

# Journal of the Senate

SECOND REGULAR SESSION

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SIXTH DAY—THURSDAY, JANUARY 16, 2014

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“I will give thanks to the Lord with my whole heart.” (Psalm 8:1)

As we finish our first full week and return to our homes we are so thankful for all that You provide from Your gracious hand, O Lord. “Watch our going out and coming in” so we may arrive safely and enjoy our time with loved ones and be found faithful and attentive to Your Holy Word. 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	Lamping	LeVota	Libla	Munzlinger
Nasheed	Nieves	Parson	Pearce	Richard	Romine	Rupp	Sater
Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—32

Absent—Senators—None

Absent with leave—Senator Lager—1

Vacancies—1

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Sater offered Senate Resolution No. 1095, regarding Mike Wilks, Monett, which was adopted.

Senator Sater offered Senate Resolution No. 1096, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Louis Ray Burluson, Shell Knob, which was adopted.

Senator Sater offered Senate Resolution No. 1097, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Daniel Carr, Everton, which was adopted.

Senator Sater offered Senate Resolution No. 1098, regarding Vicky (England) Easley, Wheaton, which was adopted.

Senator Sater offered Senate Resolution No. 1099, regarding McDonald County R-I School District Advanced Placement study program, which was adopted.

Senator Sater offered Senate Resolution No. 1100, regarding the Fiftieth Anniversary of Hood's Service Center, Incorporated, which was adopted.

Senator Sater offered Senate Resolution No. 1101, regarding Ross and Vicki Babbitt, Pineville, which was adopted.

Senator Sater offered Senate Resolution No. 1102, regarding Captain Jeremy S. Gracy, which was adopted.

Senator Sater offered Senate Resolution No. 1103, regarding James Alan Boyer, which was adopted.

Senator Sater offered Senate Resolution No. 1104, regarding Brantley Kyzer Dean Allen, which was adopted.

Senator Sater offered Senate Resolution No. 1105, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Ted Bookout, Branson, which was adopted.

Senator Cunningham offered Senate Resolution No. 1106, regarding Red Rock Coffee Company, Rogersville, which was adopted.

Senator Cunningham offered Senate Resolution No. 1107, regarding Fay King, Marshfield, which was adopted.

Senator Libla offered Senate Resolution No. 1108, regarding Steve Halter, Poplar Bluff, which was adopted.

### **CONCURRENT RESOLUTIONS**

Senators Chappelle-Nadal and Lamping offered the following concurrent resolution:

#### SENATE CONCURRENT RESOLUTION NO. 23

WHEREAS, seventy years ago the United States government hired St. Louis based company Mallinckrodt Chemical Works to purify uranium for use in nuclear weapons during wartimes; and

WHEREAS, from 1946 until 1957, Mallinckrodt Chemical Works transported and dumped the radioactive chemical waste produced from the uranium purification process at Coldwater Creek near the St. Louis airport; and

WHEREAS, some of the radioactive chemical wastes were later trucked from Coldwater Creek to Latty Avenue in Hazelwood for drying and shipping to Colorado for reprocessing; and

WHEREAS, in 1973, some of the radioactive chemical wastes located on Latty Avenue were transported and illegally dumped in the West Lake Landfill located in Bridgeton, next to Earth City, in the Missouri River floodplain; and

WHEREAS, the West Lake Landfill was not designed to store radioactive chemical waste; and

WHEREAS, the radioactive chemical waste has contaminated land and caused erosion of soil from the West Lake Landfill berm; and

WHEREAS, the radioactive chemical waste poses significant health risks to citizens in the area; and

WHEREAS, in 1990, the Environmental Protection Agency recognized the significant health risks posed to citizens in the area and placed the West Lake Landfill on the Superfund National Priorities List; and

WHEREAS, in 1997, Congress transferred responsibility from the U.S. Department of Energy to the United States Army Corps of Engineers Formerly Utilized Sites Remedial Action Program for land remediation efforts; and

WHEREAS, the West Lake Landfill was not transferred to the United States Army Corps of Engineers Formerly Utilized Sites Remedial Action Program, but remained the responsibility of the Environmental Protection Agency because it had been placed on the Superfund National Priorities List; and

WHEREAS, in 2008, the Environmental Protection Agency issued a Record of Decision stating that the radioactive chemical wastes were to remain in the landfill, with merely a cover of rocks, construction rubble, and clay, and no liner to protect the wastes from groundwater leaching; and

WHEREAS, in 2012, an underground fire was discovered at the West Lake Landfill, and the fire has remained uncontrolled since that time; and

WHEREAS, the United States Army Corps of Engineers Formerly Utilized Sites Remedial Action Program would be better situated to address the West Lake Landfill remediation efforts given their experience in remediation efforts across St. Louis City and St. Louis County:

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 request the United States Congress to transfer the authority for the remediation of the West Lake Landfill radioactive chemical wastes from the Environmental Protection Agency to the United States Army Corps of Engineers Formerly Utilized Sites Remedial Action Program; and

BE IT FURTHER RESOLVED that the radioactive chemical 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 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 and Joint Resolution were read the 1st time and ordered printed:

**SB 730**—By Nasheed.

An Act to amend chapter 161, RSMo, by adding thereto one new section relating to school accreditation.

**SB 731**—By Nasheed.

An Act to repeal sections 82.1025, 82.1027, 82.1028, 82.1029, and 82.1030, RSMo, and to enact in lieu thereof five new sections relating to property regulations in certain cities and counties.

**SB 732**—By Keaveny.

An Act to repeal sections 590.700 and 650.056, RSMo, and to enact in lieu thereof six new sections relating to criminal procedures.

**SB 733**—By Schaefer.

An Act to repeal sections 143.011, 143.071, 143.171, RSMo, and to enact in lieu thereof three new sections relating to income taxes.

**SB 734**—By Cunningham.

An Act to repeal section 394.120, RSMo, and to enact in lieu thereof one new section relating to electric cooperatives.

**SB 735**—By Brown.

An Act to amend chapter 419, RSMo, by adding thereto one new section relating to campgrounds, with a penalty provision.

**SB 736**—By Sater.

An Act to repeal sections 208.022 and 208.040, RSMo, and to enact in lieu thereof three new sections relating to temporary assistance for needy families benefits.

**SB 737**—By Walsh.

An Act to repeal section 575.021, RSMo, and to enact in lieu thereof one new section relating to obstruction of an ethics investigation, with existing penalty provisions.

**SB 738**—By Walsh.

An Act to repeal sections 130.016, 130.036, 130.037, 130.049, 130.050, 130.054, and 130.086, RSMo, section 130.011 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session, section 130.011 as enacted by conference committee substitute for senate substitute for house committee substitute for house bill no. 1900, ninety-third general assembly, second regular session, section 130.021 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, section 130.021 as enacted by senate bill no. 485, ninety-fifth general assembly, first regular session, section 130.026 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session, section 130.026 as enacted by conference committee substitute for house committee substitute for senate committee substitute for senate bill no. 262, eighty-eighth general assembly, first regular session, section 130.031 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, section 130.031 as enacted by conference committee substitute no. 2 for house committee substitute for senate committee substitute for senate bills nos. 31 & 285, ninety-second general assembly, first regular session, section 130.041 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session, section 130.041 as enacted by conference committee substitute no. 2 for house committee substitute for senate committee substitute for senate bills nos. 31 & 285, ninety-second general assembly, first regular session, section 130.046 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session, section 130.046 as enacted by conference committee substitute for senate substitute for house committee substitute for house bill no. 1900, ninety-third general assembly, second regular session, section 130.057 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session, and section 130.057 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 676 merged with conference committee substitute no. 2 for house committee substitute for senate committee substitute for senate bills nos. 31 & 285, ninety-second general assembly, first regular session, and to enact in lieu thereof thirteen new sections relating to campaign finance.

**SB 739**—By Romine.

An Act to repeal sections 208.010, 208.151, 208.631, 208.670, 208.950, 208.952, 208.990, and 208.991, RSMo, and to enact in lieu thereof seventeen new sections relating to the MO HealthNet program.

**SB 740**—By Lamping, Richard, Emery, Schaaf, Brown, Kehoe and Nieves.

An Act to repeal sections 135.350, 135.352, 253.550, 253.557, and 253.559, RSMo, and to enact in lieu thereof five new sections relating to tax credits.

**SB 741**—By Rupp.

An Act to repeal sections 313.800, 313.812, 313.817, and 313.830, RSMo, and to enact in lieu thereof four new sections relating to financial transactions of gaming establishments, with penalty provisions.

**SB 742**—By Schmitt.

An Act to amend chapter 135, RSMo, by adding thereto six new sections relating to an air export incentive, with an emergency clause.

**SB 743**—By Schmitt.

An Act to repeal section 135.800, RSMo, and to enact in lieu thereof one new section relating to tax incentives.

**SB 744**—By Nieves.

An Act to repeal sections 21.750, 571.030, 571.070, 571.101, 571.107, 571.117, and 590.010, RSMo, and to enact in lieu thereof twelve new sections relating to firearms, with existing penalty provisions.

**SJR 44**—By Schaefer.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article X of the Constitution of Missouri, by adding thereto one new section relating to a refund of excess state revenues.

#### **REPORTS OF STANDING COMMITTEES**

Senator Dempsey, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Jerald A. Dickey, Republican, as a member of the State Board of Embalmers and Funeral

Directors;

Also,

Ryan G. McKenna, as Director of the Department of Labor and Industrial Relations;

Also,

Julie T. Donelon and Carol R. Fischer, as members of the Child Abuse and Neglect Review Board;

Also,

Mariann Burnetti-Atwell, as a member of the State Committee of Psychologists;

Also,

Sharon E. Sorrell and Kathie A. Miller, as members of the State Committee for Social Workers;

Also,

Timothy J. Viox, Independent, as a member of the Amusement Ride Safety Board;

Also,

Alan H. Wells, as a member of the Advisory Committee for 911 Service Oversight; and

David L. Gourley, Republican, as a member of the Missouri Veterinary Medical Board.

Senator Dempsey requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Dempsey moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

### **SECOND READING OF SENATE BILLS**

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

**SB 571**—Commerce, Consumer Protection, Energy and the Environment.

**SB 572**—Veterans' Affairs and Health.

**SB 573**—Jobs, Economic Development and Local Government.

**SB 574**—Jobs, Economic Development and Local Government.

**SB 575**—Governmental Accountability and Fiscal Oversight.

**SB 577**—Jobs, Economic Development and Local Government.

**SB 578**—Financial and Governmental Organizations and Elections.

**SB 579**—Commerce, Consumer Protection, Energy and the Environment.

**SB 580**—Financial and Governmental Organizations and Elections.

**SB 581**—Transportation and Infrastructure.

**SB 582**—Veterans' Affairs and Health.

**SB 583**—Judiciary and Civil and Criminal Jurisprudence.

**SB 584**—Ways and Means.

**SB 585**—Judiciary and Civil and Criminal Jurisprudence.

**SB 586**—Transportation and Infrastructure.

**SB 587**—Transportation and Infrastructure.

**SB 588**—Transportation and Infrastructure.

**SB 589**—Small Business, Insurance and Industry.

**SB 590**—Governmental Accountability and Fiscal Oversight.

**SB 591**—Agriculture, Food Production and Outdoor Resources.

**SB 593**—Financial and Governmental Organizations and Elections.

**SB 594**—Transportation and Infrastructure.

**SB 595**—Education.

**SB 596**—Transportation and Infrastructure.

**SB 597**—Transportation and Infrastructure.

**SB 598**—Commerce, Consumer Protection, Energy and the Environment.

**SB 599**—General Laws.

**SB 600**—Transportation and Infrastructure.

**SB 601**—Commerce, Consumer Protection, Energy and the Environment.

**SB 602**—Commerce, Consumer Protection, Energy and the Environment.

**SB 603**—Education.

**SB 604**—Transportation and Infrastructure.

**SB 605**—Education.

**SB 606**—Small Business, Insurance and Industry.

**SB 607**—Ways and Means.

**SB 608**—Progress and Development.

**SB 609**—Small Business, Insurance and Industry.

**SB 610**—Financial and Governmental Organizations and Elections.

**SB 611**—Veterans' Affairs and Health.

**SB 612**—Ways and Means.

**SB 613**—General Laws.

**SJR 32**—Education.

**SJR 33**—Jobs, Economic Development and Local Government.

**SJR 34**—Judiciary and Civil and Criminal Jurisprudence.

**SJR 35**—Financial and Governmental Organizations and Elections.

### **SECOND READING OF CONCURRENT RESOLUTIONS**

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

**SCR 20**—Rules, Joint Rules, Resolutions and Ethics.

### **REFERRALS**

President Pro Tem Dempsey referred **SCR 21** and **SCR 22** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

### **MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following committee to act with a like committee from the Senate pursuant to **HCR 1**.  
Representatives: Black, Hodges, Lant, Mayfield, Miller, Norr, Pierson, Rhoads, Solon, and Swan.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Senate that the Speaker has appointed the following committee to act with a like committee from the Senate pursuant

to **HCR 2**. Representatives: Conway (10), Cornejo, Cox, Crawford, Elmer, Leara, Mitten, Roorda, Schieffer, Smith (85).

### COMMUNICATIONS

Senator Justus submitted the following:

January 15, 2014

Charmaine Smith – Chairperson of the Board of Directors

Missouri Children’s Trust Fund

301 West High Street

Jefferson City, Missouri 65102

Fax Number 573-751-0254

*VIA FACSIMILE*

Dear Ms. Smith:

Please consider this correspondence to be my resignation from my position on the board of directors of the Missouri Children’s Trust Fund effective immediately. While I hold the Board in high regard and have valued my time on it, it has become impossible to devote adequate time to it given my other responsibilities.

Pursuant to the provisions of section 210.170, Senator Dempsey, the President Pro-Tem of the Missouri Senate, will appoint my successor.

Sincerely,

/s/ Jolie L. Justus

Jolie Justus

### INTRODUCTIONS OF GUESTS

Senator Holsman introduced to the Senate, Cole White, Kansas City.

Senator Justus introduced to the Senate, the Physician of the Day, Diane Jacobi, M.D., Mexico.

Senator Romine introduced to the Senate, Kevin Abts, Ste. Genevieve.

On motion of Senator Richard, the Senate adjourned until 4:00 p.m., Tuesday, January 21, 2014.

### SENATE CALENDAR

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SEVENTH DAY–TUESDAY, JANUARY 21, 2014

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### FORMAL CALENDAR

### SECOND READING OF SENATE BILLS

SB 614-Dixon

SB 615-Dixon

SB 616-Nasheed

SB 617-Rupp

SB 618-Nieves

SB 619-Nieves

SB 620-Nieves

SB 621-Dixon

SB 622-Nieves	SB 662-Kraus
SB 623-Nieves	SB 663-Munzlinger
SB 624-LeVota	SB 664-Brown
SB 625-Sater and Munzlinger	SB 665-LeVota
SB 626-LeVota	SB 666-Schmitt
SB 627-LeVota	SB 667-Schmitt
SB 628-Schaaf	SB 668-Silvey
SB 629-Kraus	SB 669-Schaaf
SB 630-Wallingford	SB 670-Sater
SB 631-Wallingford	SB 671-Sater
SB 632-Parson	SB 672-Parson
SB 633-Parson	SB 673-Kehoe and Wallingford
SB 634-Parson	SB 674-Kehoe
SB 635-Silvey and Holsman	SB 675-Kehoe
SB 636-LeVota	SB 676-Curls
SB 637-Rupp	SB 677-Curls
SB 638-Romine	SB 678-Curls
SB 639-Brown	SB 679-Curls
SB 640-Emery	SB 680-Curls
SB 641-Emery	SB 681-Curls
SB 642-Romine	SB 682-Curls
SB 643-Rupp	SB 683-Curls and Keaveny
SB 644-LeVota	SB 684-Holsman
SB 645-LeVota	SB 685-LeVota
SB 646-LeVota	SB 686-LeVota
SB 647-Sifton	SB 687-LeVota
SB 648-LeVota	SB 688-LeVota
SB 649-Lager	SB 689-Schmitt, et al
SB 650-Lager	SB 690-Wasson
SB 651-Lager	SB 691-Wasson
SB 652-Lager	SB 692-Wasson
SB 653-Lager	SB 693-Parson
SB 654-Keaveny	SB 694-Cunningham
SB 655-Kraus	SB 695-Keaveny
SB 656-Kraus	SB 696-Schaefer
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 702-Lager	SB 728-Sifton
SB 703-Lager	SB 729-Romine
SB 704-Lager	SB 730-Nasheed
SB 705-Lager	SB 731-Nasheed
SB 706-Cunningham	SB 732-Keaveny
SB 707-Wasson	SB 733-Schaefer
SB 708-Sifton	SB 734-Cunningham
SB 709-Wallingford	SB 735-Brown
SB 710-Walsh	SB 736-Sater
SB 711-Walsh	SB 737-Walsh
SB 712-Walsh	SB 738-Walsh
SB 713-Emery	SB 739-Romine
SRB 714-Lager	SB 740-Lamping, et al
SRB 715-Lager	SB 741-Rupp
SB 716-Brown	SB 742-Schmitt
SB 717-Brown	SB 743-Schmitt
SB 718-Richard	SB 744-Nieves
SB 719-Kehoe	SJR 36-Schaefer and Richard
SB 720-Justus	SJR 37-Dixon
SB 721-Justus	SJR 38-Nieves
SB 722-Justus	SJR 39-Dixon
SB 723-Parson	SJR 40-Curls
SB 724-Parson	SJR 41-Curls
SB 725-Nieves	SJR 42-Schmitt
SB 726-Chappelle-Nadal	SJR 43-Lamping
SB 727-Chappelle-Nadal	SJR 44-Schaefer

## INFORMAL CALENDAR

### RESOLUTIONS

To be Referred

SCR 23-Chappelle-Nadal and Lamping

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