds, Springfield, which was adopted.

Senator Dixon offered Senate Resolution No. 2004, regarding the 2011-2012 national champion Drury University Panthers men’s swimming and diving team, Springfield, which was adopted.

Senator Schaaf offered Senate Resolution No. 2005, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Alfred J. Strube, St. Joseph, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 2006, regarding Azelie Simmons-Pitts, Saint Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 2007, regarding Ollie M. Stewart, which was adopted.

PRIVILEGED MOTIONS

Senator Parson moved that the Senate refuse to concur in **HCS** for **SB 568**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

President Pro Tem Mayer assumed the Chair.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **HCS** for **HB 2014**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

Senator Stouffer assumed the Chair.

HOUSE BILLS ON THIRD READING

Senator Pearce moved that **HCS** for **HB 1174**, with **SCS**, **SS** for **SCS**, **SA 1**, **SSA 1** for **SA 1** and **SA 1** to **SSA 1** for **SA 1** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 1 to **SSA 1** for **SA 1** was again taken up.

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

SSA 1 for **SA 1** was again taken up.

Senator Schmitt offered **SA 2** to **SSA 1** for **SA 1**:

SENATE AMENDMENT NO. 2 TO SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 1 for Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1174, Page 1, Section 167.131, Lines 3-4 of said page by striking the following: "Subject to the provisions of subsection 3 of this section,"; and further amend line 5 by inserting immediately after the word "school" the following: "**for specific grade levels**"; and further amend line 7 by striking the word "the"; and further amend said line by striking the word "of" and inserting in lieu thereof the following: "**as calculated by the receiving district under subsection 2 of this section**"; and further amend line 9 by inserting immediately after the word "accredited" the following: "**public**"; and further amend page 2 of said amendment, line 1, by striking the following: "When any"; and further amend lines 2-10 by striking all of said lines; and further amend line 11 by striking the following: "program."; and further amend lines 16-29 by striking all of said lines; and further amend

page 3, lines 1-20, by striking all of said lines; and further amend pages 3-5 of said amendment, section 167.134, by striking all of said section from the amendment and inserting in lieu thereof the following:

“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 August 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. The criteria for the admission of nonresident pupils shall also be based on one of the following three options, as determined by the local board of education: the average of the district’s student enrollment figure for the previous three school years; the “desirable standard” for class sizes as established in the Missouri school improvement program; or any previous criteria established by the school board for the admission of nonresident students not entitled to free instruction. 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. For any school district that fails to establish criteria for the admission of nonresident students under this section, or incorrectly calculates the number of nonresident students it may admit, the department of elementary and secondary education shall withhold one percent of the district's state school aid. If the district takes corrective action, and such corrective action is approved by the department of elementary and secondary education, the department shall restore such state aid to the district.

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

Senator Schmitt moved that the above amendment be adopted.

At the request of Senator Pearce, **HCS for HB 1174**, with **SCS, SS for SCS, SA 1, SSA 1 for SA 1 and SA 2 to SSA 1 for SA 1** (pending), was placed on the Informal Calendar.

INTRODUCTIONS OF GUESTS

Senator Dempsey introduced to the Senate, Pastor Kevin Kolb, his wife, Heidi, and their children, Emma, Ellie, Evie and Ezekiel, St. Peters; and Pastor Bill Kolb and his wife, Doris, O'Fallon; and Emma, Ellie and Evie were made honorary pages.

Senator Crowell introduced to the Senate, Robyn Koenig, parents and seventh and eighth grade students from United in Christ, Frohna.

Senator Pearce introduced to the Senate, Steve Del Vecchio, Mark Mersmann, Jeanne Dee, Mike Sommer, Isaac Francisco, Dale Sheff, Bob Letterman and Nick Myers, representatives of Missouri Society of Certified Public Accountants.

Senator Justus introduced to the Senate, Shannon Stokes, Vicky Scott, Alicia Ozenberger, Chuck Daugherty, Jennifer Lowry, Beth Dessem, George Knowles and Kelly Schultz, representatives of Missouri Alliance for Drug Endangered Children.

Senator Kehoe introduced to the Senate, the Physician of the Day, Dr. Karl Haake, Jefferson City.

On behalf of Senator McKenna and himself, Senator Engler introduced to the Senate, Braden and Jason Eisenbeis, Crystal City.

Senator Cunningham introduced to the Senate, Brendyn Crancer, Florida.

Senator Dempsey introduced to the Senate, Joann Hynes, Jean Hitt and Claire Boevingloh and fourth grade students from Academy of the Sacred Heart, St. Charles.

Senator Keaveny introduced to the Senate, Sara Howe, St. Louis.

Senator Chappelle-Nadal introduced to the Senate, students from Kratz Elementary, St. Louis; and Kyra

Ddungu, Dominic House, Miguel Lopez and Esthefani Cruz-Ramon were made honorary pages.

Senator Chappelle-Nadal introduced to the Senate, Tom Peters, University City.

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

SENATE CALENDAR

SIXTY-FIRST DAY—THURSDAY, APRIL 26, 2012

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 1534-Bahr, et al	HCS for HB 1367
HCS for HB 1717	HCS for HB 1521
HCS for HB 1661	HCS for HB 1637
HCS for HB 1211	HCS#2 for HB 1323
HCS for HB 1826	HCS for HBs 1574 & 1097
HCS for HB 1860	HCS for HB 1274
HCS for HB 1342	HCS for HBs 1934 & 1654
HB 1359-Smith (150), et al	HCS for HB 2019
HCS for HB 1476	HJR 85-Solon, et al
HCS for HB 1364	HCS for HB 1890

THIRD READING OF SENATE BILLS

SCS for SB 625-Kehoe (In Fiscal Oversight)	SS for SB 854-Mayer
SB 893-Kraus	SS for SCS for SB 803-Rupp

SENATE BILLS FOR PERFECTION

SB 706-Cunningham, with SCS	SB 835-Kehoe, with SCS
SJR 51-Lembke, with SCS	

HOUSE BILLS ON THIRD READING

- | | |
|--|--|
| 1. HB 1104-Schoeller and Smith (150),
with SCS (Engler) | 3. HB 1179-Hampton, et al (Mayer) |
| 2. HB 1188-Allen, et al, with SCA 1
(Schmitt) | 4. HB 1331-Jones (117), et al, with SCS
(Kehoe) |
| | 5. HB 1128-Largent (Kraus) |

- | | |
|---|---|
| 6. HB 1680-Davis, et al (Pearce) | 12. HCS for HB 1042, with SCS (Pearce)
(In Fiscal Oversight) |
| 7. HCS for HB 1123 (Brown) | 13. HB 1504-Richardson, with SCS
(Lamping) (In Fiscal Oversight) |
| 8. HB 1103-Crawford and Wyatt (Parson) | 14. HCS for HB 1623, with SCS (Schmitt) |
| 9. HCS for HB 1525, with SCS (Goodman)
(In Fiscal Oversight) | 15. HB 1073 & HCS for HB 1477-Sater,
with SCS (Munzlinger) |
| 10. HCS for HB 1495, with SCS (Wasson) | |
| 11. HB 1112-Gosen, with SCS (Rupp) | |

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS#2 for SCS for SB 806-Cunningham	SCS for SB 842-Lamping
------------------------------------	------------------------

SENATE BILLS FOR PERFECTION

SB 438-Mayer	SB 596-Brown, with SCS
SB 439-Mayer, with SCS, SA 1, SSA 1 for SA 1 & SA 1 to SSA 1 for SA 1 (pending)	SB 621-Brown, with SCS, SS for SCS & SA 1 (pending)
SB 442-Stouffer, with SCS	SB 623-Cunningham, with SCS
SB 449-Rupp	SB 645-Schaefer
SB 451-Cunningham, with SCS	SB 650-Ridgeway, with SS & SA 2 (pending)
SB 454-Pearce, with SA 1 (pending)	SB 652-Lager
SB 457-Schmitt, with SCS & SS for SCS (pending)	SB 656-Lager and Dixon, with SCS
SB 465-Schaaf	SB 657-Rupp, with SCS (pending)
SB 474-Kraus, with SCS & SA 1 (pending)	SB 659-Dempsey and Rupp
SB 475-Lamping	SB 661-Schmitt, with SCS (pending)
SB 479-Crowell	SB 666-Keaveny, with SCS & SS for SCS (pending)
SB 490-Munzlinger, with SCS	SB 675-Crowell, with SCS (pending)
SB 491-Munzlinger, with SCS	SB 676-Nieves, with SCA 1 (pending)
SB 516-Schaaf, with SCS (pending)	SB 693-Crowell
SB 547-Purgason	SB 695-Parson
SB 548-Purgason, with SCS	SB 710-Engler, et al, with SCS & SS#2 for SCS (pending)
SB 549-Lembke	SB 717-Stouffer
SBs 553 & 435-Brown, with SCS, SS for SCS & SA 1 (pending)	SB 743-Brown
SB 577-Goodman and Rupp, with SCS	SB 744-Wright-Jones, with SCS & SA 2 (pending)
SB 584-Richard and Kehoe, with SCS	SB 788-Keaveny, with SCS (pending)
SBs 588 & 585-Schmitt, with SCS (pending)	SB 795-Callahan, et al, with SCS
SB 589-Kraus, with SCS (pending)	SB 807-Dempsey

SB 816-Kraus, with SCS
 SBs 817 & 774-Parson, with SCS
 SB 818-Parson, with SCS
 SB 834-Mayer and Parson, with SCS
 SB 843-Lamping, with SCS & SS for SCS
 (pending)
 SB 865-Pearce, with SCS
 SB 903-Lamping
 SB 905-Mayer

SB 906-Kraus, with SCS
 SB 909-Cunningham, et al
 SJR 25-Crowell
 SJR 29-Lamping, with SS & SA 1 (pending)
 SJR 30-Lamping
 SJR 39-Cunningham
 SJR 45-Nieves
 SJR 47-Rupp, with SCS
 SJR 50-Curls

HOUSE BILLS ON THIRD READING

HCS for HB 1174, with SCS, SS for SCS,
 SA 1, SSA 1 for SA 1 & SA 2 to SSA 1
 for SA 1 (pending) (Pearce)

HCS for HB 1193, with SCS (Engler)

SENATE BILLS WITH HOUSE AMENDMENTS

SB 736-Engler, with HA 1

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

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

Requests to Recede or Grant Conference

SB 568-Parson, with HCS, as amended
 (Senate requests House recede or
 grant conference)

RESOLUTIONS

Reported from Committee

SCR 20-Rupp

SCR 21-Pearce, et al

✓