

Journal of the Senate

FIRST REGULAR SESSION

TWENTY-THIRD DAY—TUESDAY, FEBRUARY 19, 2013

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Abram believed the Lord; and the Lord reckoned it to him as righteousness.” (Genesis 15:6)

Heavenly Father, Your words are true and we are grateful for them, for they provide us hope and we never doubt that You are good to Your promises for we find them in our daily lives. You provide us a glimpse of Your justice and what is expected of us; so help us do our part to bring this vision into reality. 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	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Kraus offered Senate Resolution No. 341, regarding Coach Jeff Diekmann, Lee’s Summit North High School, which was adopted.

CONCURRENT RESOLUTIONS

Senators Chappelle-Nadal, Curls and Nasheed offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 10

WHEREAS, immigration is a federal issue and Missouri residents value the protection of the borders of the United States; and

WHEREAS, Missouri residents value family and community and desire to avoid the separation of children from parents as long as a felony has not been committed by a parent; and

WHEREAS, Missouri residents respect the decisions made by local law enforcement as well as their judgments and support their focus on criminal activity in the state; and

WHEREAS, Missouri residents value a thriving economy and acknowledge that the state is only as successful as its tax payers; and

WHEREAS, the immigrant community in Missouri is a growing community which contributes meaningful employment within the state and pays taxes which bolster state revenues further enhancing the ability of the state to maintain its programs; and

WHEREAS, Missouri residents encourage and support the immigrant community to forge a path to become residents of this state and citizens of this country; and

WHEREAS, as all people are created equal to live freely in their pursuit of happiness, this nation must adopt a humane approach to treating all people with the same dignity and respect our founding fathers fought for in gaining our independence:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-seventh General Assembly, First Regular Session, the House of Representatives concurring therein, hereby urge law enforcement of this state to focus on criminal activity within the state and not on civil violations of federal law; and

BE IT FURTHER RESOLVED that the members of the Missouri Senate, Ninety-seventh General Assembly, First Regular Session, the House of Representatives concurring therein, hereby urge the United States Congress to aid in changing the federal immigration policy in accordance with the aforementioned principles for the betterment of this great country; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the President of the United States, the President Pro Tempore of the United States Senate, the Speaker of the United States House of Representatives, each member of the Missouri Congressional delegation, and the superintendent of the Missouri State Highway Patrol.

Senators Chappelle-Nadal, Walsh, Nasheed and Holsman offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 11

WHEREAS, the Mallinckrodt Chemical Works (MCW), near downtown St. Louis, was contracted by the Manhattan District of the United States Army Corps of Engineers in April 1942 to determine how to purify tons of uranium and achieved success in only 50 days; and

WHEREAS, MCW then processed all the uranium used for the world's first self-sustaining nuclear chain reaction in Chicago on December 2, 1942 that marks the birth of the Atomic Age; and

WHEREAS, MCW continued processing uranium for nuclear weapons for 15 years at the downtown St. Louis site, and another 10 years at Weldon Springs in St. Charles County, and generated tons of highly dangerous, long-lived radioactive waste; and

WHEREAS, the resulting radioactive wastes have been stockpiled, transported, spilled and have blown and eroded onto dozens of St. Louis locations over the subsequent 70 years; and

WHEREAS, the United States Department of Energy remediated the Weldon Springs site's 1.48 million cubic yards of radioactive waste at a cost of one billion federal tax dollars and also remediated many St. Louis sites; and

WHEREAS, in 1998 the Corps of Engineers took over the remediation of the St. Louis sites as part of the Formerly Utilized (Manhattan Project/Atomic Energy Commission) Sites Remedial Action Program (FUSRAP); and

WHEREAS, under Corps leadership more than one million cubic yards of the MCW radioactive wastes have been excavated and transported to licensed radioactive waste disposal sites in Utah and Idaho at a cost of more than one billion federal tax dollars and the Corps expects to continue the St. Louis City and County remediation projects for an estimated four additional years; and

WHEREAS, only one St. Louis site contaminated with MCW radioactive wastes is under the jurisdiction of the United States Environmental Protection Agency (EPA), namely the West Lake Landfill, an EPA-designated Superfund site in Bridgeton, Missouri; and

WHEREAS, the West Lake Landfill is not a location designed to store radioactive wastes; and

WHEREAS, the West Lake Landfill site, located in the Missouri River flood plain and along the New Madrid earthquake fault, contains an estimated 143,000 cubic yards of MCW radioactive wastes that were illegally dumped there in 1973; and

WHEREAS, the West Lake Landfill radioactive wastes have already contaminated the soil and are already in contact with the groundwater that flows into the Missouri River about eight miles upstream from the Missouri American Water Company's North Plant in Florissant, the drinking water resource for all of North St. Louis County above Interstate 70; and

WHEREAS, the West Lake groundwater also flows into the Missouri River upstream from the Missouri-Mississippi River confluence, just above the Chain of Rocks drinking water intake facility for the City of St. Louis; and

WHEREAS, the radioactive wastes will continue releasing radioactive liquids, particles and gases for hundreds of thousands of years and beyond; and

WHEREAS, exposure to radioactive liquids, particles and gases increase the risk of cancer, other life-threatening diseases, genetic mutations and birth defects:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-seventh General Assembly, First Regular Session, the House of Representatives concurring therein, hereby request the United States Congress to transfer the authority for the remediation of the West Lake Landfill radioactive wastes from the EPA to the Corps of Engineers' FUSRAP project with the urgent, related request that the wastes be excavated from the Missouri River flood plain and be transported to a licensed radioactive waste facility, away from water and away from people; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Majority and Minority Leaders of the United States Senate and House of Representatives, and each member of the Missouri Congressional delegation.

INTRODUCTION OF BILLS

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

SB 346—By Curls.

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to eligibility for food stamps.

SB 347—By Nasheed.

An Act to repeal section 568.040, RSMo, and to enact in lieu thereof one new section relating to the offense of nonsupport.

SB 348—By LeVota.

An Act to amend chapter 376, RSMo, by adding thereto three new sections relating to health insurance premium rate reviews, with an emergency clause.

SB 349—By LeVota.

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to MO HealthNet services.

SENATE BILLS FOR PERFECTION

Senator Keaveny moved that **SB 69**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 69**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 69

An Act to repeal section 454.475, RSMo, and to enact in lieu thereof one new section relating to

administrative child support decisions.

Was taken up.

Senator Keaveny moved that **SCS** for **SB 69** be adopted, which motion prevailed.

On motion of Senator Keaveny, **SCS** for **SB 69** was declared perfected and ordered printed.

Senator Schmitt assumed the Chair.

Senator Munzlinger moved that **SB 89**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 89**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 89

An Act to repeal sections 198.310 and 198.345, RSMo, and to enact in lieu thereof two new sections relating to the establishment and administration of senior housing in nursing home districts.

Was taken up.

Senator Munzlinger moved that **SCS** for **SB 89** be adopted, which motion prevailed.

On motion of Senator Munzlinger, **SCS** for **SB 89** was declared perfected and ordered printed.

SB 59 was placed on the Informal Calendar.

Senator Lamping requested unanimous consent of the Senate to withdraw **SB 345**, which requested was granted.

Senator Cunningham moved that **SB 34** be taken up for perfection, which motion prevailed.

Senator Cunningham offered **SS** for **SB 34**, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 34

An Act to amend chapter 287, RSMo, by adding thereto one new section relating to a database for workers' compensation claims.

Senator Cunningham moved that **SS** for **SB 34** be adopted.

Senator Sifton offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 34, Page 1, Line 16, by inserting the words "The division shall implement the provisions of this section in a manner allowing the division to maintain a record of all claims records received through the division's website, including the identity of the potential employee and of the potential employer. Such record shall be maintained by the division."

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

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

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 34, Page 1, Section 287.980, Line 16, by inserting immediately after said line, the following:

"4. Any person who fraudulently accesses the database described in subsection 1 of this section shall be guilty of a class A misdemeanor."

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

Senator Cunningham moved that **SS** for **SB 34**, as amended, be adopted, which motion prevailed.

On motion of Senator Cunningham, **SS** for **SB 34**, as amended, was declared perfected and ordered printed.

Senator Parson moved that **SB 24** be taken up for perfection, which motion prevailed.

On motion of Senator Parson, **SB 24** was declared perfected and ordered printed.

Senator Brown moved that **SB 75** be taken up for perfection, which motion prevailed.

At the request of Senator Brown, **SB 75** was placed on the Informal Calendar.

INTRODUCTION OF BILLS

The following Bill was read the 1st time and ordered printed:

SB 350—By Dempsey.

An Act to repeal sections 135.010, 135.025, and 135.030, RSMo, and to enact in lieu thereof three new sections relating to funds for vulnerable persons.

REPORTS OF STANDING COMMITTEES

Senator Richard, 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 **SCS** for **SB 89** and **SCS** for **SB 69**, 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.

On motion of Senator Richard, the Senate recessed until 5:00 p.m.

RECESS

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

SENATE BILLS FOR PERFECTION

Senator Wasson moved that **SB 101**, with **SCS**, be taken up for perfection, which motion prevailed. **SCS** for **SB 101**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 101

An Act to amend chapter 407, RSMo, by adding thereto one new section relating to florists.
Was taken up.

Senator Wasson moved that **SCS** for **SB 101** be adopted, which motion prevailed.

On motion of Senator Wasson, **SCS** for **SB 101** was declared perfected and ordered printed.

Senator Richard announced photographers from KMOV-TV were given permission to take pictures in the Senate Chamber.

Senator Munzlinger moved that **SB 16** be taken up for perfection, which motion prevailed.

On motion of Senator Munzlinger, **SB 16** was declared perfected and ordered printed.

Senator Brown moved that **SB 75** be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Chappelle-Nadal offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 75, Page 1, Section 170.315, Line 3, by striking “shall” and inserting in lieu thereof the following: “**may**”; and further amend line 7, by striking “shall” and inserting in lieu thereof the following: “**may**”; and further amend line 10, by striking “shall” and inserting in lieu thereof the following: “**may**”; and further amend line 12, by striking “shall” and inserting in lieu thereof the following: “**may**”; and further amend line 13, by striking “shall” and inserting in lieu thereof the following: “**may**”; and further amend line 16, by striking “shall” and inserting in lieu thereof the following: “**may**”; and

Further amend said bill, Section 171.410, Page 2, Line 1, by striking “shall” and inserting in lieu thereof the following: “**may**”.

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

On motion of Senator Brown, **SB 75**, as amended, was declared perfected and ordered printed.

Senator Dixon moved that **SB 45**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 45**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 45**

An Act to repeal sections 487.020 and 488.426, RSMo, and to enact in lieu thereof two new sections relating to reimbursement for family court commissioners.

Was taken up.

Senator Dixon moved that **SCS** for **SB 45** be adopted, which motion prevailed.

On motion of Senator Dixon, **SCS** for **SB 45** was declared perfected and ordered printed.

At the request of Senator Brown, **SB 29**, with **SCS**, was placed on the Informal Calendar.

Senator Kraus moved that **SB 138** be taken up for perfection, which motion prevailed.

On motion of Senator Kraus, **SB 138** was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Richard, 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 **SCS** for **SB 101**; **SB 24**; and **SS** for **SB 34**, 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.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 23**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 60**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 2**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

RESOLUTIONS

Senator Sater offered Senate Resolution No. 342, regarding Sophia Greenwalt, Reeds Spring, which was adopted.

Senator Kraus offered Senate Resolution No. 343, regarding Lee's Summit R-VII School District, which was adopted.

Senator Keaveny offered Senate Resolution No. 344, regarding Harriet McGuire, Saint Louis, which was adopted.

Senator Romine offered Senate Resolution No. 345, regarding William Zoughaib, Ste. Genevieve, which was adopted.

Senator Romine offered Senate Resolution No. 346, regarding the city of Potosi and Washington County, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Schaaf introduced to the Senate, Melody Boring and Margaret Bangerter, St. Joseph.

Senator Libla introduced to the Senate, Assistant Principal Jane Fike, Bobbi Jo Garrett, Amy Stricklin, Stacy Bradshaw, Ben Counce, Stephen Rooney and students Kiresha Cobb, Kayla McDaniel, Nortyana McIntyre, Katlyn Riggs, Dustin Branham, Maria Ibarra, Taylor Moses, Thomas Abbott, Caroline Hicks, Alvin Johnson, Antwjuan Jones, Gracie Martin, Kiana Carter, David Cook, Benjamin Counce, Ellen Currie, Taqurious Jackson and Eternity Hunt, Caruthersville Middle School; and Kayla, Dustin, Maria and Alvin were made honorary pages.

Senator Schmitt introduced to the Senate, Dr. Erin Gardner, Kirkwood; Dr. Kim Cayce, Columbia; Dr. Frank Koranda, Kansas City; and Dr. Tony Thomas, Gladstone, representatives of Missouri Dermatological Society.

Senator Keaveny introduced to the Senate, Jill Johnson, St. Louis.

Senator Pearce introduced to the Senate, Dawn Black, Southwest Livingston School, Ludlow.

Senator Nieves introduced to the Senate, Steve Pelak, Bonne Terre.

Senator Parson introduced to the Senate, former State Senator Morris Westfall, Halfway; and representatives of Missouri Cattlemen's Association.

Senator Keaveny introduced to the Senate, Ashley Schroeder and Katelyn Sherman.

Senator Emery introduced to the Senate, Hannah Young, Harrisonville.

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

SENATE CALENDAR

 TWENTY-FOURTH DAY—WEDNESDAY, FEBRUARY 20, 2013

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 251-Kraus and Chappelle-Nadal	SB 284-Sifton, et al
SB 252-Kraus	SB 285-Romine
SB 253-Justus	SB 286-Romine, et al
SB 254-Pearce	SB 287-Rupp
SB 255-Schmitt and Schaefer	SB 288-Lamping
SB 256-Silvey	SB 289-Sifton
SB 257-Silvey	SB 290-Walsh
SB 258-LeVota	SB 291-Rupp
SB 259-Schaaf	SB 292-Rupp
SB 260-Brown	SB 293-Pearce
SB 261-Rupp	SB 294-Schmitt
SB 262-Curls	SB 295-Lager
SB 263-Curls	SB 296-Lager
SB 264-Dempsey	SB 297-Lager
SB 265-Nieves and Cunningham	SB 298-Holsman
SB 266-Nieves	SB 299-Holsman
SB 267-Nieves	SB 300-Holsman
SB 268-Nieves	SB 301-McKenna, et al
SB 269-Nieves	SB 302-Wasson
SB 270-Nieves	SB 303-Wasson
SB 271-Nieves	SB 304-Wasson
SB 272-Nieves	SB 305-Wasson
SB 273-Wallingford	SB 306-Wasson
SB 274-Walsh	SB 307-Schaaf
SB 275-Walsh	SB 308-Schaaf
SB 276-Emery and Nieves	SB 309-Schaaf
SB 277-Holsman	SB 310-Nasheed
SB 278-Kehoe	SB 311-Nasheed
SB 279-Kehoe	SB 312-LeVota
SB 280-Wasson	SB 313-LeVota
SB 281-Wasson	SB 314-Wallingford
SB 282-Wasson	SB 315-Pearce
SB 283-Parson	SB 316-Parson and Justus

SB 317-Romine	SB 336-Walsh
SB 318-Rupp	SB 337-Sater
SB 319-Rupp	SB 338-Romine
SB 320-Schaefer	SB 339-Romine
SB 321-Schaefer	SB 340-Schmitt
SB 322-Dixon	SB 341-Schmitt
SB 323-Dixon	SB 342-Parson, et al
SB 324-Wallingford	SB 343-Parson
SB 325-Nieves	SB 344-Parson
SB 326-McKenna	SB 346 Curls
SB 327-Dixon	SB 347-Nasheed
SB 328-Brown	SB 348-LeVota
SB 329-Brown	SB 349-LeVota
SB 330-Wasson	SB 350-Dempsey
SB 331-Schmitt	SJR 17-Nieves
SB 332-Libla	SJR 18-Schmitt
SB 333-Silvey	SJR 19-Lager
SB 334-Sifton	
SB 335-Sifton	

HOUSE BILLS ON SECOND READING

HCS for HB 87	HCS for HBs 256, 33 & 305
HCS for HJRs 5 & 12	HCS for HBs 48 & 216

THIRD READING OF SENATE BILLS

SCS for SB 89-Munzlinger	SB 24-Parson
SCS for SB 69-Keaveny	SS for SB 34-Cunningham
SCS for SB 101-Wasson	

SENATE BILLS FOR PERFECTION

SB 127-Sater	SBs 176 & 192-Schmitt, et al, with SCS
SB 88-Schaaf, with SCS	SB 100-Keaveny

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 3-Rupp	SB 22-Dixon
SB 21-Dixon	SB 29-Brown, with SCS

SB 41-Munzlinger
SB 48-Lamping
SB 59-Rupp

RESOLUTIONS

Reported from Committee

SCR 2-Richard

To be Referred

SCR 10-Chappelle-Nadal, et al

SCR 11-Chappelle-Nadal, et al

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