

# Journal of the Senate

SECOND REGULAR SESSION

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SEVENTY-SIXTH DAY—WEDNESDAY, MAY 30, 2012

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The Senate met pursuant to adjournment.

President Pro Tem Mayer in the Chair.

Photographers from Jefferson City News Tribune were given permission to take pictures in the Senate Chamber.

## REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCS for SJR 51; SS for SB 464; HCS for SS for SCS for SB 469; CCS for HCS for SS for SCS for SB 470; CCS for HCS No. 2 for SCS for SB 480; HCS for SCS for SB 485; SS for SCS for SBs 489 and 637; CCS for HCS for SCS for SB 498; HCS for SCS for SB 562; HCS for SCS for SB 563; SCS for SB 566; CCS for HCS for SB 568; CCS for HCS for SCS for SB 569; SS for SCS for SB 576; HCS for SS for SCS for SB 595; CCS for SB 599; SS for SB 607; CCS for SB 611; HCS for SCS for SB 625; CCS for HCS for SB 628; CCS for HCS for SCS for SB 631; CCS for HCS for SCS for SB 635; CCS for HCS for SB 636; CCS for SS for SB 665; HCS for SS for SCS for SB 682; SS for SCS for SB 689; SCS for SB 715; CCS No. 2 for SS for SCS for SB 719; SCS for SB 729; SB 736; CCS for HCS for SS for SB 749; SS for SCS for SB 755; CCS for HCS for SS for SB 769; SCS for SB 789; SCS for SB 835; and SCS for SB 837**, begs leave to report that it has examined the same and finds that the joint resolution and bills have been duly enrolled and that the printed copies furnished the Senators are correct.

## SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SCS for SJR 51; SS for SB 464; HCS for SS for SCS for SB 469; CCS for HCS for SS for SCS for SB 470; CCS for HCS No. 2 for SCS for SB 480; HCS for SCS for SB 485; SS for SCS for SBs 489 and 637; CCS for HCS for SCS for SB 498; HCS for SCS for SB 562; HCS for SCS for SB 563; SCS for SB 566; CCS for HCS for SB 568; CCS for HCS for SCS for SB 569; SS for SCS for SB 576; HCS for SS for SCS for SB 595; CCS for SB 599; SS for SB 607; CCS for SB 611; HCS for SCS for SB 625; CCS for HCS for SB 628; CCS**

for **HCS** for **SCS** for **SB 631**; **CCS** for **HCS** for **SCS** for **SB 635**; **CCS** for **HCS** for **SB 636**; **CCS** for **SS** for **SB 665**; **HCS** for **SS** for **SCS** for **SB 682**; **SS** for **SCS** for **SB 689**; **SCS** for **SB 715**; **CCS No. 2** for **SS** for **SCS** for **SB 719**; **SCS** for **SB 729**; **SB 736**; **CCS** for **HCS** for **SS** for **SB 749**; **SS** for **SCS** for **SB 755**; **CCS** for **HCS** for **SS** for **SB 769**; **SCS** for **SB 789**; **SCS** for **SB 835**; and **SCS** for **SB 837**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the joint resolution and bills would be signed by the President Pro Tem to the end that they may become law. No objections being made, the joint resolution and bills were so read by the Secretary and signed by the President Pro Tem.

Also,

The President Pro Tem announced that all other business would be suspended and **HB 1029**; **SCS** for **HB 1036**; **HB 1037**; **HB 1039**; **SCS** for **HCS** for **HB 1042**; **SS** for **SCS** for **HCS** for **HB 1094**; **HB 1103**; **HB 1105**; **SS** for **HCS** for **HB 1106**; **HCS** for **HB 1108**; **SCS** for **HB 1112**; **SS** for **HB 1128**; **HB 1131**; **CCS** for **SCS** for **HB 1135**; **HB 1141**; **SS** for **SCS** for **HCS** for **HB 1150**; **HCS** for **HB 1171**; **HB 1172**; **HB 1179**; **HB 1188**; **HB 1231**; **HB 1236**; **HB 1250**; **SS** for **SCS** for **HB 1251**; **SS** for **SCS** for **HCS** for **HB 1280**; **HCS** for **HB 1308**; **HB 1315**; **SS** for **HB 1318**; **SCS** for **HCS No. 2** for **HB 1323**; **SS** for **HCS** for **HB 1329**; **HCS** for **HB 1340**; **SS** for **SCS** for **HCS** for **HB 1400**; **CCS** for **SS** for **SCS** for **HCS** for **HB 1402**; **HB 1424**; **SCS** for **HB 1460**; **HCS No. 2** for **HB 1462**; **SCS** for **HCS** for **HB 1495**; **SS** for **SCS** for **HCS** for **HB 1498**; **SCS** for **HB 1504**; **SCS** for **HCS** for **HB 1525**; **HCS** for **HB 1527**; **HB 1540**; **HCS** for **HB 1549**; **SS** for **SCS** for **HCS** for **HB 1563**; **SS** for **HCS** for **HB 1576**; **HB 1577**; **HCS** for **HB 1608**; **HCS** for **HB 1644**; **SS** for **HCS** for **HB 1647**; **SCS** for **HCS** for **HBs 1659** and **1116**; **HCS** for **HB 1661**; **HB 1680**; **SS** for **SCS** for **HCS** for **HB 1731**; **SCS** for **HCS** for **HB 1758**; **SCS** for **HCS** for **HB 1789**; **SS** for **SCS** for **HB 1807**, **HB 1093**, **HB 1107**, **HB 1156**, **HB 1221**, **HB 1261**, **HB 1269**, **HB 1641**, **HB 1668**, **HB 1737**, **HB 1782**, **HB 1868** and **HB 1878**; **HCS** for **HB 1818**; **SS** for **SCS** for **HB 1820**; **SCS** for **HCS** for **HB 1827**; **HCS** for **HB 1900**; **HB 1909**; **SS** for **HCS** for **HB 2001**; **CCS** for **SS** for **SCS** for **HCS** for **HB 2002**; **CCS** for **SS** for **SCS** for **HCS** for **HB 2003**; **CCS** for **SS** for **SCS** for **HCS** for **HB 2004**; **CCS** for **SS** for **SCS** for **HCS** for **HB 2005**; **CCS** for **SS** for **SCS** for **HCS** for **HB 2006**; **CCS** for **SS** for **SCS** for **HCS** for **HB 2007**; **CCS** for **SS** for **SCS** for **HCS** for **HB 2008**; **CCS** for **SS** for **SCS** for **HCS** for **HB 2009**; **CCS** for **SS** for **SCS** for **HCS** for **HB 2010**; **CCS** for **SS** for **SCS** for **HCS** for **HB 2012**; and **CCS** for **SS** for **SCS** for **HCS** for **HB 2013**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills were so read by the Secretary and signed by the President Pro Tem.

## OBJECTIONS

Senator Lembke submitted the following:

May 29, 2012

Terry Spieler  
Secretary of the Senate  
State Capitol Building  
Jefferson City, MO 65101

Dear Madam Secretary:

Pursuant to Rule 68, this letter is to notify you and others that I am filing a constitutional objection to CCS SS SCS HCS HB 2011. Please print this letter in the Senate Journal. I object to this legislation for the following reasons:

1. Specifically, Section 208.151, RSMo., established the eligibility criteria for the blind healthcare program. Section 208.152 sets forth

the benefits package for various state health care programs and prohibits the imposition of payments (i.e., premiums) for certain classes of eligible recipients and specifically prohibits premiums being imposed on “blind persons”. The language contained in HB 2011 will impose premiums on those recipients under the Blind Health Care Program.

2. The language contained in HB 2011 attempts to amend the eligibility criteria by adding more restrictive programs. With this, the General Assembly is legislating through an appropriations bill and is attempting to change existing statute by passage of HB 2011. That action would violate the constitutional restriction that a bill be limited to ONE subject.
3. Precedent for this was set in *Opponents of Prison Site, Inc. V. Carnahan*, 994 S.W.2d 573 (Mo. W.D. 1999) which states “[a] general appropriation bill, containing appropriation for numerous unrelated state activities, cannot amend substantive legislation . . .”. Simply stated, the General Assembly cannot legislate through an appropriations bill. Such an action violates the constitutional restriction established in Article III, Section 23 that a bill be limited to one subject.

The law in Missouri is clear – as this General Assembly was reminded in 2010 – that amending substantive law through an appropriations bill is unconstitutional and unenforceable.

I ask that the aforementioned objections be attached to the bill.

Thank you.

/s/ Jim Lembke

Senator Jim Lembke

District 1

### **SIGNING OF BILLS**

The President Pro Tem announced that all other business would be suspended and **CCS** for **SS** for **SCS** for **HCS** for **HB 2011**, having passed both branches of the General Assembly, would be read at length by the Secretary, and, the objection notwithstanding, the bill would be signed by the President Pro Tem to the end that it may become law. The bill was so read by the Secretary and signed by the President Pro Tem.

### **BILLS DELIVERED TO THE GOVERNOR**

**HCS** for **SS** for **SCS** for **SB 469**; **CCS** for **HCS** for **SS** for **SCS** for **SB 470**; **CCS** for **HCS** **No. 2** for **SCS** for **SB 480**; **HCS** for **SCS** for **SB 485**; **SS** for **SCS** for **SBs 489** and **637**; **CCS** for **HCS** for **SCS** for **SB 498**; **HCS** for **SCS** for **SB 562**; **HCS** for **SCS** for **SB 563**; **SCS** for **SB 566**; **CCS** for **HCS** for **SB 568**; **CCS** for **HCS** for **SCS** for **SB 569**; **SS** for **SCS** for **SB 576**; **HCS** for **SS** for **SCS** for **SB 595**; **CCS** for **SB 599**; **SS** for **SB 607**; **CCS** for **SB 611**; **HCS** for **SCS** for **SB 625**; **CCS** for **HCS** for **SB 628**; **CCS** for **HCS** for **SCS** for **SB 631**; **CCS** for **HCS** for **SCS** for **SB 635**; **CCS** for **HCS** for **SB 636**; **CCS** for **SS** for **SB 665**; **HCS** for **SS** for **SCS** for **SB 682**; **SS** for **SCS** for **SB 689**; **SCS** for **SB 715**; **CCS** **No. 2** for **SS** for **SCS** for **SB 719**; **SCS** for **SB 729**; **SB 736**; **CCS** for **HCS** for **SS** for **SB 749**; **SS** for **SCS** for **SB 755**; **CCS** for **HCS** for **SS** for **SB 769**; **SCS** for **SB 789**; **SCS** for **SB 835**; and **SCS** for **SB 837**, after having been duly signed by the Speaker of the House of Representatives in open session, were delivered to the Governor by the Secretary of the Senate.

### **JOINT RESOLUTIONS AND BILLS DELIVERED TO THE SECRETARY OF STATE**

**SCS** for **SJR 51** and **SS** for **SB 464**, after having been duly signed by the Speaker of the House of Representatives in open session, were delivered to the Secretary of State by the Secretary of the Senate.

### **RESOLUTIONS**

On behalf of Senator Crowell, Senator Mayer offered Senate Resolution No. 2248, regarding Austin Lane Wilson, Cape Girardeau, which was adopted.

On behalf of Senator Stouffer, Senator Mayer offered Senate Resolution No. 2249, regarding the Saline

County Career Center Ag Construction Program, which was adopted.

On behalf of Senator Stouffer, Senator Mayer offered Senate Resolution No. 2250, regarding the Marshall FFA Chapter, which was adopted.

On behalf of Senator Pearce, Senator Mayer offered Senate Resolution No. 2251, regarding Dr. Deborah Orr, which was adopted.

On behalf of Senator McKenna, Senator Mayer offered Senate Resolution No. 2252, regarding Reverend Bob Shobe and the Hurdland Baptist Church, which was adopted.

On behalf of Senator Schmitt, Senator Mayer offered Senate Resolution No. 2253, regarding Benjamin Wiltsch, Glendale, which was adopted.

On behalf of Senator Schmitt, Senator Mayer offered Senate Resolution No. 2254, regarding Thomas Moore, St. Louis, which was adopted.

On behalf of Senator Schmitt, Senator Mayer offered Senate Resolution No. 2255, regarding Christopher Lynas, Glendale, which was adopted.

On behalf of Senator Schmitt, Senator Mayer offered Senate Resolution No. 2256, regarding Charles Lauberth, Kirkwood, which was adopted.

On behalf of Senator Schmitt, Senator Mayer offered Senate Resolution No. 2257, regarding Daniel Brummell, St. Louis, which was adopted.

On behalf of Senator Schmitt, Senator Mayer offered Senate Resolution No. 2258, regarding Daniel Kelly, Kirkwood, which was adopted.

On behalf of Senator Schmitt, Senator Mayer offered Senate Resolution No. 2259, regarding Andrew Wiltsch, Glendale, which was adopted.

On behalf of Senator Nieves, Senator Mayer offered Senate Resolution No. 2260, regarding Alex Michael Kasper, Wildwood, which was adopted.

On behalf of Senator Nieves, Senator Mayer offered Senate Resolution No. 2261, regarding Richard Oldenburg, Washington, which was adopted.

On behalf of Senator Dempsey, Senator Mayer offered Senate Resolution No. 2262, regarding Saint Charles Police Officer Ken Mayer, which was adopted.

On behalf of Senator Munzlinger, Senator Mayer offered Senate Resolution No. 2263, regarding David Hill, Palmyra, which was adopted.

Senator Mayer offered Senate Resolution No. 2264, regarding Laura J. Robinson, Dexter, which was adopted.

On behalf of Senator Kehoe, Senator Mayer offered Senate Resolution No. 2265, regarding Travers Kenneth Eugene Hopkins, Sacramento, California, which was adopted.

On behalf of Senator Ridgeway, Senator Mayer offered Senate Resolution No. 2266, regarding John Miller, Weatherby Lake, which was adopted.

**COMMUNICATIONS**

President Pro Tem Mayer submitted the following:

May 30, 2012

Ms. Terry Spieler  
Secretary of the Senate  
Room 325, State Capitol  
Jefferson City, MO 65101

**Re: Joint Committee on the Missouri Criminal Code**

Dear Ms. Spieler:

Per Senate Concurrent Resolution 28, I hereby appoint the following Senate Majority members:

Senator Bob Dixon  
Senator Mike Parson

With the approval of the Senate Minority Leader, I hereby appoint the following Senate Minority member:

Senator Jolie Justus as Committee Co-Chair

Sincerely,  
/s/ Robert N. Mayer  
Robert N. Mayer  
President Pro Tem

On motion of Senator Mayer, the Senate adjourned sine die, pursuant to the Constitution.

PETER KINDER  
Lieutenant Governor

TERRY L. SPIELER  
Secretary of the Senate

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