

Journal of the Senate

FIRST REGULAR SESSION

TWENTY-FIRST DAY—THURSDAY, FEBRUARY 12, 2009

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“It’s not the years in your life that count. It’s the life in your years.” (Abe Lincoln)

Benevolent God, we are thankful for leaders like Lincoln and the wisdom and love he left us in his writing and way he lived. Teach us to love what is worthy in Your eyes and reject what is offensive to You. Help us love more fully those You have given us to love and put forth the effort in our living that lets that love shine through us. 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

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

Absent—Senators—None

Absent with leave—Senator Bartle—1

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Shields offered Senate Resolution No. 286, regarding Charles Maxwell Cassidy, which was adopted.

Senator Shields offered Senate Resolution No. 287, regarding Kortney Steven Gutierrez, which was adopted.

Senator Shields offered Senate Resolution No. 288, regarding Dru Ryan Jordan, which was adopted.

Senator Shields offered Senate Resolution No. 289, regarding James Taylor Smith, Platte City, which was adopted.

Senator Shields offered Senate Resolution No. 290, regarding Tyler Wade Kuehn, Platte City, which was adopted.

Senator Shields offered Senate Resolution No. 291, regarding Joshua Michael Shiner, Platte City, which was adopted.

Senator Shields offered Senate Resolution No. 292, regarding Joseph John McLain, which was adopted.

Senator Shields offered Senate Resolution No. 293, regarding Thomas Lee Knopp, which was adopted.

Senator Shields offered Senate Resolution No. 294, regarding Johnathon Scott Knopp, which was adopted.

Senator Shields offered Senate Resolution No. 295, regarding Benjamin Warren Breslow, which was adopted.

Senator Shields offered Senate Resolution No. 296, regarding Matthew Aaron Gates, which was adopted.

Senator Shields offered Senate Resolution No. 297, regarding Joel E. Gordon, which was adopted.

Senator Stouffer offered Senate Resolution No. 298, regarding Brandon Thiel, Marshall, which was adopted.

Senator Stouffer offered Senate Resolution No. 299, regarding Morgan Richey, which was adopted.

Senator Stouffer offered Senate Resolution No. 300, regarding Brady Moppin, which was adopted.

Senator Crowell offered Senate Resolution No. 301, regarding Stan Seiler, which was adopted.

INTRODUCTION OF BILLS

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

SB 364—By Clemens and Schaefer.

An Act to amend chapter 260, RSMo, by adding thereto eight new sections relating to the television electronic recycling act, with penalty provisions.

SB 365—By Clemens.

An Act to amend chapter 324, RSMo, by adding thereto sixteen new sections relating to the licensing of clinical laboratory science personnel, with penalty provisions.

SB 366—By Schmitt.

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to Epilepsy awareness day.

SB 367—By Ridgeway.

An Act to repeal section 143.071, RSMo, and to enact in lieu thereof one new section relating to corporate income tax rates.

SB 368—By Stouffer.

An Act to amend chapter 304, RSMo, by adding thereto one new section relating to providing an affirmative defense for certain red light violations.

SB 369—By Stouffer.

An Act to repeal sections 338.010, 338.013, 338.057, 338.220, and 338.337, RSMo, and to enact in lieu thereof four new sections relating to pharmacy.

SB 370—By Bray.

An Act to amend chapters 361 and 443, RSMo, by adding thereto three new sections relating to foreclosures, with an emergency clause.

SB 371—By Bray.

An Act to repeal section 447.505, RSMo, and to enact in lieu thereof two new sections relating to gift certificates, with penalty provisions.

SB 372—By Dempsey.

An Act to repeal section 252.043, RSMo, and to enact in lieu thereof one new section relating to hunting accidents.

SB 373—By Mayer.

An Act to amend chapter 162, RSMo, by adding thereto one new section relating to school enrollment.

SB 374—By Mayer.

An Act to amend chapter 290, RSMo, by adding thereto one new section relating to employment at-will.

SB 375—By Mayer, Wright-Jones, Engler, Scott, Dempsey, Goodman, Justus and Green.

An Act to repeal section 376.429, RSMo, and to enact in lieu thereof one new section relating to health insurance coverage for clinical trials.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Gracia L. Backer, as Director of the Division of Employment Security;

Also,

Jane A. Rackers, as Director of the Division of Professional Registration.

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

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

President Pro Tem Shields assumed the Chair.

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 26** and **SCS** for **SBs 36** and **112**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Senator Griesheimer, Chairman of the Committee on Jobs, Economic Development and Local Government, submitted the following reports:

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which were referred **SB 45**, **SB 212**, **SB 136**, **SB 278**, **SB 279**, **SB 285** and **SB 288**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **HCS** for **HB 191**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Champion, Chairman of the Committee on Health, Mental Health, Seniors and Families, submitted the following report:

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **SB 89**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, Senator Engler submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 140**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which were referred **SB 223** and **SB 226**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Clemens, Chairman of the Committee on Agriculture, Food Production and Outdoor Resources, submitted the following report:

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **SB 29**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Stouffer, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **SB 100**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 58**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Goodman, Chairman of the Committee on General Laws, submitted the following report:

Mr. President: Your Committee on General Laws, to which was referred **SB 189**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Rupp assumed the Chair.

THIRD READING OF SENATE BILLS

SB 31, introduced by Senator Stouffer, entitled:

An Act to repeal sections 21.795 and 226.030, RSMo, and to enact in lieu thereof two new sections relating to eliminating the position of transportation inspector general.

Was called from the Consent Calendar and taken up.

On motion of Senator Stouffer, **SB 31** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Dempsey
Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senators—None

Absent—Senator Days—1

Absent with leave—Senator Bartle—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

SB 47, with **SCS**, introduced by Senator Scott, entitled:

An Act to repeal sections 43.060 and 590.030, RSMo, and to enact in lieu thereof two new sections

relating to educational requirements for certain law enforcement personnel.

Was called from the Consent Calendar and taken up.

SCS for SB 47, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 47**

An Act to repeal sections 43.060, 306.227, and 590.030, RSMo, and to enact in lieu thereof three new sections relating to educational requirements for certain law enforcement personnel.

Was taken up.

Senator Scott moved that **SCS for SB 47** be adopted, which motion prevailed.

On motion of Senator Scott, **SCS for SB 47** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Dempsey
Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schmitt	Scott
Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—31	

NAYS—Senators—None

Absent—Senators

Days Schaefer—2

Absent with leave—Senator Bartle—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Scott moved that **SB 1**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for SCS for SB 1 was again taken up.

Senator Scott offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1, Page 9, Section 333.330, Line 8 of said page, by inserting after “RSMo.” the following: “**The board is hereby granted the authority to hire outside legal counsel to advise and represent the board in any of its duties or in any**”

legal or administrative actions authorized by chapters 333 and 436, RSMo.”; and

Further amend said bill, page 12, line 5 of said page, by inserting after “may” the following: “, **if necessary to protect the public, seek an injunction upon a showing of good cause in the circuit court of Cole county to**”.

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

Senator Scott offered **SA 2:**

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1, Page 23, Section 436.430, Line 27 of said page, by inserting after the word “all” the following: “**principal and interest and**”; and

Further amend said bill, page 29, section 436.455, line 25 of said page, by striking the following “be used to pay the reasonable expenses of”; and further amend lines 27 and 28 of said page, by striking said lines and inserting in lieu thereof the following: “**accrue through the life of the joint account until the preneed contract is cancelled or fulfilled pursuant to subsection 6 of this section.**”; and

Further amend said bill, page 36, section 436.460, line 16 of said page, by striking the following: “thirty-first day of October” and inserting in lieu thereof the following: “**date specified by the board**”.

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

Senator Goodman offered **SA 3:**

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1, Page 1, Section A, Line 11 of said page, by inserting after all of said line the following:

“208.010. 1. In determining the eligibility of a claimant for public assistance pursuant to this law, it shall be the duty of the division of family services to consider and take into account all facts and circumstances surrounding the claimant, including his or her living conditions, earning capacity, income and resources, from whatever source received, and if from all the facts and circumstances the claimant is not found to be in need, assistance shall be denied. In determining the need of a claimant, the costs of providing medical treatment which may be furnished pursuant to sections 208.151 to 208.158 and 208.162 shall be disregarded. The amount of benefits, when added to all other income, resources, support, and maintenance shall provide such persons with reasonable subsistence compatible with decency and health in accordance with the standards developed by the division of family services; provided, when a husband and wife are living together, the combined income and resources of both shall be considered in determining the eligibility of either or both. “Living together” for the purpose of this chapter is defined as including a husband and wife separated for the purpose of obtaining medical care or nursing home care, except that the income of a husband or wife separated for such purpose shall be considered in determining the eligibility of his or her spouse, only to the extent that such income exceeds the amount necessary to meet the needs (as defined by rule or regulation of the division) of such husband or wife living separately. In determining the need of a claimant in federally aided programs there shall be disregarded such amounts per month of earned income in making such determination as shall be required for federal participation by the provisions of the federal Social Security Act (42 U.S.C.A. 301 et seq.), or any amendments thereto. When federal law or regulations require the exemption of other income or resources, the division of family services may provide by rule or

regulation the amount of income or resources to be disregarded.

2. Benefits shall not be payable to any claimant who:

(1) Has or whose spouse with whom he or she is living has, prior to July 1, 1989, given away or sold a resource within the time and in the manner specified in this subdivision. In determining the resources of an individual, unless prohibited by federal statutes or regulations, there shall be included (but subject to the exclusions pursuant to subdivisions (4) and (5) of this subsection, and subsection [5] 6 of this section) any resource or interest therein owned by such individual or spouse within the twenty-four months preceding the initial investigation, or at any time during which benefits are being drawn, if such individual or spouse gave away or sold such resource or interest within such period of time at less than fair market value of such resource or interest for the purpose of establishing eligibility for benefits, including but not limited to benefits based on December, 1973, eligibility requirements, as follows:

(a) Any transaction described in this subdivision shall be presumed to have been for the purpose of establishing eligibility for benefits or assistance pursuant to this chapter unless such individual furnishes convincing evidence to establish that the transaction was exclusively for some other purpose;

(b) The resource shall be considered in determining eligibility from the date of the transfer for the number of months the uncompensated value of the disposed of resource is divisible by the average monthly grant paid or average Medicaid payment in the state at the time of the investigation to an individual or on his or her behalf under the program for which benefits are claimed, provided that:

a. When the uncompensated value is twelve thousand dollars or less, the resource shall not be used in determining eligibility for more than twenty-four months; or

b. When the uncompensated value exceeds twelve thousand dollars, the resource shall not be used in determining eligibility for more than sixty months;

(2) The provisions of subdivision (1) of this subsection shall not apply to a transfer, other than a transfer to claimant's spouse, made prior to March 26, 1981, when the claimant furnishes convincing evidence that the uncompensated value of the disposed of resource or any part thereof is no longer possessed or owned by the person to whom the resource was transferred;

(3) Has received, or whose spouse with whom he or she is living has received, benefits to which he or she was not entitled through misrepresentation or nondisclosure of material facts or failure to report any change in status or correct information with respect to property or income as required by section 208.210. A claimant ineligible pursuant to this subsection shall be ineligible for such period of time from the date of discovery as the division of family services may deem proper; or in the case of overpayment of benefits, future benefits may be decreased, suspended or entirely withdrawn for such period of time as the division may deem proper;

(4) Owns or possesses resources in the sum of one thousand dollars or more; provided, however, that if such person is married and living with spouse, he or she, or they, individually or jointly, may own resources not to exceed two thousand dollars; and provided further, that in the case of a temporary assistance for needy families claimant, the provision of this subsection shall not apply;

(5) Prior to October 1, 1989, owns or possesses property of any kind or character, excluding amounts placed in an irrevocable prearranged funeral or burial contract pursuant to subsection 2 of section 436.035, RSMo, and subdivision (5) of subsection 1 of section 436.053, RSMo, or has an interest in property, of

which he or she is the record or beneficial owner, the value of such property, as determined by the division of family services, less encumbrances of record, exceeds twenty-nine thousand dollars, or if married and actually living together with husband or wife, if the value of his or her property, or the value of his or her interest in property, together with that of such husband and wife, exceeds such amount;

(6) In the case of temporary assistance for needy families, if the parent, stepparent, and child or children in the home owns or possesses property of any kind or character, or has an interest in property for which he or she is a record or beneficial owner, the value of such property, as determined by the division of family services and as allowed by federal law or regulation, less encumbrances of record, exceeds one thousand dollars, excluding the home occupied by the claimant, amounts placed in an irrevocable prearranged funeral or burial contract pursuant to subsection 2 of section 436.035, RSMo, and subdivision (5) of subsection 1 of section 436.053, RSMo, one automobile which shall not exceed a value set forth by federal law or regulation and for a period not to exceed six months, such other real property which the family is making a good-faith effort to sell, if the family agrees in writing with the division of family services to sell such property and from the net proceeds of the sale repay the amount of assistance received during such period. If the property has not been sold within six months, or if eligibility terminates for any other reason, the entire amount of assistance paid during such period shall be a debt due the state;

(7) Is an inmate of a public institution, except as a patient in a public medical institution.

3. In determining eligibility and the amount of benefits to be granted pursuant to federally aided programs, the income and resources of a relative or other person living in the home shall be taken into account to the extent the income, resources, support and maintenance are allowed by federal law or regulation to be considered.

4. In determining eligibility and the amount of benefits to be granted pursuant to federally aided programs, the value of burial lots or any amounts placed in an irrevocable prearranged funeral or burial contract pursuant to [subsection 2 of section 436.035] **chapter 436**, RSMo, [and subdivision (5) of subsection 1 of section 436.053, RSMo.] shall not be taken into account or considered an asset of the burial lot owner or the beneficiary of an irrevocable prearranged funeral or funeral contract. For purposes of this section, “burial lots” means any burial space as defined in section 214.270, RSMo, and any memorial, monument, marker, tombstone or letter marking a burial space. If the beneficiary, as defined in chapter 436, RSMo, of an irrevocable prearranged funeral or burial contract receives any public assistance benefits pursuant to this chapter and if the purchaser of such contract or his or her successors in interest cancel or amend the contract so that any person will be entitled to a refund, such refund shall be paid to the state of Missouri up to the amount of public assistance benefits provided pursuant to this chapter with any remainder to be paid to those persons designated in chapter 436, RSMo.

5. In determining eligibility and the amount of benefits to be granted pursuant to federally aided programs, any amounts up to ten thousand dollars placed in an irrevocable trust designated to pay for, at the time of need, the final disposition of a dead human body, funeral or burial services or facilities, or funeral merchandise, as those terms are defined in section 436.405, RSMo, that is not a preneed funeral contract as defined in such section, shall not be considered an asset of the beneficiary. Any overages after final disposition shall be paid to the state of Missouri up to the amount of public assistance benefits provided to the beneficiary pursuant to this chapter with any remainder to be paid to those designated in the trust.

6. In determining the total property owned pursuant to subdivision (5) of subsection 2 of this section,

or resources, of any person claiming or for whom public assistance is claimed, there shall be disregarded any life insurance policy, or prearranged funeral or burial contract, or any two or more policies or contracts, or any combination of policies and contracts, which provides for the payment of one thousand five hundred dollars or less upon the death of any of the following:

- (1) A claimant or person for whom benefits are claimed; or
- (2) The spouse of a claimant or person for whom benefits are claimed with whom he or she is living.

If the value of such policies exceeds one thousand five hundred dollars, then the total value of such policies may be considered in determining resources; except that, in the case of temporary assistance for needy families, there shall be disregarded any prearranged funeral or burial contract, or any two or more contracts, which provides for the payment of one thousand five hundred dollars or less per family member.

[6.] **7.** Beginning September 30, 1989, when determining the eligibility of institutionalized spouses, as defined in 42 U.S.C. Section 1396r-5, for medical assistance benefits as provided for in section 208.151 and 42 U.S.C. Sections 1396a et seq., the division of family services shall comply with the provisions of the federal statutes and regulations. As necessary, the division shall by rule or regulation implement the federal law and regulations which shall include but not be limited to the establishment of income and resource standards and limitations. The division shall require:

(1) That at the beginning of a period of continuous institutionalization that is expected to last for thirty days or more, the institutionalized spouse, or the community spouse, may request an assessment by the division of family services of total countable resources owned by either or both spouses;

(2) That the assessed resources of the institutionalized spouse and the community spouse may be allocated so that each receives an equal share;

(3) That upon an initial eligibility determination, if the community spouse's share does not equal at least twelve thousand dollars, the institutionalized spouse may transfer to the community spouse a resource allowance to increase the community spouse's share to twelve thousand dollars;

(4) That in the determination of initial eligibility of the institutionalized spouse, no resources attributed to the community spouse shall be used in determining the eligibility of the institutionalized spouse, except to the extent that the resources attributed to the community spouse do exceed the community spouse's resource allowance as defined in 42 U.S.C. Section 1396r-5;

(5) That beginning in January, 1990, the amount specified in subdivision (3) of this subsection shall be increased by the percentage increase in the Consumer Price Index for All Urban Consumers between September, 1988, and the September before the calendar year involved; and

(6) That beginning the month after initial eligibility for the institutionalized spouse is determined, the resources of the community spouse shall not be considered available to the institutionalized spouse during that continuous period of institutionalization.

[7.] **8.** Beginning July 1, 1989, institutionalized individuals shall be ineligible for the periods required and for the reasons specified in 42 U.S.C. Section 1396p.

[8.] **9.** The hearings required by 42 U.S.C. Section 1396r-5 shall be conducted pursuant to the provisions of section 208.080.

[9.] **10.** Beginning October 1, 1989, when determining eligibility for assistance pursuant to this chapter

there shall be disregarded unless otherwise provided by federal or state statutes, the home of the applicant or recipient when the home is providing shelter to the applicant or recipient, or his or her spouse or dependent child. The division of family services shall establish by rule or regulation in conformance with applicable federal statutes and regulations a definition of the home and when the home shall be considered a resource that shall be considered in determining eligibility.

[10.] **11.** Reimbursement for services provided by an enrolled Medicaid provider to a recipient who is duly entitled to Title XIX Medicaid and Title XVIII Medicare Part B, Supplementary Medical Insurance (SMI) shall include payment in full of deductible and coinsurance amounts as determined due pursuant to the applicable provisions of federal regulations pertaining to Title XVIII Medicare Part B, except the applicable Title XIX cost sharing.

[11.] **12.** A “community spouse” is defined as being the noninstitutionalized spouse.

[12.] **13.** An institutionalized spouse applying for Medicaid and having a spouse living in the community shall be required, to the maximum extent permitted by law, to divert income to such community spouse to raise the community spouse's income to the level of the minimum monthly needs allowance, as described in 42 U.S.C. Section 1396r-5. Such diversion of income shall occur before the community spouse is allowed to retain assets in excess of the community spouse protected amount described in 42 U.S.C. Section 1396r-5.”; and

Further amend the title and enacting clause accordingly.

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

Senator Scott moved that **SS** for **SCS** for **SB 1**, as amended, be adopted, which motion prevailed.

On motion of Senator Scott, **SS** for **SCS** for **SB 1**, as amended, was declared perfected and ordered printed.

Senator Champion requested unanimous consent of the Senate to have the Health, Mental Health, Seniors and Families’ committee report on **SB 89** returned, which request was granted.

MESSAGES FROM THE GOVERNOR

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

GOVERNOR OF MISSOURI

Jefferson City

65102

February 11, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

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

John M. Huff, 9210 State Line Road, Leawood, Johnson County, Kansas 66206, as Director of the Department of Insurance, Financial Institutions and Professional Registration, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified.

Respectfully Submitted,

Jeremiah W. (Jay) Nixon

Governor

President Pro Tem Shields referred the above appointment to the Committee on Gubernatorial Appointments.

REFERRALS

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

President Pro Tem Shields referred **SCS** for **SBs 36** and **112**; and **HCS** for **HB 191**, with **SCS**, to the Committee on Governmental Accountability and Fiscal Oversight.

RESOLUTIONS

Senator Shields offered the following resolution, which was referred to the Committee on Rules, Joint Rules, Resolutions and Ethics:

SENATE RESOLUTION NO. 302

WHEREAS, Missouri currently ranks 33rd in the nation in median family income; and

WHEREAS, our vision of a better Missouri must include improving the economic prosperity and opportunities for our citizens; and

WHEREAS, the creation of such a vision must include a long-term strategy and plan for creating new and well-paying jobs for our citizens; and

WHEREAS, our long term strategy and plan must focus on making Missouri a place where existing businesses can grow and thrive and new businesses can be attracted to our state; and

WHEREAS, we must build on programs like the Quality Jobs Act that have added thousands of jobs to our economy and have sent the message to businesses that Missouri has a business-friendly environment; and

WHEREAS, part of such a long term strategy and plan must be to enact policies and create new tools to retain existing jobs and attract businesses of the future; and

WHEREAS, the members of the Missouri Senate are a dedicated group of individuals who should lead in developing this long-term strategy and plan:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-fifth General Assembly, First Regular Session, hereby create the Missouri Senate Job Creation 2020 Committee; and

BE IT FURTHER RESOLVED that the Committee shall be responsible for:

- a. Developing a long-term strategy and plan for increasing the economic prosperity and opportunities for the citizens of this state; and
- b. Developing tools to help existing businesses grow by creating new jobs and attract new businesses that will bring quality, well-paying jobs with benefits to our state; and
- c. Ensuring that our regulatory environment is responsible to our natural resources, but does not become such a burden that it drives jobs out of state; and

BE IT FURTHER RESOLVED that the Committee shall elect a chairperson and a vice chairperson for the Committee who shall serve during the pendency of the Committee; and

BE IT FURTHER RESOLVED that the authority of the Committee shall terminate on December 31, 2010; and

BE IT FURTHER RESOLVED that the Committee shall be authorized to call upon any department, office, division, or agency of this state to assist in gathering information pursuant to its objective; and

BE IT FURTHER RESOLVED that the staff of Senate Research shall provide such legal, research, clerical, technical, and bill drafting services as the Committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the Committee, its members, and any staff assigned to the Committee shall receive reimbursement for their actual and necessary expenses incurred in attending meetings of the Committee.

Senator Shields offered the following resolution, which was referred to the Committee on Rules, Joint Rules, Resolutions and Ethics:

SENATE RESOLUTION NO. 303

WHEREAS, Missouri currently ranks 38th in the nation in terms of the health status of our citizens; and

WHEREAS, our challenge to create a better Missouri must include improvement of our health systems so that Missourians can lead

healthier, longer, and more productive lives; and

WHEREAS, to meet this challenge, we must have a long-term strategy and plan for bringing more people into health coverage; and

WHEREAS, placing the burden upon Missouri businesses to bear the cost of providing insurance to their employees as well as paying the costs of the uninsured through their premium payments is not a long-term strategy for furthering the health of our citizens and increasing the economic vitality of our state; and

WHEREAS, the state needs to develop a long-term strategy and plan for controlling the soaring cost of health care while also moving our state's more than 700,000 uninsured into coverage; and

WHEREAS, the members of the Missouri Senate are a dedicated group of individuals who should lead in developing this long-term strategy and plan:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate, Ninety-fifth General Assembly, First Regular Session, hereby create the Missouri Senate Healthy Missourians 2020 Committee; and

BE IT FURTHER RESOLVED that the Committee shall be responsible for developing a long-term strategy and plan to provide health insurance coverage for citizens of this state that do not currently have access, or cannot afford such coverage; and

BE IT FURTHER RESOLVED that the Committee shall study the development of a rational health care system in our state that engages employers, hospitals, physicians, insurance companies, and the federal government to find ways to blend funding streams and create market incentives for participation in the system; and

BE IT FURTHER RESOLVED that the Committee shall elect a chairperson and a vice chairperson for the Committee who shall serve during the pendency of the Committee; and

BE IT FURTHER RESOLVED that the authority of the Committee shall terminate on December 31, 2010; and

BE IT FURTHER RESOLVED that the Committee shall be authorized to call upon any department, office, division, or agency of this state to assist in gathering information pursuant to its objective; and

BE IT FURTHER RESOLVED that the staff of Senate Research shall provide such legal, research, clerical, technical, and bill drafting services as the Committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the Committee, its members, and any staff assigned to the Committee shall receive reimbursement for their actual and necessary expenses incurred in attending meetings of the Committee.

Senator Shields offered the following resolution, which was referred to the Committee on Rules, Joint Rules, Resolutions and Ethics:

SENATE RESOLUTION NO. 304

WHEREAS, Missouri currently ranks 30th in the nation in number of our 25-34 year olds with a degree past high school; and

WHEREAS, a key component to creating a better Missouri is striving to have an educated workforce in our state for the future; and

WHEREAS, there is an indisputable correlation between the economic prosperity of a state and the level of education of its workforce; and

WHEREAS, according to the Lumina Foundation for Education, the United States, for years, led the world as the most successful and prosperous nation because our citizens had typically been the most educated, yet our nation now ranks 10th among industrialized nations in the percentage of young adults with college degrees; and

WHEREAS, our current ranking of 30th in the nation in number of 25-34 year olds with a degree past high school places Missouri behind our neighboring states of Kansas, Nebraska, Iowa, and Illinois; and

WHEREAS, as part of our long-term strategy and plan for creating an educated workforce, we must move more of our young people into an education experience past high school if we are going to compete with our neighboring states and the rest of the world; and

WHEREAS, the strategy cannot simply focus on higher education, but must take place along the entire spectrum of education from early childhood to higher education;

WHEREAS, the members of the Missouri Senate are a dedicated group of individuals who should lead in developing this long-term strategy and plan:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate, Ninety-fifth General Assembly, First Regular Session, hereby create the Missouri Senate Educated Workforce 2020 Committee; and

BE IT FURTHER RESOLVED that the Committee shall be responsible for developing long-term plans and strategies for:

- a. An early childhood education system where every child enters elementary school with the tools needed to succeed by ensuring access to quality early childhood education and support for stay-at-home parents; and
- b. An elementary and secondary education system that educates students that are capable of attending and succeeding at institutions of higher education; and
- c. A higher education system that is designed to successfully prepare graduates for competition in the global economy; and
- d. Any other aspects of education policy that the Committee deems appropriate for creating an educated workforce in our state; and

BE IT FURTHER RESOLVED that the Committee shall elect a chairperson and a vice chairperson for the Committee who shall serve during the pendency of the Committee; and

BE IT FURTHER RESOLVED that the authority of the Committee shall terminate on December 31, 2010; and

BE IT FURTHER RESOLVED that the Committee shall be authorized to call upon any department, office, division, or agency of this state to assist in gathering information pursuant to its objective; and

BE IT FURTHER RESOLVED that the staff of Senate Research shall provide such legal, research, clerical, technical, and bill drafting services as the Committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the Committee, its members, and any staff assigned to the Committee shall receive reimbursement for their actual and necessary expenses incurred in attending meetings of the Committee.

Senator Griesheimer offered Senate Resolution No. 305, regarding Austin Gregory Vancil, Union, which was adopted.

Senator Griesheimer offered Senate Resolution No. 306, regarding William Stephen Domijan, Union, which was adopted.

Senator Goodman offered Senate Resolution No. 307, regarding the Ninetieth Birthday of Noman Jasper Nichols, Pineville, which was adopted.

COMMUNICATIONS

President Pro Tem Shields submitted the following:

February 6, 2009

The Honorable Charlie Shields
 President Pro Tem
 State Capitol Room 326
 Jefferson City, MO 65101

Dear Senator,

I respectfully request my removal from the Advisory Council on Pain and Symptom Management effective immediately.

Sincerely,

/s/ Bill Stouffer

Wm. H. "Bill" Stouffer
 State Senator, District 21

Also,

January 20, 2009

The Honorable Charlie Shields
 President Pro Tem, Missouri Senate
 Room 326, State Capitol
 Jefferson City, MO 65101

Dear Charlie:

I am writing to request that I be allowed to resign from the Missouri Film Commission. I've had the pleasure of serving on this commission

for six years and I firmly believe it is time to let someone with less experience learn the ropes.

Senator David Pearce has expressed an interest in serving on this commission. I believe he would be an excellent replacement for me.

Sincerely,
/s/ Norma Champion
Norma Champion
State Senator - District 30

Also,

February 11, 2009

Ms. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
201 West Capitol Avenue
Jefferson City, MO 65101

RE: Appointment to the Arts Council Trust Fund Board of Trustees

Dear Ms. Spieler,

Pursuant to Section 185.100, RSMo, I am appointing Senator Joan Bray to the Missouri Arts Council Trust Fund Board of Trustees.

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,
/s/ Charlie
Charles W. Shields
President Pro-Tem

Also,

February 11, 2009

Ms. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
201 West Capitol Avenue
Jefferson City, MO 65101

RE: Appointment to the Missouri Tourism Commission

Dear Ms. Spieler,

Pursuant to Section 620.455, RSMo, I am appointing Senator Ryan McKenna to the Missouri Tourism Commission.

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,
/s/ Charlie
Charles W. Shields
President Pro-Tem

INTRODUCTIONS OF GUESTS

Senator Shields introduced to the Senate, Major Jeffrey Smith, Major Dorothy Smith, Major Lonneal Richardson and Major Patty Richardson, representing the Kansas, Western Missouri and Midland Divisions of the Salvation Army.

Senator Cunningham introduced to the Senate, Paul Reiter, Jennifer Scanlon, De'Amon Pernel, Josh Fuse, Ainya Huntley, Catherine Golterman, Erica Runge, Jerri Lynn Kraus, Bekka Chenoweth, Jessie Bergjans, Joe Bethel and Demetrius Davis, St. Louis.

Senator Pearce introduced to the Senate, the Physician of the Day, Dr. Curtis W. Long, M.D., Butler.

On motion of Senator Engler, the Senate adjourned until 4:00 p.m., Monday, February 16, 2009.

SENATE CALENDAR

 TWENTY-SECOND DAY—MONDAY, FEBRUARY 16, 2009

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 352-Bray	SB 364-Clemens and Schaefer
SB 353-Schmitt	SB 365-Clemens
SB 354-Dempsey	SB 366-Schmitt
SB 355-Dempsey	SB 367-Ridgeway
SB 356-Purgason	SB 368-Stouffer
SB 357-Purgason	SB 369-Stouffer
SB 358-Purgason	SB 370-Bray
SB 359-Purgason	SB 371-Bray
SB 360-Scott	SB 372-Dempsey
SB 361-Crowell	SB 373-Mayer
SB 362-Griesheimer	SB 374-Mayer
SB 363-Griesheimer	SB 375-Mayer, et al

THIRD READING OF SENATE BILLS

SB 26-Ridgeway	SCS for SBs 36 & 112-Goodman (In Fiscal Oversight)
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SENATE BILLS FOR PERFECTION

SBs 45, 212, 136, 278, 279, 285 & 288-Pearce, with SCS	SB 29-Stouffer
SB 140-Smith, with SCS	SB 100-Schaefer, with SCS
SBs 223 & 226-Goodman, with SCS	SB 58-Stouffer
	SB 189-Shields, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 191, with SCS (Griesheimer)
(In Fiscal Oversight)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 37-Goodman, with SCS & SA 1 (pending)

SB 128-Rupp, with SCS, SA 1 & SA 1 to
SA 1 (pending)

CONSENT CALENDAR

Senate Bills

Reported 2/11

SB 154-Goodman
SB 38-Rupp
SB 147-Dempsey

SB 156-Goodman
SB 171-Griesheimer

RESOLUTIONS

SR 139-Engler

Reported from Committee

SR 141-Engler, with point of order (pending)

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