

# Journal of the Senate

SECOND REGULAR SESSION

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**THIRTY-EIGHTH DAY—MONDAY, MARCH 24, 2014**

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Senator Dixon offered the following prayer:

In Proverbs 24:3 we read.....

“Through wisdom a house is built, and by understanding it is established. By knowledge the rooms are filled with all precious and pleasant riches.”

God of all the earth and of all the ages, we ask for the wisdom of Solomon as we seek to do what is right by You and the citizens we serve. Help us to deal in understanding as if it were the currency of Your economy as we continually build this house of the people. Grant us the riches of Your grace and the favor of Your enlightenment. 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 Journals for Thursday, March 13, 2014 and Tuesday, March 18, 2014 were 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
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh—32

Absent—Senators—None

Absent with leave—Senator Wasson—1

Vacancies—1

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Sater offered Senate Resolution No. 1609, regarding Marilyn J. McNeal, which was adopted.

Senator Libla offered Senate Resolution No. 1610, regarding Trevor Dean Waldner, Dexter, which was adopted.

Senator Curls offered Senate Resolution No. 1611, regarding the 17th Annual College Tour sponsored by Beta Lambda Education Institute and Alpha Phi Alpha's Beta Lambda Chapter, Kansas City, which was adopted.

Senator Chappelle-Nadal offered Senate Resolution No. 1612, regarding Dennis Pero, Jennings, which was adopted.

Senator Silvey offered Senate Resolution No. 1613, regarding Troy Spring, Kansas City, which was adopted.

Senator Silvey offered Senate Resolution No. 1614, regarding Alexander Thomas Brooks, which was adopted.

Senator Keaveny offered Senate Resolution No. 1615, regarding Frederick Dick, Webster Groves, which was adopted.

Senator Keaveny offered Senate Resolution No. 1616, regarding John Macchi, Saint Louis, which was adopted.

Senator Keaveny offered Senate Resolution No. 1617, regarding Raymond Anthony Ruzicka, Saint Louis, which was adopted.

Senator Kehoe offered Senate Resolution No. 1618, regarding Jarod Kent McKee, Centertown, which was adopted.

Senator Rupp offered Senate Resolution No. 1619, regarding Edgar Allen Krattli, Lake Saint Louis, which was adopted.

Senator Parson offered Senate Resolution No. 1620, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Milton Schoonover, Lebanon, which was adopted.

Senator Walsh offered Senate Resolution No. 1621, regarding Jon Vogt, North St. Louis County, which was adopted.

Senator Walsh offered Senate Resolution No. 1622, regarding Pat and Lora Click, which was adopted.

Senator Cunningham offered Senate Resolution No. 1623, regarding the One Hundredth Birthday of Edna Burris, Hartville, which was adopted.

Senator Cunningham offered Senate Resolution No. 1624, regarding Austin Beverlin, Ava, which was adopted.

Senator Libla offered Senate Resolution No. 1625, regarding the Welcome Home Vietnam Veterans Day program, Poplar Bluff, which was adopted.

Senator Kraus offered Senate Resolution No. 1626, regarding Carlin F. Danaher, which was adopted.

Senator Kraus offered Senate Resolution No. 1627, regarding Steven J. Gordon, which was adopted.

Senator Kraus offered Senate Resolution No. 1628, regarding Vincent J. Kackley, which was adopted.

Senator Kraus offered Senate Resolution No. 1629, regarding Matthew C. Barris, which was adopted.

Senator Kehoe offered Senate Resolution No. 1630, regarding Southwest Early Childhood Center, Jefferson City, which was adopted.

Senator Walsh offered Senate Resolution No. 1631, regarding Lois and Frank Albers, Spanish Lake, which was adopted.

Senator Pearce offered Senate Resolution No. 1632, regarding Jacob M. Cheney, which was adopted.

Senator Richard offered Senate Resolution No. 1633, regarding Chief Lane J. Roberts, Joplin, which was adopted.

Senator Nasheed offered Senate Resolution No. 1634, regarding “Bringing It Together” and Older Americans Month, which was adopted.

Senator Sater offered Senate Resolution No. 1635, regarding Michael E. Cooper, Shell Knob, which was adopted.

Senator Holsman offered Senate Resolution No. 1636, regarding the death of Joseph S. Kenton, Kansas City, which was adopted.

### **MESSAGES FROM THE GOVERNOR**

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

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

March 18, 2014

To the Senate of the 97<sup>th</sup> General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Melba Curls, Democrat, 3832 Myrtle Avenue, Kansas City, Jackson County, Missouri 64128, as a member of the Missouri Real Estate Appraisers Commission, for a term ending September 12, 2014, and until her successor is duly appointed and qualified; vice, Hope Whitehead, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

March 18, 2014

To the Senate of the 97<sup>th</sup> General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

David G. Liechti, Democrat, 4804 South Cove Drive, Saint Joseph, Buchanan County, Missouri 64506, as a member of the Missouri

Western State University Board of Governors, for a term ending October 29, 2019, and until his successor is duly appointed and qualified; vice, Kylee M. Strough, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

March 18, 2014

To the Senate of the 97<sup>th</sup> General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Gregory W. Weaver, Democrat, 2141 East Berkeley, Springfield, Greene County, Missouri 65804, as a member of the Missouri Ethics Commission, for a term ending March 15, 2018, and until his successor is duly appointed and qualified; vice, Dennis E. Rose, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

March 19, 2014

TO THE SECRETARY OF THE SENATE  
97<sup>TH</sup> GENERAL ASSEMBLY  
SECOND REGULAR SESSION  
STATE OF MISSOURI

Herewith I return to you Senate Substitute for Senate Bill No. 668 entitled:

AN ACT

To amend chapter 376, RSMo, by adding thereto one new section relating to oral chemotherapy parity.

On March 19, 2014, I approved said Senate Substitute for Senate Bill No. 668.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

March 20, 2014

TO THE SECRETARY OF THE SENATE  
97<sup>TH</sup> GENERAL ASSEMBLY  
SECOND REGULAR SESSION  
STATE OF MISSOURI

Herewith I return to you Senate Bill No. 649 entitled:

AN ACT

To repeal sections 67.1830, 67.1836, 67.1838, and 67.1842, RSMo, and to enact in lieu thereof four new sections relating to right-of-way of political subdivisions.

On March 20, 2014, I approved said Senate Bill No. 649.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

March 20, 2014

TO THE SECRETARY OF THE SENATE  
97<sup>TH</sup> GENERAL ASSEMBLY  
SECOND REGULAR SESSION  
STATE OF MISSOURI

Herewith I return to you Senate Substitute for Senate Committee Substitute for Senate Bill No. 650 entitled:

AN ACT

To repeal sections 67.5090, 67.5092, 67.5094, 67.5096, 67.5098, 67.5100, 67.5102, and 67.5103, RSMo, and to enact in lieu thereof eight new sections relating to wireless communications infrastructure deployment.

On March 20, 2014, I approved said Senate Substitute for Senate Committee Substitute for Senate Bill No. 650.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

March 20, 2014

TO THE SECRETARY OF THE SENATE  
97<sup>TH</sup> GENERAL ASSEMBLY  
SECOND REGULAR SESSION  
STATE OF MISSOURI

Herewith I return to you Senate Committee Substitute for Senate Bill No. 651 entitled:

AN ACT

To repeal sections 392.415, 392.461, and 392.611, RSMo, and to enact in lieu thereof three new sections relating to communications services.

On March 20, 2014, I approved said Senate Committee Substitute for Senate Bill No. 651.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

March 20, 2014

TO THE SECRETARY OF THE SENATE  
97<sup>TH</sup> GENERAL ASSEMBLY  
SECOND REGULAR SESSION  
STATE OF MISSOURI

Herewith I return to you House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 653 entitled:

AN ACT

To repeal sections 67.1830 and 67.5104, RSMo, and to enact in lieu thereof two new sections relating to municipal utility poles.

On March 20, 2014, I approved said House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 653.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

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

**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 House has taken up and passed **HCS** for **HB 1557**, entitled:

An Act to repeal sections 304.015 and 304.180, RSMo, and to enact in lieu thereof three new sections relating to traffic regulations, with a penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1455**, entitled:

An Act to repeal section 136.300, RSMo, and to enact in lieu thereof one new section relating to tax liability disputes.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1337**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to highway designations.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1338**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to highway designations.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1644**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of a highway.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1532**, entitled:

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to the designation of engineer awareness week in Missouri.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1391**, entitled:

An Act to amend chapter 262, RSMo, by adding thereto one new section relating to rodeos.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1064**, entitled:

An Act to repeal sections 178.656, 197.315, 205.968, 208.215, 208.275, as enacted by senate committee

substitute for house committee substitute for house bill no. 464, ninety-sixth general assembly, first regular session, 210.211, 210.516, 211.202, 211.203, 226.805, 287.812, 376.810, 475.010, 475.120, 475.355, 552.040, 563.033, 565.030, 630.003, 630.005, 630.130, 630.340, 630.705, 633.020, 633.105, 633.170, 633.401, 660.075, and 660.405, RSMo, and to enact in lieu thereof twenty-nine new sections relating to individuals with disabilities.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1442**, entitled:

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to the designation of Alpha Phi Alpha day.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1656**, entitled:

An Act to repeal section 194.255, RSMo, and to enact in lieu thereof one new section relating to anatomical gifts.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1633**, entitled:

An Act to repeal section 34.042, RSMo, and to enact in lieu thereof two new sections relating to reverse auctions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1190**, entitled:

An Act to repeal section 304.180, RSMo, and to enact in lieu thereof one new section relating to emergency utility response permits.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1181**, entitled:

An Act to repeal sections 3.060, 3.070, 8.700, 8.110, 8.115, 8.180, 8.200, 8.260, 8.310, 8.315, 8.316, 8.320, 8.325, 8.330, 8.340, 8.350, 8.360, 8.800, 8.830, 8.843, 33.710, 33.750, 33.752, 33.753, 33.756, 34.031, 36.030, 37.005, 37.010, 37.020, 37.110, 43.251, 64.090, 89.020, 135.326, 135.335, 135.339, 143.782, 143.790, 143.1002, 160.700, 160.545, 161.418, 161.424, 167.034, 167.122, 167.123, 169.520, 172.875, 181.110, 186.019, 189.095, 191.737, 191.850, 191.853, 191.855, 191.857, 191.858, 191.859, 191.861, 191.863, 191.865, 191.867, 192.601, 192.935, 193.075, 193.215, 196.1103, 197.312, 197.318, 197.367, 198.018, 198.026, 198.029, 198.077, 198.080, 198.087, 198.090, 198.189, 198.421, 198.428, 198.510, 198.515, 199.025, 205.960, 205.961, 205.962, 205.964, 205.965, 207.010, 207.020, 207.030, 207.070, 207.080, 208.015, 208.030, 208.041, 208.042, 208.047, 208.050, 208.060, 208.070, 208.072, 208.075, 208.080, 208.100, 208.120, 208.125, 208.130, 208.145, 208.150, 208.152, 208.154, 208.156, 208.157, 208.164, 208.165, 208.168, 208.175, 208.176, 208.180, 208.182, 208.190, 208.204, 208.210, 208.217, 208.225, 208.300, 208.325, 208.337, 208.345, 208.400, 208.405, 208.471, 208.477, 208.533, 208.606, 208.609, 208.621, 208.636, 208.780, 209.010, 209.020, 209.030, 209.050, 209.060, 209.070, 209.080, 209.090, 209.100, 209.110, 209.240, 209.251, 210.001, 210.115, 210.165, 210.166, 210.167, 210.192, 210.196, 210.254, 210.481, 210.536, 210.537, 210.543, 210.545, 210.551, 210.560, 210.720, 210.829, 210.830, 210.834, 210.843, 210.846, 210.870, 210.900, 210.950, 211.081, 211.180, 211.183, 211.455, 211.477, 217.575, 226.008, 226.805, 251.100, 251.240, 253.320, 261.010, 285.300, 288.220, 288.270, 301.020, 302.133, 302.134, 302.135, 302.137, 302.171, 302.178, 311.650, 313.210, 320.260, 324.032, 334.125, 338.314, 361.010, 376.819, 452.345, 452.346, 452.347, 452.350, 452.370, 452.416, 453.005, 453.014, 453.015, 453.026, 453.065, 453.070, 453.074, 453.077, 453.102, 453.110, 453.400, 454.400, 454.403, 454.405, 454.408, 454.415, 454.420, 454.425, 454.430, 454.432, 454.433, 454.435, 454.440, 454.445, 454.450, 454.455, 454.460, 454.465, 454.472, 454.478, 454.490, 454.495, 454.496, 454.500, 454.505, 454.513, 454.530, 454.531, 454.565, 454.600, 454.700, 454.853, 454.902, 454.1000, 454.1003, 454.1023, 454.1027, 454.1029, 483.163, 487.080, 487.150, 513.430, 516.350, 577.608, 590.040, 595.030, 595.036, 595.037, 595.060, 610.029, 610.120, 620.010, 620.483, 620.490, 620.556, 620.558, 620.560, 620.562, 620.566, 620.570, 620.572, 620.1100, 620.1580, 630.097, 632.070, 650.005, 660.010, 660.050, 660.053, 660.054, 660.055, 660.057, 660.058, 660.060, 660.062, 660.067, 660.069, 660.070, 660.075, 660.130, 660.225, 660.250, 660.255, 660.260, 660.261, 660.263, 660.265, 660.270, 660.275, 660.280, 660.285, 660.290, 660.295, 660.300, 660.305, 660.310, 660.315, 660.317, 660.320, 660.321, 660.400, 660.403, 660.405, 660.407, 660.409, 660.411, 660.414, 660.416, 660.418, 660.420, 660.523, 660.525, 660.526, 660.600, 660.603, 660.605, 660.608, 660.620, 660.690, and 701.336, RSMo, and to enact in lieu thereof three hundred forty-one new sections for the sole purpose of codifying previous executive branch reorganizations, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President:

I hereby transmit to you the corrected message on **HCS** for **HB 1295**, entitled:

## AN ACT

To repeal sections 143.011, 143.021, 143.151, and 143.221, RSMo and to enact in lieu thereof five new sections relating to income taxes.

and:

**HCS for HBs 1253 & 1297**, entitled:

## AN ACT

To repeal sections 143.071 and 143.221, RSMo, and to enact in lieu thereof four new sections relating to the taxation of business income.

**SENATE BILLS FOR PERFECTION**

Senator Pearce assumed the Chair.

At the request of Senator Sater, **SB 593**, with **SCS**, was placed on the Informal Calendar.

Senator Nieves moved that **SB 623**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS for SB 623**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 623

An Act to repeal sections 115.225 and 115.237, RSMo, and to enact in lieu thereof three new sections relating to elections.

Was taken up.

Senator Nieves moved that **SCS for SB 623** be adopted.

Senator Munzlinger offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 623, Page 6, Section 115.506, Line 2, by inserting immediately after said line the following:

**“190.336. 1. Each member of an emergency services board established pursuant to section 190.335 shall be subject to recall from office by the registered voters of the election district from which he or she was elected. Proceedings may be commenced for the recall of any such member by the filing of a notice of intention to circulate a recall petition under this section.**

**2. Proceedings may not be commenced against any member if, at the time of commencement, such member:**

**(1) Has not held office during his or her current term for a period of more than one hundred eighty days;**

**(2) Has one hundred eighty days or less remaining in his or her term; or**

**(3) Has had a recall election determined in his or her favor within the current term of office.**

**3. The notice of intention to circulate a recall petition shall be served personally, or by certified mail, on the board member sought to be recalled. A copy thereof shall be filed, along with an affidavit of the time and manner of service, with the election authority, as defined in chapter 115. A separate notice shall be filed for each board member sought to be recalled and shall contain all of the following:**

**(1) The name of the board member sought to be recalled;**

**(2) A statement, not exceeding two hundred words in length, of the reasons for the proposed recall; and**

**(3) The names and business or residential addresses of at least one but not more than five proponents of the recall.**

**4. Within seven days after the filing of the notice of intention, the board member may file with the election authority a statement, not exceeding two hundred words in length, in answer to the statement of the proponents. If an answer is filed, the board member shall also serve a copy of it, personally or by certified mail, on one of the proponents named in the notice of intention. The statement and answer are intended solely to be used for the information of the voters. No insufficiency in form or substance of such statements shall affect the validity of the election proceedings.**

**5. Before any signature may be affixed to a recall petition, the petition is required to bear all of the following:**

**(1) A request that an election be called to elect a successor to the board member;**

**(2) A copy of the notice of intention, including the statement of grounds for recall;**

**(3) The answer of the board member sought to be recalled, if any exists. If the board member has not answered, the petition shall so state; and**

**(4) A place for each signer to affix his or her signature, printed name, and residential address, including any address in a city, town, village, or unincorporated community.**

**6. Each section of the petition, when submitted to the election authority, shall have attached to it an affidavit signed by the person circulating such section, setting forth all of the following:**

**(1) The printed name of the affiant;**

**(2) The residential address of the affiant;**

**(3) That the affiant circulated that section and saw the appended signatures be written;**

**(4) That according to the best information and belief of the affiant, each signature is the genuine signature of the person whose name it purports to be;**

**(5) That the affiant is a registered voter of the election district of the board member sought to be recalled; and**

**(6) The dates between which all the signatures to the petition were obtained.**

**7. A recall petition shall be filed with the election authority not more than one hundred eighty days after the filing of the notice of intention.**

**8. The number of qualified signatures required in order to recall a board member shall be equal in number to at least twenty-five percent of the number of voters who voted in the most recent gubernatorial election in such election district.**

**9. Within twenty days from the filing of the recall petition the election authority shall determine whether the petition was signed by the required number of qualified signatures. The election authority shall file with the petition a certificate showing the results of the examination. The election authority shall give the proponents a copy of the certificate upon their request.**

**10. If the election authority certifies the petition to be insufficient, it may be supplemented within ten days of the date of certification by filing additional petition sections containing all of the information required by this section. Within ten days after the supplemental copies are filed, the election authority shall file with them a certificate stating whether or not the petition as supplemented is sufficient.**

**11. If the certificate shows that the petition as supplemented is insufficient, no action shall be taken on it; however, the petition shall remain on file.**

**12. If the election authority finds the signatures on the petition, together with the supplementary petition sections, if any, to be sufficient, it shall submit its certificate as to the sufficiency of the petition to the emergency services board prior to its next meeting. The certificate shall contain:**

- (1) The name of the member whose recall is sought;**
- (2) The number of signatures required by law;**
- (3) The total number of signatures on the petition; and**
- (4) The number of valid signatures on the petition.**

**13. Following the emergency services board's receipt of the certificate, the election authority shall order an election to be held on one of the election days specified in section 115.123. The election shall be held not less than forty-five days but not more than one hundred twenty days from the date the emergency services board receives the petition. Nominations for board membership openings under this section shall be made by filing a statement of candidacy with the election authority.**

**14. At any time prior to forty-two days before the election, the member sought to be recalled may offer his or her resignation. If his or her resignation is offered, the recall question shall be removed from the ballot and the office declared vacant. The member who resigned shall not fill the vacancy, which shall be filled as otherwise provided by law.**

**15. The provisions of chapter 115 governing the conduct of elections shall apply, where appropriate, to recall elections held under this section. The costs of the election shall be paid as provided in chapter 115.”; and**

Further amend the title and enacting clause accordingly.

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

Senator Nieves moved that **SCS for SB 623**, as amended, be adopted, which motion prevailed.

On motion of Senator Nieves, **SCS for SB 623**, as amended, was declared perfected and ordered printed.

Senator Dixon moved that **SB 790** be taken up for perfection, which motion prevailed.

Senator Justus offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 790, Pages 9-10, Section 565.033, Lines 3-13, by striking all of said lines and inserting in lieu thereof the following: “**offense shall be sentenced to either imprisonment for life without eligibility for probation, parole, or conditional release or imprisonment for life with eligibility for parole.**”.

Senator Justus moved that the above amendment be adopted, which motion failed.

Senator Schaefer offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 790, Page 10, Section 565.033, Lines 18-43, by striking all of said lines from the bill; and

Further renumber the remaining subsections accordingly.

Senator Schaefer moved that the above amendment be adopted.

At the request of Senator Dixon, **SB 790**, with **SA 2** (pending), was placed on the Informal Calendar.

Senator Munzlinger moved that **SB 745** be taken up for perfection, which motion prevailed.

Senator Munzlinger offered **SS** for **SB 745**, entitled:

SENATE SUBSTITUTE FOR  
SENATE BILL NO. 745

An Act to repeal sections 57.015, 57.201, 57.220, 57.250, 221.105, 488.5026, 544.216, 571.030, 571.101, 571.104, 571.111, and 650.350, RSMo, and to enact in lieu thereof twelve new sections relating to operations of the office of sheriff, with an existing penalty provision and an emergency clause for certain sections.

Senator Munzlinger moved that **SS** for **SB 745** be adopted.

Senator Lager offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 745, Page 8, Section 544.216, Line 14 of said page, by inserting after “544.216.” the following: “**Except as otherwise provided in section 544.157,**”.

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

Senator Kraus offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 745, Page 40, Section 571.111, Line 5 of said page, by inserting immediately after the word “unload” the word “**either**”; and further amend line 6 of said page, by striking the word “and” as it appears the first time on said line and inserting in lieu thereof the word “**or**”;

and further amend line 7 of said page, by striking the word “both” and inserting in lieu thereof the following: “**either firearm**”; and further amend line 19 of said page, by striking the word “both” and inserting in lieu thereof the word “**either**”; and further amend said line by striking the word “and” and inserting in lieu thereof the word “**or**”; and further amend line 21 of said page, by striking the word “each” and inserting in lieu thereof the word “**the**”; and further amend line 24 of said page, by striking “each handgun” and inserting in lieu thereof the following: “**either a revolver or a semiautomatic pistol**”; and

Further amend said bill and section, page 41, line 9 of said page, by striking the following: “, with both handguns”.

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

Senator Lager assumed the Chair.

At the request of Senator Munzlinger, **SB 745**, with **SS**, as amended (pending), was placed on the Informal Calendar.

Senator Dixon moved that **SB 790**, with **SA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SA 2** was again taken up.

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

Senator Brown offered **SA 3**:

#### SENATE AMENDMENT NO. 3

Amend Senate Bill No. 790, Page 1, Section A, Line 4, by inserting after all of said line the following:

“546.680. **1. Except as otherwise provided under subsection 2 of this section**, when judgment of death is rendered by any court of competent jurisdiction, a warrant signed by the judge and attested by the clerk under the seal of the court must be drawn and delivered to the sheriff. It must state the conviction and judgment and appoint a day on which the judgment must be executed, which must not be less than thirty nor more than sixty days from the date of judgment, and must direct the sheriff to deliver the defendant, at a time specified in said order, not more than ten days from the date of judgment, to the chief administrative officer of a correctional facility of the department of corrections, for execution.

**2. In cases in which a defendant kidnapped a victim before causing the victim's death, when the defendant has completed his or her direct appeal and postconviction proceeding in state court and habeas corpus proceeding and appeal in federal court, unless the defendant's conviction or sentence has been invalidated or remanded as a result of such proceeding, or when the defendant has allowed the time permitted for filing a habeas corpus petition in federal court to expire, the supreme court shall issue a warrant of execution directing the chief administrative officer of the correctional facility to execute the sentence within ten days from the date of the warrant.**

**547.380. 1. When a notice of appeal is filed in a criminal case in which a sentence of death has been imposed and the defendant kidnapped the victim before causing the victim's death, the rules relating to appellate practice shall govern except as otherwise provided by this section.**

**2. The following procedures shall apply to an appeal in a criminal case in which a sentence of death has been imposed and the defendant kidnapped the victim before causing the victim's death:**

**(1) Extensions of time shall not be granted, except in exceptional circumstances, for the filing of a record on appeal or primary briefs. An extension for filing a primary brief shall be no more than ninety days. No party shall be granted more than two extensions, except upon a showing of unique and extraordinary circumstances, and no extension shall exceed thirty days. No request for additional time that will cause the brief filing date to extend beyond two hundred seventy days from the initial filing due date may be granted without a hearing before the full supreme court in which counsel shall explain the unique and extraordinary circumstances justifying additional time to the court's satisfaction. Extensions of time to file a reply brief and exceptions to limitations on the length of briefs shall not be granted;**

**(2) The appeal shall be advanced on the court docket and take precedence over all other appeals before the court. The fact that an attorney is engaged in drafting a brief for an appeal in a criminal case in which a sentence of death has been imposed and the defendant kidnapped the victim before causing the victim's death shall be considered by any appellate court as an exceptional circumstance warranting extensions of time to file briefs or other documents in any other case in which counsel is also engaged as lead counsel, upon the request of counsel;**

**(3) Oral arguments shall be heard by the supreme court no later than six months after the filing of the final reply brief of the appellant and the supreme court shall issue a written decision no later than six months after oral argument; and**

**(4) Whether briefed or not, plain errors affecting substantial rights may be considered in the discretion of the court when the court finds that manifest injustice or miscarriage of justice has resulted therefrom. If the court determines that it will consider an error that has not been briefed, the court shall notify the parties of the particular issue no later than sixty days prior to the scheduled oral argument, and shall allow the parties to submit supplemental briefs on the matter prior to oral argument. Such supplemental briefs shall be limited to no more than twenty pages. The court shall not consider any errors that are not identified and brought to the parties' attention prior to sixty days before oral argument.”; and**

Further amend the title and enacting clause accordingly.

Senator Brown moved that the above amendment be adopted.

Senator Dixon raised the point of order that **SA 3** is out of order in that it goes beyond the scope of the underlying subject matter of the bill.

The point of order was referred to the President Pro Tem who took it under advisement, which placed **SB 790**, with **SA 3** and the point of order (pending), on the Informal Calendar.

Senator Keaveny moved that **SB 501** be taken up for perfection, which motion prevailed.

At the request of Senator Keaveny, **SB 501** was placed on the Informal Calendar.

## **COMMUNICATIONS**

President Pro Tem Dempsey submitted the following:

**SENATE HEARING SCHEDULE**  
**97th GENERAL ASSEMBLY**  
**SECOND REGULAR SESSION**  
**March 24, 2014**

	Monday	Tuesday	Wednesday	Thursday
8:00 a.m.		<b>Appropriations</b> <b>SCR 2</b> (Schaefer)  <b>Seniors, Families and Pensions</b> <b>SCR 1</b> (Lamping)	<b>Appropriations</b> <b>SCR 2</b> (Schaefer)  <b>Transportation and Infrastructure</b> <b>SCR 1</b> (Kehoe)	
8:30 a.m.			<b>Gubernatorial Appointments</b> <b>SL</b> (Dempsey)	<b>Ways and Means</b> <b>SCR 1</b> (Kraus)  <b>Veterans' Affairs and Health</b> <b>SL</b> (Brown)
12:00 p.m.		<b>Small Business, Insurance and Industry</b> <b>SCR 1</b> (Rupp)  <b>Rules, Joint Rules, Resolutions and Ethics</b> <b>SL</b> (Richard)	<b>Jobs, Economic Development and Local Government</b> <b>SL</b> (Schmitt)  <b>Agriculture, Food Production and Outdoor Resources</b> <b>SCR 1</b> (Munzlinger)	
12:30 p.m.	<b>Appropriations</b> <b>SCR 2</b> (Schaefer)			
1:30 p.m.		<b>Commerce, Consumer Protection, Energy and the Environment</b> <b>SL</b> (Lager)  <b>General Laws</b> <b>SCR 1</b> (Nieves)	<b>Governmental Accountability and Fiscal Oversight</b> <b>SCR 1</b> (Parson)  <b>Education</b> <b>SL</b> (Pearce)	
2:00 p.m.	<b>Financial and Governmental Organizations and Elections</b> <b>SL</b> (Wasson)		<b>Progress and Development</b> <b>SCR 2</b> (Justus)	
7:00 p.m.	<b>Judiciary and Civil and Criminal Jurisprudence</b> <b>SL</b> (Dixon)			

**SENATE BILLS FOR PERFECTION**

Senator Munzlinger moved that **SB 745**, with **SS**, as amended (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SS** for **SB 745** was again taken up.

Senator Schmitt offered **SA 3**:

**SENATE AMENDMENT NO. 3**

Amend Senate Substitute for Senate Bill No. 745, Page 4, Section 221.105, Line 23 of said page by striking the following:

“, which shall not exceed the amount”; and

Further amend lines 24-28 by striking all of said lines from the bill; and

Further amend said bill and section, page 5, line 1 by striking the following: “adopted by the county commission”.

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

Senator Munzlinger moved that **SS** for **SB 745**, as amended, be adopted, which motion prevailed.

On motion of Senator Munzlinger, **SS** for **SB 745**, as amended, was declared perfected and ordered printed.

Senator Emery moved that **SJR 34** be taken up for perfection, which motion prevailed.

Senator Emery offered **SA 1**:

**SENATE AMENDMENT NO. 1**

Amend Senate Joint Resolution No. 34, Page 1, Section 2, Line 11, by inserting immediately after said line the following:

“Section B. Pursuant to chapter 116, and other applicable constitutional provisions and laws of the this state allowing the general assembly to adopt ballot language for the submission of this joint resolution to the voters of this state, the official summary statement of this resolution shall be as follows:

“Shall the Missouri Constitution be amended to provide that all impeachment trials are tried by the senate, and when the Governor is being tried, the Chief Justice of the Missouri Supreme Court shall preside; and no person shall be convicted without the concurrence of two-thirds of all senators present?””.

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

At the request of Senator Emery, **SJR 34**, as amended, was placed on the Informal Calendar.

**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 House has taken up and passed **HCS** for **HB 1089**, entitled:

An Act to amend chapter 620, RSMo, by adding thereto one new section relating to the bring jobs home act.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1204**, entitled:

An Act to amend chapter 305, RSMo, by adding thereto four new sections relating to aerial surveillance.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1055**, entitled:

An Act to amend chapter 620, RSMo, by adding thereto one new section relating to the Missouri International Business Advertising Fund.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1090**, entitled:

An Act to repeal section 105.935, RSMo, and to enact in lieu thereof one new section relating to state employees.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1300**, entitled:

An Act to repeal section 321.200, RSMo, and to enact in lieu thereof one new section relating to fire protection district board meetings.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1504**, entitled:

An Act to repeal section 99.845, RSMo, and to enact in lieu thereof one new section relating to tax increment financing.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1791**, entitled:

An Act to authorize the conveyance of certain state properties.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1802**, entitled:

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

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### **REPORTS OF STANDING COMMITTEES**

Senator Richard, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SB 623**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

### **RESOLUTIONS**

Senator Dempsey offered Senate Resolution No. 1637, regarding Paul John Eeftink, Saint Peters, which was adopted.

### **INTRODUCTIONS OF GUESTS**

Senator Libla introduced to the Senate, Pastor Jamie Jones, his wife Debra, Pastor Earl Grissom, parents and forty ninth and tenth grade students.

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

## SENATE CALENDAR

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 THIRTY-NINTH DAY—TUESDAY, MARCH 25, 2014
 

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## FORMAL CALENDAR

## SECOND READING OF SENATE BILLS

SB 951-Holsman	SB 978-Schmitt
SB 952-Dixon and Sifton	SB 979-Schaefer
SB 953-Nasheed	SB 980-Schaefer
SB 954-Cunningham	SB 981-Schaefer
SB 955-Cunningham	SB 982-Schaefer
SB 956-Schaaf	SB 983-Pearce
SB 957-Holsman	SB 984-Sifton
SB 958-Nieves	SB 985-Sifton
SB 959-Curls	SB 986-Sifton
SB 960-Munzlinger	SB 987-Lamping
SB 961-Nasheed	SB 988-Lamping
SB 962-Justus	SB 989-Lamping
SB 963-Justus	SB 990-Lamping
SB 964-Lager	SB 991-Kraus
SB 965-Lager	SB 992-Dempsey
SB 966-Lager	SB 993-Dempsey
SB 967-Lager	SB 994-Dixon
SB 968-Lager	SB 995-Sifton
SB 969-Kehoe	SJR 49-Cunningham
SB 970-Kehoe	SJR 50-Lamping
SB 971-Kehoe	SJR 51-Lamping
SB 972-Kehoe	SJR 52-Lamping
SB 973-Brown	SJR 53-Lamping
SB 974-Rupp	SJR 54-Lamping
SB 975-Emery	SJR 55-Nieves
SB 976-Emery	SJR 56-Dixon
SB 977-Schmitt	SJR 57-Lager

## HOUSE BILLS ON SECOND READING

HCS for HB 1510

HCS for HB 1044

HB 1081-McCaherty, et al  
HCS for HB 1085  
HB 1126-Dugger and Entlicher  
HB 1197-Elmer  
HB 1206-Wilson  
HCS for HB 1217  
HB 1270-Lant, et al  
HB 1301-Neth  
HB 1468-Dohrman, et al  
HB 1616-Muntzel, et al  
HCS for HB 1079  
HB 1087-Crawford and Franklin  
HB 1141-Love, et al  
HCS for HB 1201  
HB 1222-Dugger  
HB 1238-Hinson  
HB 1361-Gosen and Wieland  
HCS for HB 1376  
HCS for HB 1523  
HB 1268-Curtman, et al  
HB 1092-Lant, et al  
HCS for HJR 47  
HB 1073-Dugger, et al  
HB 1110-Rowland  
HB 1359-Flanigan  
HCS for HBs 1646 & 1515  
HCS for HB 1296  
HB 1496-Reiboldt, et al  
HB 1173-Burlison, et al  
HCS for HB 1426  
HCS for HRB 1298  
HCS for HRB 1299  
HCS for HB 1501  
HCS for HBs 1310 & 1236  
HCS for HB 1261  
HB 1495-Torpey and Hicks  
HB 1435-Johnson  
HCS for HB 1459  
HCS for HBs 1307 & 1313  
HCS for HB 1192  
HB 1271-Molendorp, et al  
HB 1483-Molendorp  
HB 1086-Gosen  
HB 1390-Thomson, et al  
HCS for HB 1710  
HCS for HJR 56  
HB 1506-Franklin, et al  
HB 1388-Cornejo, et al  
HB 1573-Lauer, et al  
HB 1136-Dugger, et al  
HCS for HB 1156  
HB 1411-Cross, et al  
HCS for HB 1559  
HCS for HB 1902  
HCS for HB 1610  
HCS for HB 1410  
HB 1132-Engler, et al  
HCS for HB 1557  
HB 1455-Hoskins and Fraker  
HB 1337-Fitzwater, et al  
HB 1338-Fitzwater, et al  
HCS for HB 1644  
HB 1532-Spencer and Hicks  
HCS for HB 1391  
HB 1064-Grisamore  
HB 1442-Dunn, et al  
HB 1656-Neely and Hurst  
HB 1633-Franklin, et al  
HB 1190-Kelley (127), et al  
HCS for HB 1181  
HCS for HB 1089  
HCS for HB 1204  
HB 1055-Johnson  
HCS for HB 1090  
HCS for HB 1300  
HB 1504-Zerr  
HB 1791-Fitzwater, et al  
HB 1802-Roorda and McCaherty

## THIRD READING OF SENATE BILLS

SS for SCS for SB 666-Schmitt  
(In Fiscal Oversight)

SCS for SB 623-Nieves

## SENATE BILLS FOR PERFECTION

- |                                      |                                       |
|--------------------------------------|---------------------------------------|
| 1. SB 673-Kehoe and Wallingford      | 21. SB 854-Wasson, with SCS           |
| 2. SRB 714-Lager, with SCS           | 22. SB 656-Kraus                      |
| 3. SB 734-Cunningham                 | 23. SB 599-Kraus, with SCS            |
| 4. SB 693-Parson                     | 24. SB 708-Sifton                     |
| 5. SB 662-Kraus                      | 25. SB 782-Romine                     |
| 6. SB 607-Dixon                      | 26. SB 499-Keaveny                    |
| 7. SB 727-Chappelle-Nadal            | 27. SJR 27-Schaaf and Dixon, with SCS |
| 8. SB 716-Brown, with SCS            | 28. SB 490-Lager and Kehoe, with SCS  |
| 9. SB 696-Schaefer                   | 29. SB 674-Kehoe                      |
| 10. SB 564-Chappelle-Nadal, with SCS | 30. SB 644-LeVota                     |
| 11. SB 660-Wallingford               | 31. SB 680-Curls, with SCS            |
| 12. SB 675-Kehoe, with SCS           | 32. SB 829-Kraus, with SCS            |
| 13. SB 712-Walsh, with SCS           | 33. SB 584-Dixon                      |
| 14. SB 720-Justus, with SCS          | 34. SB 777-Nieves, with SCS           |
| 15. SB 741-Rupp                      | 35. SB 739-Romine, with SCS           |
| 16. SB 692-Wasson                    | 36. SB 553-Emery, with SCS            |
| 17. SB 601-Holsman                   | 37. SB 707-Wasson, with SCS           |
| 18. SB 719-Kehoe                     | 38. SB 785-Kehoe, with SCS            |
| 19. SB 699-Pearce                    | 39. SB 818-Kehoe                      |
| 20. SB 767-Schmitt, et al, with SCS  |                                       |

## HOUSE BILLS ON THIRD READING

HB 2014-Stream, with SCS (Schaefer)

## INFORMAL CALENDAR

## THIRD READING OF SENATE BILLS

SS for SB 691-Wasson

SENATE BILLS FOR PERFECTION

SB 491-Justus and Dixon, with SCS (pending)	SB 593-Sater, with SCS
SB 501-Keaveny	SB 663-Munzlinger, with SCS
SBs 509 & 496-Kraus, with SCS, SS#2 for SCS & SA 1 (pending)	SB 723-Parson, with SCS & SA 1 (pending)
SB 518-Sater, with SCS, SA 2 & SA 1 to SA 2 (pending)	SB 731-Nasheed, with SCS & SA 3 (pending)
SB 519-Sater, with SS & SA 1 (pending)	SB 790-Dixon, with SA 3 & point of order (pending)
SS for SB 543-Munzlinger	SB 814-Brown
SB 573-Munzlinger, with SCS	SJR 25-Lager
SB 575-Dixon	SJR 34-Emery
SB 589-Brown, with SCS, SA 2 & SA 1 to SA 2 (pending)	SJR 42-Schmitt

CONSENT CALENDAR

Senate Bills

Reported 3/13

SB 907-Richard	SB 874-Wasson
SB 850-Munzlinger and Holsman, with SCS	SB 875-Sater, with SCS
SB 808-Wasson, with SCS	

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