

Journal of the Senate

FIRST REGULAR SESSION

TWELFTH DAY—WEDNESDAY, JANUARY 24, 2007

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Whatsoever your hand finds to do, do with your might....”
(Ecclesiastes 9:10)

Lord God, keep us ever faithful to the present task before us. Help us to do each task with all our mind, body and spirit so that it will be done with unflagging zeal and unabated diligence. We do not know when we will not be able to continue so help us to make the best of the present so that You can take what we have done and make the best of the future. 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	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler

Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Coleman offered Senate Resolution No. 191, regarding the death of Consuelo Elois Kirwan Young, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 192, regarding Dr. Danny Wedding, Ph.D., MPH, which was adopted.

Senator Smith offered Senate Resolution No. 193, regarding the Ninety-fifth Birthday of Marguerite Malone Viveros, Kirksville, which was adopted.

Senator Gibbons offered Senate Resolution No. 194, regarding the Missouri Society of Certified Public Accountants, which was adopted.

Senator Justus offered Senate Resolution No. 195, regarding the death of Lara Ann Phelps

Dwyer, Castle Pines, Colorado, which was adopted.

Senator Barnitz offered Senate Resolution No. 196, regarding Jeffery A. Kerr, D.O., Rolla, which was adopted.

Senator Lager offered Senate Resolution No. 197, regarding Colter Hill, Jamesport, which was adopted.

Senator Lager offered Senate Resolution No. 198, regarding Clifton DeShon, Stewartsville, which was adopted.

Senator Lager offered Senate Resolution No. 199, regarding Janet Shell, Savannah, which was adopted.

Senator Purgason offered Senate Resolution No. 200, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Leo Marler, Camdenton, which was adopted.

Senator Purgason offered Senate Resolution No. 201, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Cecil Bechtel, Jr., Richland, which was adopted.

Senator Purgason offered Senate Resolution No. 202, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Jack Lewis, Long Lane, which was adopted.

Senator Purgason offered Senate Resolution No. 203, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Harold Smith, West Plains, which was adopted.

Senator Purgason offered Senate Resolution No. 204, regarding the Hazel Harrison Family, Lebanon, which was adopted.

Senator Purgason offered Senate Resolution No. 205, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Lewis Bradshaw, West Plains, which was adopted.

Senator Purgason offered Senate Resolution No. 206, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Marvin Cook,

Lebanon, which was adopted.

Senator Purgason offered Senate Resolution No. 207, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Duane Sutton, Houston, which was adopted.

Senator Purgason offered Senate Resolution No. 208, regarding the Clell Coleman Family, Lebanon, which was adopted.

Senator Purgason offered Senate Resolution No. 209, regarding the Sorenson Family, Camden County, which was adopted.

Senator Crowell offered Senate Resolution No. 210, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Cullen Mattingly, which was adopted.

Senator Crowell offered Senate Resolution No. 211, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Herbert Scheeter, Cape Girardeau, which was adopted.

Senator Gross offered Senate Resolution No. 212, regarding Brad Farber, which was adopted.

Senator Gross offered Senate Resolution No. 213, regarding the Honorable Tom Dempsey, which was adopted.

Senator Gross offered Senate Resolution No. 214, regarding Julie Eckstein, St. Peters, which was adopted.

Senators Gross and Rupp offered Senate Resolution No. 215, regarding Julie Eckstein, St. Peters, which was adopted.

INTRODUCTION OF BILLS

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

SB 358—By Engler.

An Act to repeal section 301.640, RSMo, and to enact in lieu thereof one new section relating to

the release of a lienholder's rights upon the satisfaction of a lien or encumbrance, with penalty provisions.

SB 359—By Goodman.

An Act to repeal section 455.040, RSMo, and to enact in lieu thereof one new section relating to adult abuse orders.

SB 360—By Goodman.

An Act to repeal section 78.610, RSMo, and to enact in lieu thereof one new section relating to city managers.

SB 361—By Goodman.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to an income tax credit for volunteer firefighters.

SB 362—By Shoemyer, Barnitz, Callahan, Days, Coleman, Bray, Smith, Graham, Kennedy, Green, Justus, McKenna and Wilson.

An Act to repeal sections 173.200, 173.203, 173.205, 173.210, 173.215, 173.225, 173.230, 173.250, 173.360, 173.385, 173.425, 173.810, 173.813, 173.816, 173.820, 173.825, 173.827, and 173.830, RSMo, and to enact in lieu thereof thirteen new sections relating to higher education funding, with an emergency clause.

SB 363—By Bartle.

An Act to repeal section 306.125, RSMo, and to enact in lieu thereof two new sections relating to the regulation of watercraft, with an emergency clause.

SB 364—By Koster.

An Act to repeal section 537.295, RSMo, and to enact in lieu thereof two new sections relating to agricultural operations.

SB 365—By Koster.

An Act to amend chapter 205, RSMo, by adding thereto one new section relating to community health districts.

SB 366—By Koster and Justus.

An Act to amend chapter 589, RSMo, by adding thereto nine new sections relating to address confidentiality for victims of certain crimes.

SB 367—By Bray and Days.

An Act to repeal section 116.090, RSMo, and to enact in lieu thereof one new section relating to signing initiative and referendum petitions, with penalty provisions.

SB 368—By Barnitz, Justus, Loudon, Graham, Griesheimer, Callahan, Scott, McKenna, Kennedy, Shoemyer, Bray, Smith, Koster, Days and Coleman.

An Act to repeal sections 28.160, 41.950, 347.179, 351.047, 351.120, 351.125, 351.127, 351.145, 351.155, 351.484, 351.592, 351.594, 351.598, 351.602, 351.690, 355.016, 355.021, 355.066, 355.071, 355.176, 355.688, 355.706, 355.796, 355.806, 355.811, 355.821, 355.856, and 356.211, RSMo, and to enact in lieu thereof thirty new sections relating to corporate filings with the secretary of state.

SB 369—By Scott.

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

SB 370—By Scott.

An Act to repeal section 197.200, RSMo, and to enact in lieu thereof one new section relating to abortion services.

SB 371—By Scott.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to exempting certain types of vehicles from registration and licensing laws.

SB 372—By Justus and Koster.

An Act to amend chapter 589, RSMo, by

adding thereto nine new sections relating to address confidentiality for victims of certain crimes.

SB 373—By Rupp.

An Act to amend chapters 488 and 590, RSMo, by adding thereto twelve new sections relating to the law enforcement safety fund, with penalty provisions.

SB 374—By Rupp.

An Act to amend chapter 354, RSMo, by adding thereto one new section relating to the issuance of high deductible health plans by health maintenance organizations.

COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed Senator Gross to replace Senator Rupp on the escort committee pursuant to **HCR 2**.

On motion of Senator Shields, the Senate recessed until 6:45 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Griesheimer.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk, reading of which was waived:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following escort committee for the Lieutenant Governor and Senators attending the State of the State address: Representatives Schoeller, Ruestman, Scharnhorst, Pearce, Wilson (119), Hobbs, Yaeger, Wright-Jones, Meadows and Bland.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the

Speaker has appointed the following Escort committee to act with a like committee from the Senate pursuant to **HCR 2**. Representatives Grisamore, Silvey, Wasson, Fares, Wright, Schlottach, Johnson, Baker (25), Salva and Skaggs.

Senator Shields moved that the Senate recess to repair to the House of Representatives to receive the State of the State Address from His Excellency, Governor Matt Blunt, which motion prevailed.

JOINT SESSION

The Joint Session was call to order by President Kinder.

The Junior ROTC from Central High School, St. Joseph, presented the colors.

The Pledge of Allegiance to the Flag was recited.

On roll call the following Senators were present:

Present—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On roll call the following Representatives were present:

Present—Representatives

Aull	Baker 25	Baker 123	Bearden
Bivins	Bland	Brandom	Bringer
Bruns	Burnett	Casey	Chappell-Nadal

Cooper 120	Cooper 155	Cooper 158	Corcoran
Cox	Cunningham 145	Cunningham 86	Curls
Darrough	Daus	Davis	Day
Deeken	Dempsey	Denison	Dethrow
Dixon	Dougherty	Dusenberg	El-Amin
Emery	Ervin	Faith	Fallert
Fares	Fisher	Flook	Frame
Franz	Funderburk	George	Grill
Grisamore	Guest	Harris 23	Harris 110
Hobbs	Hodges	Holsman	Hoskins
Hubbard	Hughes	Ice	Johnson
Jones 89	Jones 117	Kelly	Kingery
Komo	Kratky	Kraus	Kuessner
Lampe	Lembke	LeVota	Lipke
Loehner	Low 39	Lowe 44	Marsh
May	McClanahan	McGhee	Meadows
Meiners	Moore	Munzlinger	Muschany
Nance	Nasheed	Nieves	Nolte
Norr	Onder	Oxford	Page
Parson	Pearce	Pollock	Portwood
Pratt	Quinn 7	Quinn 9	Richard
Robb	Robinson	Roorda	Rucker
Ruestman	Ruzicka	Salva	Sander
Sater	Scavuzzo	Schaaf	Schad
Scharnhorst	Schieffer	Schlottach	Schneider
Schoeller	Schoemehl	Self	Shively
Silvey	Skaggs	Smith 14	Smith 150
Spreng	Stevenson	St. Onge	Storch
Stream	Sutherland	Swinger	Thomson
Threlkeld	Tilley	Todd	Viebrock
Villa	Vogt	Wallace	Walsh
Wasson	Wells	Weter	Whorton
Wildberger	Wilson 119	Wilson 130	Witte
Wood	Wright 159	Wright-Jones	Yaeger
Yates	Young	Zimmerman	Zweifel
Mr. Speaker—153			

Nays—Representatives

Haywood Talboy—2

Absent and Absent with Leave—Representatives

Avery Bowman Brown 30 Brown 50
 Donnelly Hunter Liese Walton—8

The Joint Committee appointed to wait upon His Excellency, Governor Matt Blunt, escorted the Governor to the dais where he delivered the State

of the State Address to the Joint Assembly:

Lt. Governor Kinder, Mr. President Pro Tem, Mr. Speaker, distinguished state officials, judges of the Supreme Court, members of the General Assembly, reverend clergy, my fellow Missourians:

The tradition of this address began when President George Washington stood before an uncertain legislature, at an uncertain time in our young nation’s history, and urged the Congress to prolong this great experiment, “the United States of America,” by promoting science and learning.

Two years ago I stood before you at a time of uncertainty in our own state. I asked for your help in re-ordering priorities and returning to fiscal discipline. I asked you to join me in rejecting complacency so that we could create conditions that would lead to prosperity for every Missourian.

Tonight, I stand before you pleased to report that because of our work together the days of economic uncertainty are in the past.

Now we have reason for renewed optimism, reason to stand strong with hope for the future. Opportunities are increasing and Missouri families have a better quality of life.

More than 50,000 jobs have been created and Missourians are enjoying greater prosperity.

Fellow Missourians, the state of our state is strong, prosperous, and vibrant.

We cannot and should not rest on these important accomplishments. **We must do more!**

I have traveled all across our great state. I have talked with Missourians and I have listened. The people are asking us to continue moving the state forward, and their will should guide our efforts.

Mothers and fathers want the financial security that enables them to provide for their children’s future. They want the peace of mind that comes from knowing that their children will receive a world class education every time they step into a Missouri classroom; that their children will be protected from predators when they log on to the Internet or ride their bike to the neighborhood park; that they will grow up in a culture that is kind and just; and that they will have access to higher education that will unleash their full potential.

Sons and daughters want to know that their parents and loved ones will be taken care of; that their health care will be of the highest quality; and that their leaders will honor the promises and commitments made to a great generation of Americans.

Grandparents want their grandchildren to live in a decent society, and they want confidence that the values that have made America great will be transmitted to yet another generation. They want to know that we are working to ensure safety in nursing homes and other long-term care facilities; and that we respect and will not cut people’s Social Security.

Missouri families want confidence that their government is

looking out for their interests instead of its own; that we are pursuing results instead of partisanship; and that we will deliver on pledges and commitments. So let us work together to fulfill promises, beginning with the promise that we will put Missouri families first.

Quality, Affordable Health Care

As I visit with Missouri families, one of their chief concerns, and in many cases one of their greatest worries, is how they will afford health care. Missourians are also very concerned about the sick and the poor.

The old Medicaid system was bankrupting our state but, even more importantly, the old system was failing Missourians who need help. Bad management permitted widespread abuse by providers and ineligible recipients at a cost of hundreds of millions of dollars—money that should have been used for Missouri’s most vulnerable citizens. The old system was so bad that Medicaid was even paying for Viagra for sex offenders.

The decisions we made saved Medicaid and set us on a course to dramatically improve care for the sick and poor beginning now.

Since I took office, I have been visiting with Missourians about their health care concerns. Missourians are worried about those who lack insurance. This is my concern as well. **Tonight I promise to deliver improved access to affordable health care for every Missourian, and the guarantee that the sick and the poor will be well served.**

With the advice and suggestions of many in this Chamber and thousands across our state, we developed Missouri HealthNet to replace the old Medicaid system.

What I propose with Missouri HealthNet is not a minor reform. It is an entirely new system. It will stand apart from what any other state has done or is doing. The Medicaid program we inherited was a paper-based system, basically unchanged from its original 1967 model. HealthNet will put people first. The old Medicaid failed to focus on prevention and wellness. HealthNet will improve the health of the sick and the poor.

The Medicaid we inherited focused on rules and made recipients dependant on checklists and bureaucratic red tape. HealthNet will give Missourians meaningful choices. It will empower them to be participants rather than just recipients. The old Medicaid was about sickness. The new HealthNet will be about prevention and wellness.

With Missouri HealthNet, for the first time in Missouri history we will guarantee that every participant has access to primary and preventative care.

HealthNet recognizes that Missourians should all have one central point of contact and a doctor who knows them personally. HealthNet provides this access by empowering participants to choose their health care home.

I recently had the opportunity to talk with Dr. Heidi Miller, a young doctor who cares for indigent Missourians at Family Care

Health Centers in St. Louis. Dr. Miller explained why she believes in the health care home. Dr. Miller described the health care home as a place you know, and a place that knows you. She described the health care home as a place that makes you feel safe, a place where you do not have to explain yourself every time, a place where you can go in your time of need. I agree with Dr. Miller. A health care home offers a place to build relationships, and that is why it is a cornerstone of HealthNet.

HealthNet takes the whole person into account. It will use a health risk assessment to develop a plan of care for improved health and, help to avoid unnecessary emergency room visits and unnecessary hospitalizations.

HealthNet recognizes that some people need more help and attention than others. The most vulnerable participants often have extensive health care needs and they will have the option to participate in the Chronic Care Improvement Program. We are expanding this important program to cover patients with sickle cell disease.

HealthNet also will embrace technology to ensure that all health care information is available to patients and providers in a **secure** system.

HealthNet recognizes that the old Medicaid did little to reward good providers for improving the health of their patients. Unlike the old Medicaid system, HealthNet will pay providers for results, not just visits or tests. In addition to **providing** all of these benefits, HealthNet will also give participants incentives.

Perhaps most importantly, HealthNet will empower the participant to make their own healthcare choices. HealthNet will significantly expand the number of participants who are allowed to choose their own health plan or to purchase health insurance. We should provide options for care so participants can choose a health plan that is right for them. And we must unleash the power of the free market by empowering participants to be informed and active consumers. This will drive out cost and lead to higher quality care. My HealthNet proposal expands choice and empowers participants.

Federally Qualified Health Centers already serve as the medical home to nearly 300,000 Missourians, providing comprehensive and quality care in nearly 110 community health centers. These centers are making health care available to uninsured Missourians.

So I have made them a budget priority. Over the last two years you and I have worked together to support the creation of new health centers across the state. We should continue that effort. My budget will provide 60 million dollars for improvements, construction and equipment at community health centers throughout Missouri.

Many employers—particularly small businesses—struggle to pay for the health care of their employees. To those employers who are providing good health benefits: Thank you.

Your support of your employees is appreciated. And that is

why I am asking this legislature to cut the franchise tax for businesses that provide health insurance. My plan could eliminate the tax for 87 percent of employers and virtually all of our small businesses paying the tax, but they only qualify if they are providing health benefits to their workers.

More than 5 million Missourians have health insurance, but 700,000 are yet to be covered. I believe that we can dramatically increase the number who have health insurance. Innovative ideas are being discussed in this Capitol. We must work together to reduce the uninsured by employing the following principles:

First, we should combine various resources—federal and state, public and private—to lower the price of insurance.

Second, we should offer incentives to employers that provide health insurance such as the franchise tax cut I outlined.

Third, we should improve our laws so that Missourians can take their insurance with them when they switch jobs.

Fourth, we should pool the purchasing power of the uninsured to help them buy insurance at the lowest possible cost.

Fifth, we should allow employers **and employees** to pay insurance premiums with tax free dollars.

And sixth, the state should invest money to launch a program taking all of these principles into account and I commit 20 million dollars to launch this initiative.

We can do all of this, and we can make the system work for every single Missourian.

These principles, combined with HealthNet will provide health coverage to more Missourians than ever before in our state's history.

We already have created opportunities for many uninsured by passing legislation to allow small businesses to provide their employees with high quality health care at an affordable price by forming Association Health Plans. Companies that had never before been able to afford health care for their employees were given the ability to purchase quality, affordable health care. And initial premium savings ranged from 18 percent for the largest employers to as much as 40 to 50 percent for small employers. I call on the Congress to enact the same laws and level the playing field for all Americans.

We have a moral obligation to protect the innocent and vulnerable. Our children are among the most vulnerable. As I travel the state, I have visited with family after family that is dealing with autism. Autism Spectrum Disorders affect more lives than pediatric cancer, diabetes and AIDS combined. Early diagnosis of autism dramatically improves the development of children who have the disorder. Fortunately, these autistic disorders can be reliably diagnosed very early in a child's life—sometimes as early as six months. To focus on diagnosis and improvements to autism treatment I am asking you to approve my recommendation of 3.9 million dollars.

Those who have a mental illness or a behavioral disorder also deserve our protection. When parents and families face the difficult decision to place their loved one in the care of the mental health system, they should have the confidence that the state provides them with a safe and nurturing environment. I created the Mental Health Task Force in June, 2006 to help us all improve safety.

I recently signed an Executive Order that implements several Task Force recommendations. In order to implement even more recommendations immediately, my budget includes 2.6 million dollars.

Together we will prevent these instances of abuse and neglect and ensure that those who mistreat the vulnerable are held accountable and punished.

Seniors also can be vulnerable, and we have a moral obligation to them. They raised and instructed us, so it is up to us to pay them back for their love and sacrifice. We can do that by helping Missouri seniors stay in their homes longer, which results in a higher quality of life for them and reduced costs for taxpayers. If you approve my budget we will have increased in-home care funding by 53 million dollars.

Let us also make it easier for Missourians to plan for retirement. I ask you to provide full tax deductibility for all long term care insurance costs.

Help me continue rooting out waste, fraud and abuse. Before I came to office the Medicaid system was being drained by fraud and abuse that took advantage of poor enforcement. We have saved more than 230 million dollars by ending much of this theft. These savings have made it easier for us to take care of vulnerable Missourians. Tonight, I renew my call for a strict false-claims act that will allow my administration to even more effectively fight fraud.

World Class Education

As you all know, my budgets place schools, classrooms, teachers and students first. Two years ago, we embarked on a shared journey to improve the quality of public education for every child in the state of Missouri. Together, we have rewritten the formula to fund our schools; embraced innovation and I have fought for change.

As promised, we have increased funding for public education each year I have been in office. In the midst of an inherited budget disaster, we still increased funding. In fact, education increases have exceeded the rate of inflation in each and every budget I have recommended and in each and every budget I have signed.

This year, my highest priority remains getting more resources to our classrooms, our teachers, and most importantly, our students.

Working together we already have invested 332 million new dollars in elementary and secondary schools. This year I am calling for 214 million additional dollars for our classrooms, bringing the total increase in funding to more than half a billion dollars in the last three years.

Of course, in addition to financial investments, preparing our students to compete in the global economy requires good policy. To begin, we must focus tax dollars around areas of critical concern. Today, 36 percent of Missouri's college freshmen require basic remedial courses in college. In college, they are being taught skills they should have learned in high school or even junior high. Taxpayers should not have to pay twice for the same classes. Parents have told me that they are concerned about this, and they are worried about the good family-supporting jobs around the country that are being moved overseas.

As countries such as China and India move more and more of their citizens into advanced studies, this challenge will only grow. Missouri is no longer just competing with states like Kansas and Illinois, but we are now in the global economy competing with India and Singapore, Shanghai and Hong Kong. If we are to make Missouri families even more prosperous, we must ensure that students are equipped with advanced skills in math and science.

Technology helps improve skills and spark student interest in math and science. That is why my budget includes 2.9 million dollars to fund 100 technology classrooms in 100 different schools.

For too long, the hours between 3:00 in the afternoon and 6:00 in the evening have been the most dangerous for our children. That is one reason I have been encouraging the expansion of after school programs. These programs provide a safe haven for children and opportunities for students to participate in math and science enrichment activities that the regular school day may not allow. To support these programs my budget includes 1 million dollars to expand quality after school programs in math and science, as well as physical activity and health.

I also recently announced the third consecutive year of increased funding for Parents as Teachers. I did so because early childhood education is a great investment for the future. Recently, I convened the first meeting of the Coordinating Board for Early Childhood. They will be a valuable resource as we work to strengthen opportunities for Missouri children.

Good education policy demands that we confront difficult problems head on. As you know, the St. Louis City school district is failing our children. It is failing to provide a basic education to thousands of young Missourians. For me, no option is off the table and I am willing to work with anybody who cares about our children.

We also owe it to families across the state to ease access to college and ensure students get an education and not just a degree. Higher education, whether it be in a community college or a four year institution, is a sound investment that helps to secure a higher quality of life for the next generation.

Unfortunately, literacy among college graduates has actually declined in the last decade. Employers express concern regarding the skill level of graduates applying for jobs. This is unacceptable. Missouri's colleges and universities need to be accountable to

taxpayers. I am calling upon the Coordinating Board for Higher Education to create standards and measure performance. Funding for higher education should be tied to colleges and universities meeting those standards.

College costs must be controlled and tuition must be more predictable. To help the family budget, I propose that only in extraordinary circumstances should the Coordinating Board for Higher Education be able to authorize an exception to this rule: No tuition increase should exceed the rate of inflation.

The state must support higher education, and this year, my budget will send **40** million new dollars to colleges and universities. My three year plan will increase funding by more than 110 million dollars. Significantly, we can also make it easier for Missourians to go to college by increasing need-based scholarship funding from 27.5 million dollars to more than 72.5 million dollars.

Additionally, 3.4 million dollars will be added to recruit students into the health care professions and to forgive loans for students who are preparing to be Missouri doctors, dentists, and nurses.

But our effort to deliver a world class education must not stop there. Missouri college students are learning math and science skills in labs and classrooms that are out of date. Talented Missourians interested in entering competitive industries are leaving Missouri for institutions with state of the art facilities. Every one of our campuses has significant capital improvement needs that, if completed, would help ensure that Missouri students **are** receiving a world class education here at home.

To address those needs I developed the Lewis and Clark Discovery Initiative, which is a partnership between the Missouri Higher Education Loan Authority and the state. Through this Initiative we can sell loans held by people in other states and bring 335 million dollars home to strengthen our colleges and universities for our students.

Missouri's colleges and universities have been waiting far too long for this critical boost in quality. Each additional day that we wait means increased costs. I ask you to act with urgency and approve the Lewis and Clark Discovery Initiative.

We owe it to every Missourian to provide a world class education that will unleash their God-given potential.

Family-supporting Jobs

We also owe it to Missourians to foster an economic climate that **creates** good family-supporting jobs. We promised that we would work to do that. Missourians have responded to the pro-growth, pro-job policies we have enacted, and since January 2005 Missourians have created more than 53,000 new jobs, 279 businesses per week, and higher per capita personal income.

Part of promoting that healthy economic climate was passing frivolous-lawsuit reform. The old system encouraged frivolous lawsuits and made it difficult to protect Missourians' access to health care because well-trained doctors were fleeing the state due

to skyrocketing insurance premiums.

In 2005 we passed legislation that made it much more difficult to file frivolous lawsuits. This has enabled us to recruit and retain doctors, increased the quality of care, and reduced the cost of doing business.

In the past the state often subsidized businesses that paid low wages and did not provide health benefits. In 2005 we enacted the Missouri Quality Jobs Act which centers our economic development on the creation of family supporting jobs with good wages and health care benefits. The Quality Jobs Initiative is the most important economic development tool that we have ever had. So I am asking you to double its capacity to create even more family-supporting jobs.

The Internet is transforming our lives. It is increasing productivity and adding to our quality of life, but not all Missourians have access to this valuable tool. We must promote policies encouraging investment so that we can deliver high speed Internet to more Missourians—whether wealthy or poor; young or old; in our largest cities or on our most remote farms.

When government allows businesses to compete, Missourians see lower prices, and more choices. So I am asking you to enact legislation that creates competition for all companies that want to provide telecommunications and cable services.

I also urge you to change the law so that Missouri families get to keep more of their own income. President Roosevelt signed the Social Security Act so that, in America, growing older did not mean you had to be poor. Yet, the state taxes people's well earned Social Security benefits. This is not a problem that we created, but it is another problem that we can solve. The Social Security tax is a Social Security cut. So let us stop the cut and allow Missouri seniors to keep the Social Security they have earned. I urge you to take up, pass, and allow me to sign Speaker Jetton's legislation to stop cutting people's Social Security.

Honoring Our Veterans

Many seniors are of that great generation of Americans who defeated the forces of tyranny in the Second World War. As a veteran, I am proud to lead a state that respects those who wear the uniform today. We must do our best to honor the brave men and women of our Armed Forces. They volunteered to endure blood, sweat and tears, and to do this all to protect and extend the frontier of freedom. With your support we have already been able to achieve a great deal for our veterans and their families.

We enacted legislation to prevent hateful protests at the funeral services of fallen soldiers. Because of this law, and the vigorous enforcement by our police, sheriffs and Highway Patrol, the families of our men and women in uniform are able to honor our military heroes.

With your help we also established the Guard at Home program, which is helping the families of deployed guard members and reservists avoid economic hardship. Once our guard members

and reservists return home, the Guard at Home Program will help them get back into the civilian workforce.

But we need to do more. I am also asking you to streamline the process for qualified veterans who apply for or renew a professional license.

These brave Missourians have stood up for democracy. It is our duty to stand up for them. That is why my budget will send an additional 6.2 million dollars to support veterans' homes and 4.5 million new dollars for better equipment.

The Sanctity of Life

Remarkably, it was only in the last two centuries that democracy became the preferred form of government. In that time, however, one of the defining traits of democracy has been a concern for what we refer to as a society's "culture." No society can remain civilized if it does not concern itself with the respect and courtesy that is shown to one another, how it perceives the family, and how it treats its most vulnerable.

Missourians know that a coarsening of our culture undermines human dignity. In stark contrast to cultural relativism stands the belief that all of humanity is bound together by a moral fabric. There is, indeed, an enduring moral order and our policies should reflect our basic values.

We have enacted laws that move us in the right direction. We are fortunate to live in a state that has protected traditional marriage and enshrined that protection in the constitution. Since I came to office we have also been able to enact important laws that make Missouri a national leader in protecting human life. We created an income tax credit for pregnancy resource centers. We also strengthened parental consent laws to ensure that Missouri parents are involved in the most critical decisions that their young children make.

This year we must continue to protect the innocent and pass legislation that reflects our common values. I ask you to approve the 200,000 dollars in new funding that I have recommended for the Alternatives to Abortion program, and I also urge you to place this program in statute and make it permanent.

Protecting Society from Violent Crime

The fundamental responsibility of government is to protect life and liberty. Ensuring the safety of our children is at the center of this obligation. That is why last year we passed Missouri's version of Jessica's Law. It mandates a life sentence with at least 30 years served for those predators who commit the most egregious crimes against young children. This law is one of the toughest in the nation. We have sent a clear message to child predators. If they commit such a crime in Missouri, we will put them behind bars for a very long time and if they ever get out of prison we will watch them for the rest of their life.

The Internet has opened up a whole new world of information. Unfortunately, terrible people have put it to terrible use. Some are using the Internet to lure our children into dangerous

and potentially fatal situations.

The ability to catch these criminals and prosecute them is critical to enforcing the tough provisions of Jessica's Law. Fortunately, Jessica's Law created the Cyber Crime Grant Program. This year I am asking you to double the funding for this valuable program and approve an additional 250,000 dollars to help Internet crime fighters buy the equipment they need to track down these predators.

Our ability to protect our children depends on three things: tough laws, great law enforcement, and vigilant citizens. Thankfully we have them all. As you all know, Mitchell Hults gave law enforcement the information they needed to rescue Shawn Hornbeck and Ben Ownby. Because of his vigilance, these families have been reunited. Mitchell Hults is here tonight. Please join me in honoring a Missouri hero, Mitchell Hults.

Public safety involves more than just vigorous enforcement of our criminal laws. Governments, charities, churches and the Missouri National Guard must work together to overcome natural disasters. Missourians are kind, compassionate and generous people. We look out for one another. The ongoing recovery from the ice storms is only the latest case of Missouri meeting the challenge of an unexpected disaster.

Missourians who have had to endure multiple outages deserve real answers and effective solutions. I am calling on electric utilities to evaluate the damage caused by the ice storms and take appropriate preventive action.

Law-abiding Missourians should not be punished when they use force to defend themselves and their families in their own home. I urge you to pass legislation that protects Missourians when they defend themselves from attack. I also ask you to pass legislation that guarantees Missourians will retain their Second Amendment rights, especially in times of emergency.

Like all of you, I still remember learning the story of the Good Samaritan—the story of a man who acted as a neighbor to a perfect stranger. In emergencies we are blessed to have doctors, nurses and others who volunteer to help. These volunteers should not be punished for their generosity. I urge you to pass legislation that protects volunteers from frivolous lawsuits when they are acting as Good Samaritans.

Murderers inflict incomprehensible pain and suffering when they take the life of a police officer, sheriff, corrections officer, or state trooper. So I am asking you to pass legislation that makes the death penalty mandatory in cases involving the murder of a law enforcement officer.

Agriculture and Renewable Fuels

A grave national security threat is a reliance on oil imported from nations that despise our country, hate our values and want to harm innocent Americans. The production of renewable fuels is one of Missouri agriculture's greatest success stories. In the same way that Missouri's farmers rose to a great challenge and fed the

world in the last century, this century's Missouri farmers will answer another noble calling and fuel America.

The use of ethanol blended fuel helps family farmers and it leads to improved air quality. Last year you passed, and I signed, legislation requiring that virtually all gasoline sold in Missouri contain 10 percent ethanol by January 1 of next year.

With your help I have already proposed and signed budgets that included full funding for the biodiesel and ethanol incentive funds as well as funding for back payments from previous years that were not honored before I assumed office.

This year's budget fully funds the biodiesel and ethanol incentives and I further propose that we fulfill all outstanding payments in the supplemental budget.

We have passed laws to limit government and protect freedom in the past. I know we can do it again this year. In 2005, the United States Supreme Court ruled that local governments can take property and give it to private developers. It was a terrible ruling. In response, we enacted strong legislation to protect Missourians from losing their homes and farms in the name of commercial development. The American Farm Bureau calls Missouri's law the Gold Standard for protecting property rights.

This legislation was a bold step for all home and property owners. Now we need to stand up again for the rights of our farmers. The 100,000 plus Missouri family farms must be protected from abusive lawsuits. Missourians who have been farming for years and generations should have the right to work the land. They should not be burdened with unreasonable ordinances designed to chase them out of farming. So that Missouri farm families can continue to produce the food and fiber that is so vital to feeding families here at home and around the world, I urge you to pass the Missouri Farm and Food Preservation Act.

Safe and Modern Transportation

If you have driven anywhere in Missouri in the last two years, you have probably seen some new construction. If you are like me, it has probably made you late a time or two. But the inconvenience has been worth it. Early last month MoDOT delivered a total of 2,200 miles of safer, smoother and better roads. Fewer Missourians lost their lives traveling on our roads last year. Missourians now travel more safely, with less wear and tear on their vehicles and less time in traffic.

My administration's road improvements will not end with the Smooth Roads Initiative. I fully support MoDOT's new initiative which will improve 5,600 miles of major highways over the next five years. Every Missourian will benefit from this effort.

Respecting People's Hard-Earned Dollars

The budget I am submitting is balanced. Our fiscal situation is dramatically improved from when I stood before you two years ago. We did not achieve this progress by taking an easy road. Because we were responsible in the past, we can make critical investments and stop cutting the Social Security benefits of our

seniors.

We do have a surplus. But it is the people's surplus, and we must use it wisely. We cannot create new ongoing costs by expanding government. We cannot recreate the spending dilemma that we faced two years ago. We need to give the people of Missouri a government that is responsible so that Missouri families can move forward together.

The budget I submit to you provides a 200 million dollar ending balance to fund key priorities including education and healthcare in future fiscal years.

The budget I recommend continues the course of fiscal responsibility. It is balanced and it does not raise taxes. It reflects the common sense priorities of the people of Missouri.

A New Age of Prosperity

Together we play a vital role in shaping the future. Together we can demonstrate the strength of our leadership by giving Missourians the opportunity to experience the full promise of American life. We have it within our power to lay the foundation for an age of unprecedented prosperity for every Missourian.

Together we can show the strength of our character as we allow Missourians to keep and enjoy the prosperity they earned—by replacing broken and outdated government programs with effective initiatives to serve the sick and the poor, by lowering the tax burden on Missourians, especially our seniors, and by giving every child in Missouri an education that will serve as the first rung on a ladder to achieving their own prosperity and a bright future.

We must do this because as Thomas Jefferson said, “the happiness and prosperity of our citizens is the only legitimate object of government.” We **can** do this because there is no limit to what the people of Missouri can achieve when they have the freedom to succeed.

Thank you. May God bless you and may God continue to bless the great state of Missouri.

On motion of Senator Shields, the Joint Session was dissolved and the Senators returned to the Chamber where they were called to order by Senator Nodler.

INTRODUCTION OF BILLS

The following Bill was read the 1st time and ordered printed:

SB 375—By Koster.

An Act to amend chapter 188, RSMo, by

adding thereto two new sections relating to abortions.

MESSAGES FROM THE HOUSE

The following message was 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 **HCR 13**, entitled:

HOUSE CONCURRENT RESOLUTION NO. 13

Disapproving the amount of increase in compensation for public officials as recommended by the Missouri Citizen's Commission on Compensation for Elected Officials.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

Whereas, the voters of Missouri approved a constitutional amendment in 1994 which created a commission charged with setting the amount of compensation paid to statewide elected officials, legislators and judges; and

Whereas, Article XIII, Section 3 of the Missouri Constitution charges the Missouri Citizen's Commission on Compensation for Elected Officials with setting the amounts of compensation paid to statewide elected officials, legislators, and judges; and

Whereas, the Constitution provides the Commission with a four-month window prior to its constitutional deadline for making salary recommendations to hold public hearings around the state to gather testimony related to salaries for affected state officials and to carefully consider whether pay increases are warranted; and

Whereas, in 2006, the Commission did not begin work until eleven days before its December 1, 2006, deadline for submitting a report containing salary recommendations; and

Whereas, as few as six members of the twenty-two member Commission attended the public hearings at which testimony on salaries for affected officials was given; and

Whereas, the Commission recommended pay increases for state judges and statewide elected officials effective July 1, 2007, and pay increases for legislators effective January 1, 2009; and

Whereas, Citizens' Commission on Compensation for Elected Officials attempted to compile a fiscally prudent and responsible compensation schedule that would allow for modest, reasonable increases for all persons affected; and

Whereas, the Commission believes that the recommendation

accomplishes the twin goals of making the commission function again and rectifying the currently dysfunctional pay system for legislators, statewide elected officials, and judges; and

Whereas, when considered as an annual percentage over the years that have passed since any of these officials last received any increase, this report's recommended increases amount to less than a 1% increase per year for all offices; and

Whereas, the recommendation establishes a system for consistent future increases in the same manner as other State of Missouri employees; and

Whereas, the Commission's recommendations shall take effect unless disapproved by the General Assembly through a concurrent resolution process passed by two-thirds majorities in each legislative chamber before February 1, 2007:

Now, therefore, be it resolved by the members of the House of Representatives of the Ninety-fourth General Assembly, First Regular Session, the Senate concurring therein, that the recommendations of the Missouri Citizen's Commission on Compensation of Elected Officials be disapproved.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

COMMUNICATIONS

President Pro Tem Gibbons submitted the following:

January 24, 2007

Mrs. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

RE: Appointments to Joint Committee on Education

Dear Terry:

Pursuant to Section 160.253 of the Revised Statutes of Missouri (RSMo 2002), I am appointing the following senators to the Joint Committee on Education:

Senator Charlie Shields
Senator Robert Mayer
Senator Gary Nodler
Senator Scott Rupp
Senator Maida Coleman
Senator Rita Days
Senator Yvonne Wilson

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

earliest convenience.

Yours truly,

/s/ Michael R. Gibbons

MICHAEL R. GIBBONS

President Pro Tem

RESOLUTIONS

Senator Crowell offered Senate Resolution No. 216, regarding C.P.U., Inc., Cape Girardeau, which was adopted.

Senator Stouffer offered Senate Resolution No. 217, regarding Maurice Amick, Boonville, which was adopted.

Senator Stouffer offered Senate Resolution No. 218, regarding Ron Monnig, which was adopted.

Senator Rupp offered Senate Resolution No. 219, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. John Fluchel, Wentzville, which was adopted.

Senators Rupp, Scott and Gross offered Senate Resolution No. 220, regarding Dale Finke, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Clemens introduced to the Senate, the Physician of the Day, Dr. John D. Lilly, D.O., Springfield.

Senator Champion introduced to the Senate, Jennifer Davison, Springfield; and Brandy Todd and Sharon Weigand, Kansas City.

Senator Champion introduced to the Senate, Gary Pendergrass, Springfield.

Senator Goodman introduced to the Senate, Diane Brewer and members of the Missouri Association of Nurse Anesthetists.

Senator Ridgeway introduced to the Senate, Andrea Segura, Liberty.

Senator Coleman introduced to the Senate, Jassalyn Estill, Ames, Iowa.

Senator Shields introduced to the Senate, James and Sandra Thomas, Kansas City.

Senator Ridgeway introduced to the Senate, representatives of Komen for the Cure, Clay County.

Senator Ridgeway introduced to the Senate, Vicki Ward, Kansas City; and Brad Fisher, Smithville.

Senator Gibbons introduced to the Senate,

Mike Croghan, Steve Mathias, Sandra Thomas, Arthur Seltzer, Jim O'Hallaron, Chuck Pierce, Brent Stewart, Steve Del Vecchio, Joey French, James Thomas, III and Bob Letterman.

Senator Shoemyer introduced to the Senate, Todd and Rosanne Hayes, Monroe City.

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

SENATE CALENDAR

THIRTEENTH DAY--THURSDAY, JANUARY 25, 2007

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 328-Engler	SB 348-Koster and Green
SB 329-Engler	SB 349-Clemens
SB 330-Engler	SB 350-Clemens
SB 331-Stouffer and Gibbons	SB 351-Clemens
SB 332-Stouffer	SB 352-Clemens
SB 333-Stouffer	SB 353-Engler
SB 334-Griesheimer	SB 354-Bray and Justus
SB 335-Griesheimer, et al	SB 355-Vogel
SB 336-Bray, et al	SB 356-Gross
SB 337-Bray and Smith	SB 357-Green
SB 338-Mayer	SB 358-Engler
SB 339-Mayer	SB 359-Goodman
SB 340-Goodman	SB 360-Goodman
SB 341-Goodman	SB 361-Goodman
SB 342-Kennedy and Coleman	SB 362-Shoemyer, et al
SB 343-Justus	SB 363-Bartle
SB 344-Justus and Wilson	SB 364-Koster
SB 345-Shoemyer	SB 365-Koster
SB 346-Shoemyer	SB 366-Koster and Justus
SB 347-Shoemyer	SB 367-Bray and Days

SB 368-Barnitz, et al
SB 369-Scott
SB 370-Scott
SB 371-Scott
SB 372-Justus and Koster

SB 373-Rupp
SB 374-Rupp
SB 375-Koster
SJR 15-Green
SJR 16-Shoemyer

INFORMAL CALENDAR

RESOLUTIONS

To be Referred

HCR 13-McGhee

✓

Journal

Copy