

Journal of the Senate

SECOND REGULAR SESSION

FIFTH DAY—WEDNESDAY, JANUARY 15, 2014

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“May the Lord give strength to your people; May the Lord bless his people with peace.” (Psalm 28)

Blessed Lord, we are a people to whom much has been given and from whom much is expected. Our lives are many times hectic with demands, meetings, research and decisions that must be attended to. Provide us with strength and energy to do what is required and may we have a peace within that sustains us through it all. 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 Richard announced photographers from 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	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Sater offered Senate Resolution No. 1092, regarding the Seventieth Wedding Anniversary of Mr. and Mrs. Wayne Chapin, Mount Vernon, which was adopted.

Senator Kraus offered Senate Resolution No. 1093, regarding the Sixty-seventh Wedding Anniversary of Mr. and Mrs. Melvin Matthews, Oak Grove, which was adopted.

Senator LeVota offered Senate Resolution No. 1094, regarding Sean Patrick Ira Crotty, which was adopted.

CONCURRENT RESOLUTIONS

Senator Walsh offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 20

Relating to recognition of September 26th as Mesothelioma Awareness Day in Missouri

WHEREAS, mesothelioma is a rare form of cancer of the smooth lining of the chest, lungs, heart, and abdomen that is difficult to detect in its early stages and may be associated with many other conditions; however, when vital organs are involved or disease is identified outside of the operative field, surgery is no longer an option and patients are referred to chemotherapy or clinical trials; and

WHEREAS, approximately 2,500 to 3,000 cases of mesothelioma are reported annually in the United States, and because it occurs in such a small number of patients, mesothelioma is often referred to as an orphan disease, but the number of affected persons is steadily rising every year in North America, Europe, Australia, and Asia; and

WHEREAS, according to the American Cancer Society, mesothelioma is caused by exposure to asbestos fibers and characterized by a latency period that usually lasts for decades, although the exact method by which asbestos causes the disease is not known; and

WHEREAS, the American Cancer Society indicates that “most people who develop mesothelioma have worked on jobs where they inhaled asbestos particles, or have been exposed to asbestos dust and fibers in other ways, such as by washing the clothes of a family member who worked with asbestos, or by home renovation using asbestos products”; and

WHEREAS, due to the long period between exposure and diagnosis, mesothelioma results in a life expectancy of four to eighteen months after onset, and nearly 3,000 persons succumb to the disease each year; and

WHEREAS, to promote public awareness of the dangers of this deadly cancer and of asbestos exposure, the need for treatment protocols, and funding for research, Mesothelioma Awareness Day was started by Meso Foundation volunteers in 2004, and September 26th was designated as the day to (i) remember the victims of mesothelioma, (ii) publicize the dangers of asbestos exposure, (iii) offer hope for those who suffer with the disease today, and (iv) focus on and highlight the need for research support and a cure for mesothelioma; and

WHEREAS, on September 26th each year, citizens across the nation are encouraged to participate in CURE MESOTHELIOMA public awareness programs and events, and to sponsor or organize fundraising campaigns in the name of MESOTHELIOMA AWARENESS; and

WHEREAS, Mesothelioma Awareness Day provides an appropriate venue to communicate an important message to the public about this deadly cancer to ensure affected persons are accurately diagnosed and treated and connected to a support system:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-seventh General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby designate September 26th of every year as Mesothelioma Awareness Day in Missouri; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to send properly inscribed copies of this resolution to the Governor for his approval or rejection pursuant to the Missouri Constitution.

Read 1st time.

Senator Pearce offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 21

WHEREAS, the state of Missouri has a long history of supporting the military in their mission to protect the American people; and

WHEREAS, Whiteman Air Force Base, home to the 442nd Fighter Wing, is dedicated to delivering dynamic air power for the United States and acting as both a powerful deterrent to enemies and as an assurance to American citizens and allies; and

WHEREAS, the 442nd Fighter Wing has a rich legacy of defending the United States and its allies through its involvement in World War II, the Cold War, Operation Desert Storm, Operation Enduring Freedom and Operation Iraqi Freedom; and

WHEREAS, the mission of the 442nd is to maintain and support the A-10 Thunderbolt II at the highest level of combat readiness; and

WHEREAS, the A-10 Thunderbolt II is the Air Force's only fighter plane designed for close-air support providing critical front-line support for American forces on the ground and conducting combat search and rescue missions; and

WHEREAS, the A-10 Thunderbolt II is vital to providing Missouri civilian and military jobs as the 442nd Fighter Wing is the largest tenant unit at Whiteman Air Force Base and has a payroll of around \$40 million dollars, a personnel force of 1,100 people, and an economic impact of millions of dollars in the local community:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate, Ninety-seventh General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby strongly urge the United States Air Force not to eliminate the A-10 Thunderbolt II aircraft fleet; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the Secretary of Defense, the Secretary of the Air Force, and each member of Missouri's Congressional delegation.

Senators Cunningham and Libla offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 22

WHEREAS, in 1959, Senate Resolution No. 33 and House Resolution No. 19, recognizing the importance of the extraordinary manifestations of nature and recreational attributes of the Current and Eleven Point Riverways, requested Congress to enact legislation to preserve the natural resources and provide recreational development and other improvements for the public use; and

WHEREAS, in 1964, Congress answered Missouri's request by enacting legislation to establish the Ozark National Scenic Riverways; and

WHEREAS, the riverways within the Ozark National Scenic Riverways are, and remain, public highways of the State of Missouri, subject to concurrent jurisdiction between the state of Missouri and the United States under Missouri Senate Bill No. 362 enacted in 1971; and

WHEREAS, in 2005, the National Park Service began researching for the purpose of drafting a new general management plan for the Ozark National Scenic Riverways; and

WHEREAS, the National Park Service is advocating the "Preferred Alternative" option of the general management plan; and

WHEREAS, the goal of the "Preferred Alternative" option of the general management plan is to shut down public access points to riverways, eliminate motorized boat traffic from certain areas, further restrict boat motor horsepower in other areas, close several gravel bars, and propose that additional areas be designated as federal wilderness; and

WHEREAS, the general management plan will guide decisions related to the Ozark National Scenic Riverways for the next 15 to 20 years; and

WHEREAS, tourism is one of the most critical components of our rural economy; and

WHEREAS, thousands of hikers, campers, boaters, hunters, fishermen, and horseback riders visit these areas annually generating irreplaceable tax revenue; and

WHEREAS, any further limitations on the access to these riverways would severely impact this local economy; and

WHEREAS, the Missouri Conservation Commission is charged with the control, management, restoration, conservation, and regulation of bird, fish, game, forestry, and all wildlife resources of the state, including hatcheries, sanctuaries, refuges, reservations, and all other property owned, acquired, or used for such purposes; and

WHEREAS, in September of 2009, the Missouri Department of Conservation recommended that "hunting, fishing, and trapping continue to be allowed through the Ozark National Scenic Riverways except in highly developed areas where a reasonable safety zone for public protection may be required":

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-seventh General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby strongly urge the National Park Service not to take action on the general management plan; and

BE IT FURTHER RESOLVED that the Missouri General Assembly does not find that the "Preferred Alternative" plan advocated by the

National Park Service uses the land and riverways as the State of Missouri originally intended; and

BE IT FURTHER RESOLVED that the Missouri General Assembly urges the Department of the Interior to enter into negotiations with the State of Missouri, Department of Conservation for the return of the Ozark National Scenic Riverways to the State of Missouri so that the land will continue to be used for its original and intended purpose; 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 Pro Tempore of the United States Senate, the Speaker of the United States House of Representatives, the Secretary of the United States Department of the Interior, each member of the Missouri Congressional delegation, the Director of the National Park Service, the Superintendent of the Ozark National Scenic Riverways, the Director of the Missouri Department of Conservation, and Governor Jay Nixon.

INTRODUCTION OF BILLS

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

SB 725—By Nieves.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of the Marc Perez memorial bridge.

SB 726—By Chappelle-Nadal.

An Act to repeal section 161.022, RSMo, and to enact in lieu thereof one new section relating to term limits for state board of education members.

SB 727—By Chappelle-Nadal.

An Act to amend chapter 144, RSMo, by adding thereto one new section relating to a sales and use tax exemption for farmers' markets.

SB 728—By Sifton.

An Act to repeal sections 115.155 and 115.631, RSMo, and to enact in lieu thereof two new sections relating to election offenses, with penalty provisions.

SB 729—By Romine.

An Act to amend chapter 620, RSMo, by adding thereto one new section relating to a tax credit for donations to innovation campuses.

SJR 43—By Lamping.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article X of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the use of sales and use tax revenue for transportation.

REFERRALS

President Pro Tem Dempsey referred **SCR 19** and **SRM 1** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 531—Small Business, Insurance and Industry.

SB 532—Seniors, Families and Pensions.

SB 533—Agriculture, Food Production and Outdoor Resources.

SB 534—Education.

SB 535—Education.

- SB 536**—Rules, Joint Rules, Resolutions and Ethics.
- SB 537**—Small Business, Insurance and Industry.
- SB 538**—Education.
- SB 539**—Education.
- SB 540**—Transportation and Infrastructure.
- SB 541**—Jobs, Economic Development and Local Government.
- SB 542**—Judiciary and Civil and Criminal Jurisprudence.
- SB 543**—Ways and Means.
- SB 544**—Transportation and Infrastructure.
- SB 545**—Education.
- SB 546**—Small Business, Insurance and Industry.
- SB 547**—Education.
- SB 548**—Judiciary and Civil and Criminal Jurisprudence.
- SB 549**—Judiciary and Civil and Criminal Jurisprudence.
- SB 550**—Governmental Accountability and Fiscal Oversight.
- SB 551**—Judiciary and Civil and Criminal Jurisprudence.
- SB 552**—Seniors, Families and Pensions.
- SB 553**—Veterans' Affairs and Health.
- SB 554**—General Laws.
- SB 555**—Rules, Joint Rules, Resolutions and Ethics.
- SB 556**—General Laws.
- SB 557**—Jobs, Economic Development and Local Government.
- SB 558**—Ways and Means.
- SB 559**—Small Business, Insurance and Industry.
- SB 560**—Education.
- SB 561**—Small Business, Insurance and Industry.
- SB 562**—Education.
- SB 563**—Judiciary and Civil and Criminal Jurisprudence.
- SB 564**—Seniors, Families and Pensions.
- SB 565**—General Laws.
- SB 566**—Education.
- SB 567**—Seniors, Families and Pensions.
- SB 568**—Jobs, Economic Development and Local Government.
- SB 569**—Financial and Governmental Organizations and Elections.
- SB 570**—Seniors, Families and Pensions.

MESSAGES FROM THE GOVERNOR

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

Governor of Missouri
Jefferson City
65102

January 14, 2014

To the Senate of the 97th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Lisa J. Crandall as a member of the Missouri Planning Council for Development Disabilities, submitted to you on January 8, 2014. Line 1 should be amended to read:

Lisa Jan Taylor Crandall, 607 Caspian Circle, Ashland, Boone County, Missouri 65010, as a

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

Governor of Missouri
Jefferson City
65102

January 14, 2014

To the Senate of the 97th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Wendy D. Davis as a member of the Missouri Planning Council for Development Disabilities, submitted to you on January 8, 2014. Line 1 should be amended to read:

Wendy D. Davis, 321 Ryefield Ridge, Columbia, Boone County, Missouri

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

Governor of Missouri
Jefferson City
65102

January 14, 2014

To the Senate of the 97th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Douglas R. Kennedy as a member of the Coordinating for Higher Education, submitted to you on January 8, 2014, Line 2 should be amended to read:

Missouri 63901, as a member of the Coordinating Board for Higher Education, for a term

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

Governor of Missouri
Jefferson City
65102

January 14, 2014

To the Senate of the 97th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Gary Rogles as a member of the Board of Boiler and Pressure Vessel Rules, submitted to you on January 8, 2014. Line 1 should be amended to read:

Gary Rogles, 10993 Edgemoor Terrace, Saint Louis, Saint Louis County, Missouri 63123, as a

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

Governor of Missouri
Jefferson City
65102

January 14, 2014

To the Senate of the 97th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Jennifer Vernon as a member of the Child Abuse and Neglect Review Board, submitted to you on January 8, 2014. Line 1 should be amended to read:

Jennifer L. Schoonover, 9227 Southwest Josh Ridge Road, Trimble, Clinton County, Missouri

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

REFERRALS

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

COMMUNICATIONS

President Pro Tem Dempsey submitted the following:

January 13, 2014

Honorable Tom Dempsey
President Pro Tem
State Capitol, Room 326
Jefferson City, MO 65101

Dear President Pro Tem,

With this letter I hereby resign from the Missouri Tourism Commission.

Thank you for the opportunity to serve you in this capacity.

Yours truly,
/s/ Eric S. Schmitt
Eric S. Schmitt

INTRODUCTIONS OF GUESTS

Senator Kehoe introduced to the Senate, Dr. Deanne Fisher, Principal; Dr. Gretchen Guitard, Assistant Superintendent; Gara Loskill, JCPS Characterplus Coordinator; and students and supporters Marcus Woodruff, Earl Fuller, Blair Brunnert, Sandra Boeckman, Lauren Pierce and Jana Holsman, Jefferson City Academic Center.

Senator Nieves introduced to the Senate, Marian Perez, Wildwood.

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

SENATE CALENDAR

SIXTH DAY– THURSDAY, JANUARY 16, 2014

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 571-Chappelle-Nadal
SB 572-Chappelle-Nadal

SB 573-Munzlinger
SB 574-Munzlinger

SB 575-Dixon	SB 617-Rupp
SB 577-Kraus	SB 618-Nieves
SB 578-Kraus	SB 619-Nieves
SB 579-Holsman	SB 620-Nieves
SB 580-Kraus	SB 621-Dixon
SB 581-Rupp	SB 622-Nieves
SB 582-Rupp	SB 623-Nieves
SB 583-Dixon	SB 624-LeVota
SB 584-Dixon	SB 625-Sater and Munzlinger
SB 585-Dixon	SB 626-LeVota
SB 586-Kraus	SB 627-LeVota
SB 587-Kraus	SB 628-Schaaf
SB 588-Kraus	SB 629-Kraus
SB 589-Brown	SB 630-Wallingford
SB 590-Brown	SB 631-Wallingford
SB 591-Sater	SB 632-Parson
SB 593-Sater	SB 633-Parson
SB 594-Libla	SB 634-Parson
SB 595-Walsh	SB 635-Silvey and Holsman
SB 596-Holsman	SB 636-LeVota
SB 597-Holsman	SB 637-Rupp
SB 598-Holsman	SB 638-Romine
SB 599-Kraus	SB 639-Brown
SB 600-Sater	SB 640-Emery
SB 601-Holsman	SB 641-Emery
SB 602-Holsman	SB 642-Romine
SB 603-Holsman	SB 643-Rupp
SB 604-Holsman	SB 644-LeVota
SB 605-Dixon	SB 645-LeVota
SB 606-Dixon	SB 646-LeVota
SB 607-Dixon	SB 647-Sifton
SB 608-Holsman	SB 648-LeVota
SB 609-Rupp	SB 649-Lager
SB 610-Rupp	SB 650-Lager
SB 611-Schaaf	SB 651-Lager
SB 612-Schaaf	SB 652-Lager
SB 613-Nieves, et al	SB 653-Lager
SB 614-Dixon	SB 654-Keaveny
SB 615-Dixon	SB 655-Kraus
SB 616-Nasheed	SB 656-Kraus

SB 657-Kraus	SB 697-Schaefer
SB 658-Wallingford	SB 698-Justus
SB 659-Wallingford	SB 699-Pearce
SB 660-Wallingford	SB 700-Sater
SB 661-LeVota	SB 701-Lager
SB 662-Kraus	SB 702-Lager
SB 663-Munzlinger	SB 703-Lager
SB 664-Brown	SB 704-Lager
SB 665-LeVota	SB 705-Lager
SB 666-Schmitt	SB 706-Cunningham
SB 667-Schmitt	SB 707-Wasson
SB 668-Silvey	SB 708-Sifton
SB 669-Schaaf	SB 709-Wallingford
SB 670-Sater	SB 710-Walsh
SB 671-Sater	SB 711-Walsh
SB 672-Parson	SB 712-Walsh
SB 673-Kehoe and Wallingford	SB 713-Emery
SB 674-Kehoe	SRB 714-Lager
SB 675-Kehoe	SRB 715-Lager
SB 676-Curls	SB 716-Brown
SB 677-Curls	SB 717-Brown
SB 678-Curls	SB 718-Richard
SB 679-Curls	SB 719-Kehoe
SB 680-Curls	SB 720-Justus
SB 681-Curls	SB 721-Justus
SB 682-Curls	SB 722-Justus
SB 683-Curls	SB 723-Parson
SB 684-Holsman	SB 724-Parson
SB 685-LeVota	SB 725-Nieves
SB 686-LeVota	SB 726-Chappelle-Nadal
SB 687-LeVota	SB 727-Chappelle-Nadal
SB 688-LeVota	SB 728-Sifton
SB 689-Schmitt, et al	SB 729-Romine
SB 690-Wasson	SJR 32-Chappelle-Nadal
SB 691-Wasson	SJR 33-Chappelle-Nadal
SB 692-Wasson	SJR 34-Emery
SB 693-Parson	SJR 35-Nasheed
SB 694-Cunningham	SJR 36-Schaefer and Richard
SB 695-Keaveny	SJR 37-Dixon
SB 696-Schaefer	SJR 38-Nieves

SJR 39-Dixon
SJR 40-Curls
SJR 41-Curls

SJR 42-Schmitt
SJR 43-Lamping

INFORMAL CALENDAR

RESOLUTIONS

To be Referred

SCR 20-Walsh
SCR 21-Pearce

SCR 22-Cunningham and Libla

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