

Journal of the Senate

SECOND REGULAR SESSION

THIRTIETH DAY—MONDAY, FEBRUARY 27, 2012

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Rejoice in the Lord always, and again I say rejoice.” (Philippians 4:4)

Gracious God, we hear the prompting to “rejoice in You” that our lives are to be one of the planned joys. So we do rejoice because the most rapturous moments of our life still lie ahead of us. We know we will confront thorns and difficulties but we also know that we will have times when Your light shines through to us so we are not in the dark. And because it does, we have strong reason to rejoice and give You praise. Your presence and Your guidance is a pleasure to us and we confess our need of You as we deal with the challenges of this week. 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 23, 2012 was read and approved.

Senator Dempsey announced photographers from KOMU-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	Schaaf	Schaefer	Schmitt	Stouffer	Wasson

Wright-Jones—33

Absent—Senators—None

Absent with leave—Senator Rupp—1

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Pearce offered Senate Resolution No. 1524, regarding Carolyn True, which was adopted.

Senator Wasson offered Senate Resolution No. 1525, regarding Jacob Lee Marcuson, which was adopted.

Senator Nieves offered Senate Resolution No. 1526, regarding the Honorable Gregory F. Costello, which was adopted.

Senator Cunningham offered Senate Resolution No. 1527, regarding Anna Birman, Chesterfield, which was adopted.

Senator Lager offered Senate Resolution No. 1528, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Randall Hill, King City, which was adopted.

Senator Lager offered Senate Resolution No. 1529, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Lloyd Guilford, Meadville, which was adopted.

Senators Lembke and Schmitt offered Senate Resolution No. 1530, regarding Officer Shoni Brevik, St. Louis, which was adopted.

Senator Crowell offered Senate Resolution No. 1531, regarding the United States Navy Seabees, which was adopted.

Senator Lamping offered Senate Resolution No. 1532, regarding Edward D. Tooley, St. Louis, which was adopted.

Senator Lamping offered Senate Resolution No. 1533, regarding Cornelius “Neil” Ryan, Ladue, which was adopted.

Senator Lager offered Senate Resolution No. 1534, regarding Mike Lynn, which was adopted.

Senator Lager offered Senate Resolution No. 1535, regarding Gavin Hall, which was adopted.

Senator Green offered Senate Resolution No. 1536, regarding Marques Vaughn Smith, Florissant, which was adopted.

INTRODUCTION OF BILLS

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

SB 836—By Schaaf.

An Act to amend chapters 192, 208, 376, and 630, RSMo, by adding thereto five new sections relating to social service programs.

SB 837—By Dempsey.

An Act to repeal section 407.400, RSMo, and to enact in lieu thereof one new section relating to franchises.

SB 838—By Richard.

An Act to repeal section 260.573, RSMo, and to enact in lieu thereof two new sections relating to remediation of property in municipal areas.

SB 839—By Lembke.

An Act to repeal section 167.131, RSMo, and to enact in lieu thereof one new section relating to student transfers, with an emergency clause.

SB 840—By Ridgeway.

An Act to amend chapter 144, RSMo, by adding thereto one new section relating to sales and use tax collection.

SB 841—By Ridgeway.

An Act to repeal sections 196.540 and 196.935, RSMo, and to enact in lieu thereof two new sections relating to raw milk.

SB 842—By Lamping.

An Act to repeal sections 169.030, 169.070, 169.620, and 169.670, RSMo, and to enact in lieu thereof four new sections relating to teacher and school employee retirement systems, with existing penalty provisions and an emergency clause.

SB 843—By Lamping.

An Act to repeal section 301.140, RSMo, and to enact in lieu thereof one new section relating to temporary license plates.

SB 844—By Lamping.

An Act to repeal sections 386.170, 386.180, and 386.510, RSMo, and to enact in lieu thereof three new sections relating to the public service commission.

SJR 51—By Lembke.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 25(d) of article V of the Constitution of Missouri, and adopting one new section in lieu thereof relating to nonpartisan judicial commission.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

February 23, 2012

To the Senate of the 96th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Aliah Holman for the Bi-State Development Agency of the Missouri-Illinois Metropolitan District, submitted to you on February 22, 2012. Lines 4 and 5 should be amended to read:

ending November 11, 2014, and until her successor is duly appointed and qualified; vice, Lewis McKinney, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

February 23, 2012

To the Senate of the 96th General Assembly of the State of Missouri:

The following addendum should be made to the appointment Richard Inglima for the Peace Officer Standards and Training Commission, submitted to you on February 22, 2012. Lines 1 and 2 should be amended to read:

Richard Inglima, 3600 Southwest Harbor Circle, Lee's Summit, Jackson County, Missouri 64082, as a member of the Peace Officer Standards and Training Commission, for a term ending

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

President Pro Tem Mayer referred the above addendums to the Committee on Gubernatorial Appointments.

SENATE BILLS FOR PERFECTION

Senator Kraus moved that **SB 474**, with **SCS**, be taken up for perfection, which motion prevailed. **SCS** for **SB 474**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 474

An Act to repeal section 208.182, RSMo, and to enact in lieu thereof one new section relating to food stamps, with penalty provisions in existing language.

Was taken up.

Senator Pearce assumed the Chair.

Senator Kraus moved that **SCS** for **SB 474** be adopted.

Senator Justus offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 474, Page 2, Section 208.182, Line 41, by inserting after all of said line the following:

“208.247. 1. Pursuant to the option granted the state by 21 U.S.C. Section 862a(d), an individual who has pled guilty to or is found guilty under federal or state law of a felony involving possession or use of a controlled substance shall be exempt from the prohibition contained in 21 U.S.C. Section 862a(a) against eligibility for food stamp program benefits for such convictions, if such person, as determined by the department:

(1) Is currently successfully participating in a substance abuse treatment program approved by the division of alcohol and drug abuse within the department of mental health;

(2) Is currently accepted for treatment in and participating in a substance abuse treatment program approved by the division of alcohol and drug abuse, but is subject to a waiting list to receive available treatment, and the individual remains enrolled in the treatment program and enters the treatment program at the first available opportunity;

(3) Has satisfactorily completed a substance abuse treatment program approved by the division

of alcohol and drug abuse;

(4) Is determined by a division of alcohol and drug abuse certified treatment provider not to need substance abuse treatment; or

(5) Is successfully complying with, or has already complied with, all obligations imposed by the court, the division of alcohol and drug abuse and the division of probation and parole.

2. Eligibility based upon the factors in subsection 1 of this section shall be based upon documentary or other evidence satisfactory to the department of social services, and the applicant must meet all other factors for program eligibility.

3. The department of social services, in consultation with the division of alcohol and drug abuse, shall promulgate rules to carry out the provisions of this section, including specifying criteria for determining active participation in and completion of a substance abuse treatment program.”; and

Further amend the title and enacting clause accordingly.

Senator Justus moved that the above amendment be adopted.

Senator Purgason requested a roll call vote be taken on the adoption of **SA 1** and was joined in his request by Senators Brown, Crowell, Engler and Kraus.

At the request of Senator Kraus, **SB 474**, with **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

REFERRALS

President Pro Tem Mayer referred **SCR 24**; **SCR 25**; and **HCR 41** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

HOUSE BILLS ON SECOND READING

The following Bill was read the 2nd time and referred to the Committee indicated:

HCS for **HB 2014**—Appropriations.

INTRODUCTIONS OF GUESTS

Senator Dixon introduced to the Senate, his daughter, Victoria Grace Dixon, Springfield.

Senator McKenna introduced to the Senate, his son, Kellan, and cousin, T.J. McKenna, Crystal City; and Kellan was made an honorary page.

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

SENATE CALENDAR

THIRTY-FIRST DAY—TUESDAY, FEBRUARY 28, 2012

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 832-Wasson
 SB 833-Ridgeway
 SB 834-Mayer and Parson
 SB 835-Kehoe
 SB 836-Schaaf
 SB 837-Dempsey
 SB 838-Richard

SB 839-Lembke
 SB 840-Ridgeway
 SB 841-Ridgeway
 SB 842-Lamping
 SB 843-Lamping
 SB 844-Lamping
 SJR 51-Lembke

HOUSE BILLS ON SECOND READING

HCS for HJR 43
 HB 1135-Smith (150), et al
 HCS for HB 1140
 HB 1036-Dugger
 HB 1039-Leara
 HB 1099-Fitzwater, et al
 HB 1100-Fitzwater, et al
 HB 1105-Day
 HCS for HB 1311
 HCS for HB 1329
 HB 1219-Elmer, et al
 HB 1104-Schoeller and Smith (150)
 HB 1075-Sater
 HB 1093-Elmer, et al
 HB 1141-Gatschenberger, et al
 HB 1156-Rowland, et al
 HB 1179-Hampton, et al
 HB 1185-Parkinson and Kelley (126)
 HB 1250-Ruzicka, et al

HB 1251-Ruzicka
 HB 1269-Brattin, et al
 HB 1103-Crawford and Wyatt
 HB 1192-Koenig, et al
 HB 1041-Thomson
 HCS for HB 1059
 HB 1107-Dugger, et al
 HB 1112-Gosen
 HB 1128-Largent
 HB 1188-Allen, et al
 HB 1347-Franz
 HCS for HB 1457
 HB 1517-Nolte, et al
 HCS for HJR 41
 HCS for HBs 1186 & 1147
 HCS for HB 1308
 HCS for HB 1442
 HB 1131-Fisher

SENATE BILLS FOR PERFECTION

- | | |
|----------------------------------|-------------------------------------|
| 1. SB 655-Green, et al, with SCS | 8. SB 736-Engler |
| 2. SB 648-Dempsey, with SCS | 9. SB 727-Schaaf |
| 3. SB 568-Parson, with SCS | 10. SB 710-Engler, et al, with SCS |
| 4. SB 690-Engler | 11. SB 635-Pearce, with SCS |
| 5. SB 578-Parson | 12. SB 717-Stouffer |
| 6. SB 562-Dixon, et al, with SCS | 13. SJR 37-Crowell |
| 7. SB 563-Dixon, with SCS | 14. SB 699-Goodman, et al, with SCS |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 438-Mayer

SB 439-Mayer, with SCS

SB 442-Stouffer, with SCS	SBs 553 & 435-Brown, with SCS, SS for SCS
SB 457-Schmitt, with SCS & SS for SCS (pending)	& SA 1 (pending)
SB 465-Schaaf	SB 577-Goodman and Rupp, with SCS
SB 470-Dixon, with SCS	SB 589-Kraus, with SCS (pending)
SB 474-Kraus, with SCS & SA 1 (pending)	SB 591-Parson, with SCS & SA 1 (pending)
SB 479-Crowell	SB 596-Brown, with SCS
SB 480-Stouffer, with SCS	SB 621-Brown, with SCS & SS for SCS (pending)
SB 492-Crowell, with SS (pending)	SB 749-Lamping, with SS & SA 1 (pending)
SB 547-Purgason	SJR 29-Lamping, with SS & SA 1 (pending)

SENATE BILLS WITH HOUSE AMENDMENTS

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

RESOLUTIONS

Reported from Committee

SCR 16-Stouffer

✓