

Journal of the Senate

SECOND REGULAR SESSION

ELEVENTH DAY—TUESDAY, JANUARY 28, 2014

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“The heavens are telling the glory of God; and the firmament proclaims his handiwork.” (Psalm 19:1)

Almighty God, we humble servants give You thanks for Your goodness and loving kindness to us. We are blessed with a wondrous world from which Your blessings flow to us, Your children. We pray give us such an awareness of Your mercies that with truly thankful hearts we may show forth praise not only with our lips but also in our lives by giving ourselves to Your service. 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.

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 Schaaf offered Senate Resolution No. 1170, regarding Grant Bess, Platte Woods, which was adopted.

Senator Schaaf offered Senate Resolution No. 1171, regarding Zachary Bischler, Platte Woods, which was adopted.

Senator Schaaf offered Senate Resolution No. 1172, regarding Clayton Riley Shrug, Platte Woods, which was adopted.

Senator Schaaf offered Senate Resolution No. 1173, regarding Zachary Watson, Platte Woods, which was adopted.

Senator Schaaf offered Senate Resolution No. 1174, regarding Harrison Hugh Ramsden, Platte Woods, which was adopted.

Senator Schaaf offered Senate Resolution No. 1175, regarding Scott Cameron Patton, Kansas City, which was adopted.

Senator Schaaf offered Senate Resolution No. 1176, regarding the One Hundredth Birthday of Erma Brychta, St. Joseph, which was adopted.

CONCURRENT RESOLUTIONS

Senator Keaveny offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 27

WHEREAS, the state of Missouri has executed 355 people since becoming a state, and 44 more currently sit on death row; and

WHEREAS, a team assembled by the American Bar Association, in its review of the death penalty in Missouri, found the state in compliance with only 9 out of 95 best practices to ensure that innocent people are not executed; and

WHEREAS, several people have been wrongfully convicted of murder in the state because of eyewitness misidentification, false confessions, and untruthful jailhouse informant testimony; and

WHEREAS, other states, including Illinois in 2011, have abolished the death penalty and noted the significant number of people on death row who were later found innocent; and

WHEREAS, the state's deputy public defender has testified that abolishing the death penalty would alleviate attorney shortages within the state's public defender system without the need for additional appropriations because staff members currently assigned to capital cases could be reassigned to other divisions; and

WHEREAS, death penalty cases cost the underfunded Missouri state public defender system 7 to 10 times more to defend than other murder cases; and

WHEREAS, a comparison of the costs of death penalty cases to other murder cases in the state of Kansas found that costs of adjudicating the death penalty cases exceeded the costs of other homicide cases by 70 percent; and

WHEREAS, a study in Florida determined the state would save \$51 million each year if it abolished the death penalty; and

WHEREAS, the death penalty has been ranked by a national survey of police chiefs as the least effective tool for reducing violent crime and eighty-eight percent of criminologists have found the death penalty does not curtail incidents of murder; and

WHEREAS, a comprehensive study of the costs of the death penalty is necessary to determine how much this ineffective public policy is costing the state of Missouri in these times of significant budgetary shortages; and

WHEREAS, Section 23.170, RSMo, requires the Oversight Division of the Committee on Legislative Research to conduct audits as directed by any concurrent resolution duly adopted by the General Assembly:

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 direct the Oversight Division of the Committee on Legislative Research to study the costs, both direct and indirect, born by county and state governments in the prosecution and defense of at least ten cases filed on or after January 1, 1990, in which a death sentence was sought and was imposed and compare such costs to the costs of an equal number of first degree murder cases filed on or after January 1, 1990, in which a death sentence was not sought and the defendant was sentenced to life without the possibility for parole, and an equal number of first degree murder cases filed on or after January 1, 1990, in which a death sentence was sought, but the defendant was sentenced to life without the possibility for parole at the conclusion of a sentencing phase. The comparison shall include, as estimated by the Oversight Division to be related to the cases, the costs of staff salaries, benefits, contracts for assistance, and operating expenses for: the attorney general's office; the department of corrections, including costs related to housing inmates sentenced to death and carrying out the death penalty; prosecuting and circuit attorneys, including expenses in preparing for the presentation of aggravating and mitigating circumstances with respect to sentencing proceedings in death penalty cases, expert witness fees, and additional investigations; the Missouri state public defender system; and the supreme court, courts of appeals, and circuit courts; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare a properly inscribed copy of this resolution to the Oversight Division of the Committee on Legislative Research.

INTRODUCTION OF BILLS

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

SB 787—By Justus.

An Act to repeal sections 536.010 and 546.710, RSMo, and to enact in lieu thereof two new sections relating to the capital sentencing procedures and protocols commission, with an emergency clause.

SB 788—By Brown.

An Act to amend chapter 313, RSMo, by adding thereto one new section relating to sweepstakes terminal devices.

SB 789—By Dixon.

An Act to repeal section 29.235, RSMo, and to enact in lieu thereof one new section relating to the authority of the office of state auditor.

SB 790—By Dixon.

An Act to repeal sections 556.061, 565.020, 565.030, 565.032, and 565.040, RSMo, and to enact in lieu thereof six new sections relating to first degree murder, with penalty provisions, an emergency clause for certain sections and an effective date for a certain section.

SB 791—By Parson and Schaaf.

An Act to repeal section 578.120, RSMo, and to enact in lieu thereof one new section relating to Sunday motorcycle sales, with an existing penalty provision.

SB 792—By Parson.

An Act to repeal section 595.030, RSMo, and to enact in lieu thereof one new section relating to the crime victims' compensation program.

SB 793—By Dixon.

An Act to repeal sections 56.110, 478.240, 544.250, 550.040, and 550.060, RSMo, and to enact in lieu thereof four new sections relating to criminal procedure.

President Pro Tem Dempsey assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Pearce, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 492**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Kraus, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which were referred **SB 509** and **SB 496**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

SENATE BILLS FOR PERFECTION

At the request of Senator Dixon, **SJR 30** was placed on the Informal Calendar.

Senator Dixon moved that **SB 507** be taken up for perfection, which motion prevailed.

Senator Dixon offered **SS** for **SB 507**, entitled:

SENATE SUBSTITUTE FOR SENATE BILL NO. 507

An Act to repeal sections 21.110, 28.060, 28.190, 29.280, 30.060, 30.070, 32.010, 37.010, 105.050, 192.007, 217.035, 261.010, 286.005, 287.610, 374.020, 374.080, 620.010, 640.010, 650.005, and 660.010, RSMo, and to enact in lieu thereof twenty-two new sections relating to vacancies in certain public offices, with a referendum clause and a contingent effective date.

Senator Dixon moved that **SS** for **SB 507** be adopted.

Senator Sifton offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 507, Page 45, Section B, Lines 27-35 of said page, by striking all of said section from the bill; and further amend line 36, by striking "Section C." and inserting in lieu thereof the following: "Section B"; and

Further amend said bill, Page 46, Section D, Lines 1 to 11 of said page, by striking all of said section from the bill.

Senator Sifton moved that the above amendment be adopted.

Senator Kehoe assumed the Chair.

Senator Dixon requested a roll call vote be taken on the adoption of **SA 1** and was joined in his request by Senators Justus, Pearce, Keaveny and Schaaf.

SA 1 failed of adoption by the following vote:

YEAS—Senators

Chappelle-Nadal	Curls	Holsman	Justus	Keaveny	LeVota	Schaefer	Schmitt
Sifton	Silvey	Walsh—11					

NAYS—Senators

Brown	Cunningham	Dempsey	Dixon	Emery	Kehoe	Kraus	Lager
Lamping	Libla	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard
Romine	Rupp	Sater	Schaaf	Wallingford—21			

Absent—Senators—None

Absent with leave—Senator Wasson—1

Vacancies—1

Senator Schmitt offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 507, Page 12, Section 37.010, Line 16, by inserting after all of said line the following:

“105.010. All officers elected or appointed by the authority of the laws of this state shall hold their offices until their successors are elected or appointed, commissioned and qualified. **For any person appointed by the governor to a board or commission pursuant to authority granted by section 51, article IV, of the Missouri Constitution, such appointee shall have authority to act during the pendency of the term of the office and for up to sixty days after the expiration of the term of the office. If the governor fails to fill the vacancy created by the expiration of the term of the office, then the board or commission position shall become vacant sixty days after the expiration of the person’s term.**”; and

Further amend the title and enacting clause accordingly.

Senator Schmitt moved that the above amendment be adopted.

At the request of Senator Dixon, **SB 507**, with **SS** and **SA 2** (pending), was placed on the Informal Calendar.

REFERRALS

President Pro Tem Dempsey referred **SR 1168** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

INTRODUCTIONS OF GUESTS

Senator Pearce introduced to the Senate, Chris Stewart and Janet Canavese, Sedalia.

Senator Brown introduced to the Senate, Courtney Flores, and students from Green Gables Lodge, Macks Creek.

The President introduced to the Senate, Reagan Payne, Cape Girardeau.

Senator Brown introduced to the Senate, Bruce Fiske and Steve Davis, Rolla.

Senator Libla introduced to the Senate, Dean and Cindy Million and Jim and Deanna Ward, Poplar Bluff.

On behalf of Senator Silvey and himself, Senator Wallingford introduced to the Senate, Kelsey Besand, Cape Girardeau; and Austin Stephenson, Kansas City.

Senator Brown introduced to the Senate, Sgt. Michael Jones, Cpl. Kyle Wilmont, Trooper Jacob Sellars and Sgt. Cody Fulkerson, Missouri State Highway Patrol.

Senator Kehoe introduced to the Senate, Maria Backes, Honey Creek.

Senator Kehoe introduced to the Senate, Missouri Cheerleading Coaches Association Class 2 Division Large State Cheer Champion Blair Oaks Cheerleading Squad; Coaches Christe Kemna, Lisa Lackman and Gwen Braun; Co-Captains Ashley Holland and Kelly Wilbers; and cheerleaders Rebecca Craig, Abbey Eskens, Christina Kempker, Taylor Morgan, Emily Prenger, Caitlin Schaefer, Holly Wolken, Tressa Moeller, Abby Shanley, Claudia Alley, Lanie Berhorst, Taylor Gehlert, Rachel Isenberg, Abbie Kemna, Lauren Roark and Sadie Turner.

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

SENATE CALENDAR

TWELFTH DAY–WEDNESDAY, JANUARY 29, 2014

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 669-Schaaf	SB 683-Curls and Keaveny
SB 670-Sater	SB 684-Holsman
SB 671-Sater	SB 685-LeVota
SB 672-Parson	SB 686-LeVota
SB 673-Kehoe and Wallingford	SB 687-LeVota
SB 674-Kehoe	SB 688-LeVota
SB 675-Kehoe	SB 689-Schmitt, et al
SB 676-Curls	SB 690-Wasson
SB 677-Curls	SB 691-Wasson
SB 678-Curls	SB 692-Wasson
SB 679-Curls	SB 693-Parson
SB 680-Curls	SB 694-Cunningham
SB 681-Curls	SB 695-Keaveny
SB 682-Curls	SB 696-Schaefer

SB 697-Schaefer	SB 737-Walsh
SB 698-Justus	SB 738-Walsh
SB 699-Pearce	SB 739-Romine
SB 700-Sater	SB 740-Lamping, et al
SB 701-Lager	SB 741-Rupp
SB 702-Lager	SB 742-Schmitt
SB 703-Lager	SB 743-Schmitt
SB 704-Lager	SB 744-Nieves
SB 705-Lager	SB 745-Munzlinger
SB 706-Cunningham	SB 746-Munzlinger
SB 707-Wasson	SB 747-Munzlinger
SB 708-Sifton	SB 748-Walsh
SB 709-Wallingford	SB 749-Walsh
SB 710-Walsh	SB 750-Walsh
SB 711-Walsh	SB 751-LeVota
SB 712-Walsh	SB 752-LeVota
SB 713-Emery	SB 753-Keaveny
SRB 714-Lager	SB 754-Sater and Justus
SRB 715-Lager	SB 755-Wallingford
SB 716-Brown	SB 756-Schaefer
SB 717-Brown	SB 757-Justus, et al
SB 718-Richard	SB 758-Justus
SB 719-Kehoe	SB 759-Sifton
SB 720-Justus	SB 760-Chappelle-Nadal
SB 721-Justus	SB 761-Wallingford
SB 722-Justus	SB 762-Schaefer
SB 723-Parson	SB 763-Schaefer
SB 724-Parson	SB 764-Lager
SB 725-Nieves	SB 765-Chappelle-Nadal
SB 726-Chappelle-Nadal	SB 766-Keaveny
SB 727-Chappelle-Nadal	SB 767-Schmitt, et al
SB 728-Sifton	SB 768-Pearce
SB 729-Romine	SB 769-Pearce
SB 730-Nasheed	SB 770-Wallingford
SB 731-Nasheed	SB 771-Sater
SB 732-Keaveny	SB 772-Lamping
SB 733-Schaefer	SB 773-Rupp
SB 734-Cunningham	SB 774-Dempsey
SB 735-Brown	SB 775-Walsh
SB 736-Sater	SB 776-Nieves

SB 777-Nieves	SB 792-Parson
SB 778-Nieves	SB 793-Dixon
SB 779-Munzlinger	SJR 36-Schaefer and Richard
SB 780-LeVota	SJR 37-Dixon
SB 781-LeVota	SJR 38-Nieves
SB 782-Romine	SJR 39-Dixon
SB 783-Romine	SJR 40-Curls
SB 784-Romine	SJR 41-Curls
SB 785-Kehoe	SJR 42-Schmitt
SB 786-Schmitt	SJR 43-Lamping
SB 787-Justus	SJR 44-Schaefer
SB 788-Brown	SJR 45-Silvey
SB 789-Dixon	SJR 46-Emery
SB 790-Dixon	SJR 47-Lager
SB 791-Parson and Schaaf	SJR 48-Kehoe

SENATE BILLS FOR PERFECTION

SB 492-Pearce, with SCS

SBs 509 & 496-Kraus, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 507-Dixon, with SS & SA 2 (pending)

SJR 30-Dixon

RESOLUTIONS

To be Referred

SCR 27-Keaveny

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