

# Journal of the Senate

SECOND REGULAR SESSION

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**FOURTH DAY—TUESDAY, JANUARY 15, 2008**

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Fear not tomorrow, for God is already there.” -Unknown

Gracious Lord, we know many of the challenges that are laid out before us and we will hear more tonight. Some items make us uncomfortable for we don't know what they will bring us if we try to meet them or what will happen if we do nothing. But we do know that You know the future that lays ahead so we ask that You might guide and direct us so we may be part of the solutions that will make the future unfold as You will for 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	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
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 Crowell offered Senate Resolution No. 1511, regarding Roy's Tire and Auto, Jackson, which was adopted.

Senator Crowell offered Senate Resolution No. 1512, regarding Ceramo Company, Incorporated, Jackson, which was adopted.

Senator Crowell offered Senate Resolution No. 1513, regarding Kasten Masonry Sales, Incorporated, Jackson, which was adopted.

Senator Justus offered Senate Resolution No. 1514, regarding the death of Cathleen Connealy, Kansas City, which was adopted.

**INTRODUCTION OF BILLS**

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

**SB 941**—By Clemens.

An Act to repeal section 570.030, RSMo, and to enact in lieu thereof one new section relating to stealing livestock, with penalty provisions.

**SB 942**—By Clemens.

An Act to repeal sections 340.337, 340.341, 340.375, 340.381, 340.384, 340.387, 340.390, 340.393, and 340.396, RSMo, and to enact in lieu thereof nine new sections relating to large animal veterinary students, with an expiration date for certain sections.

**SB 943**—By Clemens.

An Act to repeal sections 89.080, 89.090, and 305.410, RSMo, and to enact in lieu thereof three new sections relating to airport zoning.

**SB 944**—By Engler, Rupp, Clemens and Scott.

An Act to repeal section 108.250, RSMo, and to enact in lieu thereof one new section relating to state auditor compensation for bond registration.

**SB 945**—By Green.

An Act to amend chapter 393, RSMo, by adding thereto one new section relating to annual reports of water corporations.

**SB 946**—By Dempsey and McKenna.

An Act to amend chapter 196, RSMo, by adding thereto one new section relating to the use of moneys from certain payments received from the master settlement agreement.

**SB 947**—By Kennedy.

An Act to repeal sections 144.805 and 305.230, RSMo, and to enact in lieu thereof two new sections relating to the state aviation trust fund, with an expiration date.

**SB 948**—By Justus, Smith and Bray.

An Act to amend chapter 338, RSMo, by adding thereto one new section relating to the duty of a

pharmacy to fill prescriptions.

**SB 949**—By Scott.

An Act to repeal section 135.903, RSMo, and to enact in lieu thereof one new section relating to rural empowerment zone criteria.

**SB 950**—By Scott.

An Act to repeal sections 144.011, 700.010, 700.045, 700.056, 700.065, 700.070, 700.090, 700.100, 700.115, 700.450, 700.455, 700.470, 700.525, and 700.650, RSMo, and to enact in lieu thereof fifteen new sections relating to manufactured housing, with penalty provisions.

**SB 951**—By Scott.

An Act to repeal sections 44.100, 361.240, and 362.048, RSMo, and to enact in lieu thereof three new sections relating to emergency response within financial institutions.

**SB 952**—By Scott.

An Act to repeal sections 326.256, 326.283, 326.289, and 326.292, RSMo, and to enact in lieu thereof four new sections relating to certified public accountants, with penalty provisions.

**SB 953**—By Scott.

An Act to repeal section 610.021, RSMo, and to enact in lieu thereof one new section relating to authorization to close certain records.

**SB 954**—By Scott.

An Act to repeal sections 116.010 and 116.080, RSMo, and to enact in lieu thereof three new sections relating to initiative and referendum petition circulators, with penalty provisions.

**SB 955**—By Shields.

An Act to repeal section 301.140, RSMo, and to enact in lieu thereof one new section relating to refund of motor vehicle registration fees.

**SJR 42**—By Griesheimer.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 40 and 42 of article III of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to laws regulating political subdivisions.

## RESOLUTIONS

Senator Coleman offered the following resolution:

SENATE RESOLUTION NO. 1515  
NOTICE OF PROPOSED RULE CHANGE

Notice is hereby given by the Senator from the Fifth District of the one day notice required by rule of intent to put a motion to adopt the following rule change:

BE IT RESOLVED by the Senate of the Ninety-fourth General Assembly, Second Regular Session, that Senate Rule 84 be amended to read as follows:

"Rule 84. The previous question shall be in this form: "Shall the main question be now put?". It shall only be admitted on written demand of five senators, and sustained by a vote of [a majority] **two-thirds** of the senators elected, and in effect shall be put without debate, and bring

the senate to direct vote upon a motion to commit, if such motion shall have been made; and if this motion does not prevail, then upon amendments, and then upon the main question. On demand for the previous question, a call of the senate shall be in order, but after [a majority] **two-thirds** of the senators elected have sustained such a motion, no call shall be in order prior to the decision on the main question.

Senator Crowell, joined by the entire membership, offered the following resolution, which was read:

SENATE RESOLUTION NO. 1516

Whereas, the members of the Missouri Senate are deeply saddened by the recent news of the passing of Mary Kinder, a life-long resident of Cape Girardeau, Missouri; and

Whereas, Mary Kinder was born on June 17, 1926, in Benton, Missouri, at the family home on what was then known as Hunter Hill, the youngest of five children born to William Joseph and Ida May Wise Hunter; and

Whereas, in 1943 Mary Kinder graduated from Cape Central High School at the age of sixteen and proceeded on to Christian College in Columbia, Missouri, for a two-year degree, and from there she went on to the University of Maryland, where she was a member of Kappa Kappa Gamma sorority and earned a bachelor of arts degree in 1947; and

Whereas, a highlight of these years was a double date she shared with Margaret Truman: arriving at the White House to join Miss Truman before meeting the young soldiers who were their dates for the evening, Truman said her father wanted to meet young Miss Hunter, and in due course the elevator doors opened and out stepped a smiling, immaculately dressed president of the United States for a brief but friendly chat; and

Whereas, after graduating, Miss Hunter returned to Cape Girardeau and took a job working for Dean Forrest Rose on the campus at Southeast, and in early 1948, she met Dr. James A. Kinder Jr., a local pediatrician newly practicing in the area, and, like her, a fifth-generation Southeast Missourian, and they were married at her family home on North Park Avenue on October 30, 1948; and

Whereas, Mary Kinder nurtured a lifelong passion for the study, performance, and encouragement of music, and when a student she played the cello in the orchestra and mastered the piano, which gave her lifelong pleasure, but it was as a soprano that she is probably best known in the region, as she achieved a measure of local fame in her fifty years of singing duets with her dear friend, the late Millie Limbaugh; and

Whereas, other civic endeavors included membership in the Nancy Hunter Chapter of the Daughters of the American Revolution and the GF Chapter of the PEO sisterhood, as well as service on the board of the Trust for Preservation of the Missouri Governor's Mansion, and in 1987 Mary Kinder joined with her friend, the late Frances Blankenship, as founding co-chairwomen of the first annual Cape Girardeau Cancer Gala; and

Whereas, Mary Kinder was an active member of the Cape Girardeau County Medical Auxiliary (now Alliance) during the fifty-two years of her husband's practice, tirelessly supporting him in his wide-ranging professional endeavors, and this support included hosting promising young physicians on countless occasions, in a frequently successful effort to recruit new specialties to Cape's small but growing medical community; and

Whereas, Mary and James Kinder were the devoted parents to four sons: James A. Kinder III and his wife, Rosie, of Cairo, Illinois; Frank M. Kinder and his wife, Lori Ann, of Cape Girardeau; Peter D. Kinder of Cape Girardeau; and USAF Reserve Major Dr. Mark H. Kinder and his wife, Barbara, of Cape Girardeau; and the loving grandparents of nine children:

Now, Therefore, Be It Resolved that we, the members of the Missouri Senate, Ninety-fourth General Assembly, extend our most sincere condolences on this sad occasion; and

Be It Further Resolved that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the family of Mary Kinder, as a measure of our esteem.

Senator Rupp offered Senate Resolution No. 1517, regarding the Fifty-fifth Wedding Anniversary of Mr. and Mrs. Richard Hawkins, O'Fallon, which was adopted.

Senator Rupp offered Senate Resolution No. 1518, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Salvador Sperandeo, Dardenne Prairie, which was adopted.

Senator Rupp offered Senate Resolution No. 1519, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Bill Ruwwe, Dardenne Prairie, which was adopted.

Senator Shields offered Senate Resolution No. 1520, regarding the One Hundred Tenth Anniversary

of the Daughters of the American Revolution National Society chapter, Saint Joseph, which was adopted.

**SECOND READING OF SENATE BILLS**

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

**SB 863**—Ways and Means.

**SB 864**—Pensions, Veterans' Affairs and General Laws.

**SB 865**—Small Business, Insurance and Industrial Relations.

**SB 866**—Ways and Means.

**SB 867**—Financial and Governmental Organizations and Elections.

**SB 868**—Small Business, Insurance and Industrial Relations.

**SB 869**—Financial and Governmental Organizations and Elections.

**SB 870**—Pensions, Veterans' Affairs and General Laws.

**SB 871**—Education.

**SB 872**—Transportation.

**SB 873**—Education.

**SB 874**—Governmental Accountability and Fiscal Oversight.

**SB 875**—Economic Development, Tourism and Local Government.

**SB 876**—Ways and Means.

**SB 877**—Small Business, Insurance and Industrial Relations.

**SB 878**—Judiciary and Civil and Criminal Jurisprudence.

**SB 879**—Agriculture, Conservation, Parks and Natural Resources.

**SB 880**—Health and Mental Health.

**SB 881**—Transportation.

**SB 882**—Commerce, Energy and the Environment.

**SB 883**—Financial and Governmental Organizations and Elections.

**SB 884**—Transportation.

**SB 885**—Economic Development, Tourism and Local Government.

**SB 886**—Economic Development, Tourism and Local Government.

**SB 887**—Judiciary and Civil and Criminal Jurisprudence.

**SB 888**—Education.

**SB 889**—Judiciary and Civil and Criminal Jurisprudence.

**SB 890**—Transportation.

**SB 891**—Ways and Means.

**SB 892**—Pensions, Veterans’ Affairs and General Laws.

**SB 893**—Ways and Means.

**SB 894**—Ways and Means.

**SB 895**—Commerce, Energy and the Environment.

**SB 896**—Economic Development, Tourism and Local Government.

On motion of Senator Shields, the Senate recessed until 6:40 p.m.

### **RECESS**

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

### **COMMITTEE APPOINTMENTS**

President Pro Tem Gibbons appointed Senator Nodler to replace Senator Ridgeway on the escort committee established pursuant to **HCR 1**.

On motion of Senator Shields, the Senate recessed to repair to the House of Representatives to receive the State of the State Address from His Excellency, Governor Matt Blunt.

### **JOINT SESSION**

The Joint Session was called to order by President Kinder.

The Missouri State Highway Patrol, Troop F, Color Guard 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	Dempsey	Engler	Gibbons	Goodman	Graham	Griesheimer	Justus
Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason
Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—32

Absent—Senator Green—1

Absent with leave—Senator Ridgeway—1

Vacancies—None

The Lieutenant Governor was present.

On roll call the following Representatives were present:

Present— Representatives

Aull	Avery	Baker 123	Bivens	Bland	Brandom	Bringer	Brown 30
Brown 50	Bruns	Casey	Cooper 120	Cooper 155	Corcoran	Cox	Cunningham 145

Cunningham 86	Curls	Darrough	Davis	Day	Deeken	Denison	Dethrow
Dixon	Dougherty	Dusenberg	El-Amin	Emery	Ervin	Faith	Fallert
Fares	Fisher	Flook	Frame	Franz	Funderburk	Grill	Grisamor
Guest	Harris 23	Harris 110	Haywood	Hobbs	Hodges	Hoskins	Hubbard
Hughes	Icet	Johnson	Jones 89	Jones 117	Kelly	Kingery	Komo
Kraus	Kuessner	Lampe	Lembke	LeVota	Liese	Lipke	Loehner
Marsh	May	McClanahan	McGhee	Meadows	Moore	Munzlinger	Muschany
Nance	Nasheed	Nieves	Nolte	Norr	Onder	Oxford	Page
Parson	Pearce	Portwood	Pratt	Quinn 7	Quinn 9	Richard	Robb
Robinson	Roorda	Rucker	Ruestman	Ruzicka	Salva	Sander	Sater
Scavuzzo	Schaaf	Schad	Scharnhorst	Schieffer	Schlottach	Schoeller	Schoemehl
Self	Shively	Silvey	Skaggs	Smith 14	Smith 150	Spreng	Stevenson
St. Onge	Storch	Stream	Sutherland	Swinger	Thomson	Tilley	Todd
Villa	Wallace	Walsh	Walton	Wasson	Weter	Whorton	Wildberger
Wilson 119	Wilson 130	Witte	Wood	Wright 159	Wright-Jones	Yaeger	Yates
Young	Zimmerman	Zweifel	Mr Speaker—140				

Nays—Representatives

Bowman	Chappelle-Nadal	George	Holsman	Low 39	Talboy—6
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Absent and Absent with Leave—Representatives

Baker 25	Burnett	Daus	Donnelly	Hunter	Lowe 44	Meiners	Pollock
Schneider	Threlkeld	Viebrock	Vogt	Wells—13			

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:

**CHANGE THAT IS WORKING**

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

Just over 200 years ago, Lewis and Clark returned with their band of rugged explorers to tell the nation, and the world, about the treasures west of the Mississippi. Our state was the first of those treasures.

As the world looked to America, America looked to Missouri. Soon, our state was being settled by hard-working, independent, prudent, faithful, optimistic Americans. By 1904, the character of Missourians was widely-known. As the world descended on St. Louis for the Louisiana Purchase Exposition, visitors were treated to “The State of Missouri,” a book which described the spirit of our state as “the spirit of progress, tempered by conservatism.” And the “spirit of a community, conscious of its own secure position.....hospitable, generous, brave.”

The spirit of Missouri has held fast. Missourians remain independent, hospitable, generous, and brave. We cherish individualism, tempered by the bonds of community and the Heartland values of faith, family, and freedom. We are practical. We seek solutions.

Missourians want and deserve government that reflects Missouri values, government which rewards work and responsibility, encourages creativity, protects law-abiding citizens, spends tax dollars wisely, and helps those who cannot help themselves.

Unfortunately, that is not always what they have received. Only four years ago, bad public policy was causing our state to lose jobs at an alarming – and unacceptable rate. Business-as-usual in the state capitol was hurting Missouri families.

Missourians demanded change: to put Missouri families, Missouri values, and Missouri taxpayers first. We embarked on a course to bring jobs back to our state. We have succeeded. Change is working. Since January of 2005, Missourians have created nearly 90,000 jobs.

Change is working. Missourians are prospering.

Tonight, I am pleased to report: our economy is growing, our schools are improving, our health care system has been transformed for the better, and, most importantly, because we have the strength of Missourians as our foundation: THE STATE OF OUR STATE IS STRONG.

**RESPECTING MISSOURIANS' HARD EARNED DOLLARS**

The changes we have made are working, but I know that many Missouri families are struggling with mortgages, three dollar a gallon gasoline and a government in Washington that fails to address their day-to-day problems.

Now is not the time to go back to the old ways of bigger government, higher taxes, more lawsuits, and too much regulation. The changes we secured – lawsuit reform, regulatory improvements, and working with rather than against farmers and small business owners – were vital in creating new jobs.

Equally important was responsible stewardship of taxpayer's hard-earned dollars. All too often in the past, state government saw tax collection as a natural right of government rather than as a necessary evil. Spending went up, and, if we had not stepped in, more job-killing tax hikes would have followed.

We inherited a state budget that was broken and ruined by profligate spending. Many claimed it would be impossible to save the wrecked budget without increasing taxes. We proved them wrong. We eliminated tremendous amounts of waste and attacked fraud. We increased funding for education at all levels. And we fixed that inherited budget crisis WITHOUT raising job-killing taxes. In fact, we cut taxes. We took our state from a budget crisis to three consecutive budget surpluses.

We will not go back to the old-way. We will continue on our changed course. The budget I submit tonight reduces taxes, helps thousands of working Missouri families afford their own health insurance; supports law enforcement; and continues to increase our investment in education. My budget will increase opportunity and reduce taxes.

**A WORLD CLASS EDUCATION**

As long ago as 1786, Thomas Jefferson articulated a principle that became a bedrock Missouri value. Jefferson wrote: "By far the most important bill in our whole code is that for the diffusion of knowledge among the people. No other foundation can be devised for the preservation of freedom and happiness." It was true then and it is true today. Education is the most important investment we can make in our own, and in our children's future. It promotes our freedoms. It promotes our happiness, and, by creating opportunity, nurtures a society of rising prosperity.

Unfortunately, under the old way, education had become a pawn in budget battles. Students, teachers, and classrooms suffered under the way things were. When education was just an afterthought, it was easily sacrificed to cover out-of-control spending in other areas.

Missourians wanted a state government that would put classrooms, teachers, and, most importantly, students first. And that is what we have provided. Education is my highest budget priority.

By passing my budget, you will ensure, once again, that Missouri teachers and students have the resources they need to succeed. And when passed, we will have achieved a remarkable feat. By having the vision to look ahead and the fortitude to keep our commitments to the people of Missouri, we will have increased our total investment in education by 1.2 billion dollars.

My budget recommendations this year include significant increases in funding at all levels – from pre-school to graduate school. Elementary and secondary schools receive an increase of 121 million dollars or more than 4 percent from last year. Missouri colleges and universities receive more than 54.2 million dollars in direct funding, an increase of more than 6 percent. That includes funding to train more doctors, nurses, dentists, and pharmacists to meet the health care needs of Missourians.

Today's technology-driven economy places high value on skills in math, engineering, technology, and science. To ensure that the next generation enjoys even greater prosperity, we must provide our students with a world-class education in these subjects. We want our students to do more than merely keep up with their peers in other states and other countries. We want them to lead the world.

We have already taken several steps forward. We trained hundreds of Advanced Placement teachers and helped more students take Advanced Placement math and science tests. We built more technologically-advanced classrooms, and we funded after-school programs in math and science.

Our changes are working. Academic performance is improving. Missouri fourth and eighth-graders posted significant gains in the 2007 school year on national math tests. Missouri was one of only six states with fourth-graders who scored higher on all five sections of the national math exam. Missouri high school students also improved. A record seventy-four percent of Missouri seniors took the ACT last year, and they beat the national average.

These results are encouraging. But we must do more. I want our students to be better than above-average. I want Missouri students to be at the head of the class.

Tonight, I recommend increased investment in math and science education. I recommend three-quarters of a million dollars to train

nearly 1,000 new Advanced Placement teachers and to help more than 6,000 Missouri students take Advanced Placement tests. I recommend 5 million dollars to create 100 technologically-advanced classrooms and to equip 300 classrooms with advanced math and science curriculum. And I recommend 1.1 million dollars for after-school programs, which help students learn, stay fit, stay safe, and stay out of trouble.

Missouri colleges and universities were also neglected by the failed priorities of the old budgets. We needed to invest in better classrooms and labs, and we are doing so.

Last year, for the first time ever, in order to protect Missouri families from future unreasonable tuition hikes, we capped tuition increases, and we launched the Lewis & Clark Discovery Initiative. Thus far, we have invested 289 million dollars for dozens of world-class learning centers to better compete with rival states.

This year, I recommend further investment. I request 31 million dollars for construction, renovation, and improvement of the Ellis Fischel Cancer Center at the University of Missouri, and another 15 million dollars for the Pharmacy and Nursing Building at the University of Missouri at Kansas City.

I also recommend continued increases in scholarship funding. My budget includes more than 25 million dollars for A+ student scholarships, helping more than 20,000 Missourians attend community colleges, nearly double the program's funding since January of 2005. And it includes even more significant increases in need-based scholarships.

When I took office, Missouri state government spent just 25 million dollars on need-based scholarships. We created the Access Missouri Scholarship initiative to simplify the application process for students, and we dramatically increased funding. Before Access Missouri, we issued 16,400 scholarships. So far this year, with Access Missouri, we have helped more than 36,000 students.

One of those students is here tonight. I would like to introduce you to Traci Clark and her daughter Bree. Traci is a nursing student at the University of Missouri at St. Louis. During a recent visit to UMSL, Traci told me that her daughter inspired her to go back to school, and that Access Missouri was vital to make college affordable, and her dreams come true. Traci is a great example of how the Access Missouri scholarship is allowing Missouri students to reach their full potential and be of service to our fellow Missourians in the years to come. Traci and Bree: thank you for being here.

Tonight, I recommend 100 million dollars for Access Missouri scholarships – quadrupling our investment in need-based scholarships during my administration. This four-fold increase in scholarship funding will expand opportunity for thousands of Missourians studying to make their lives better and Missouri more prosperous.

The funding recommendations in my budget will provide our schools, teachers, and students with significant resources to be successful now, and in the future. Unlike in the past, we will not leave our schools, teachers, or students scraping for left-overs. And I will keep my pledge to never withhold funds that you appropriate for our public schools.

We had a vision for a better future. We set priorities. We led. We maintained the resolve necessary to implement positive change. We will continue to advance. With this budget, over four years, we will have invested an additional 1.2 billion dollars in education.

### **PROTECTING MISSOURI TAXPAYERS**

We have also protected Missouri taxpayers. Last spring, we cut taxes for Missouri seniors by passing the Senior Tax Justice Act, which will end state taxation of Social Security benefits.

Over the past three years, we have demonstrated that effective government need NOT be an intrusive, tax-raising Goliath. In fact, the opposite is true. As government wanders where it does not belong, it loses its effectiveness.

I want to ensure that state government serves citizens effectively and is directly accountable to the people who pay the bills. That is why I created the Missouri Accountability Portal, an Internet site enabling Missourians to track the expenditure of all tax dollars in near real-time. To guarantee future transparency, I urge the General Assembly to make the Accountability Portal permanent.

I also want to ensure that Missourians have a government they can trust. In 2006, I banned gifts from lobbyists to any employee of the Governor's office. I urge you to apply this ban on lobbyists' gifts to the entire executive branch.

Missourians must have a say over taxes and spending. When courts order higher taxes, it is taxation without representation, and against the first principles of democracy. This is America. People should never be taxed without their consent. Yet, courts elsewhere are beginning to usurp powers they do not have. One such area is the definition of marriage, which Missourians placed off limits to unelected judges in 2004. Courts are also beginning to hijack the powers to tax and spend. In Missouri a federal judge ordered new taxes. Just next door, a state court in Kansas recently followed that poor example. The time to close this door is NOT after a future Missouri court discovers a new and illegitimate power to tax. The time to close this door is NOW.

In America, the powers to tax and to spend are for the people directly, and their elected representatives. To protect government by the

people, I recommend that you place on the ballot a measure to ensure that Missouri will never have judge-imposed taxes.

Though we have cut state taxes, not all local governments in Missouri have followed our lead.

All Missourians pay property taxes, whether directly or through higher rent. Rates are set by locally elected boards, but we can take action to stop these excessive local increases.

State law is flawed because it allows hidden tax increases, through mandated increases in property valuations. Property assessments and re-assessments should be fair. All too often, they have instead become a shadowy path to higher taxes. I look forward to working with you to develop tax reform that includes truth in taxation and mandatory levy rollbacks. It is imperative that all Missourians benefit from this relief. Let's not pick and choose who gets property tax relief. Let's protect all Missourians from these massive local property tax increases.

#### **INCREASING ACCESS TO HEALTH CARE**

By sticking to responsible budgets, making record investments in education, and protecting Missouri taxpayers, we have succeeded in making Missouri a state of greater opportunity. But work remains. I want more Missouri working families to have access to affordable health care. Missouri is among the 20 best states for the share of people with health coverage. I want us to do even better and I will not rest until every Missourian has access to affordable health care.

I inherited a failing government health care system. Outcomes were of little concern, and spending was out-of-control. Hundreds of thousands were on the rolls whose continuing eligibility had not been verified. Under the old way, rooting out fraud and waste was less important than growing programs and throwing tax dollars at problems.

We took a better approach. We sought, and found, solutions that work. We saved the health care safety net by making responsible decisions to focus on the neediest Missourians. We have increased health care spending. And last year, we strengthened the safety net by creating Missouri Health Net.

Unlike the old system, Health Net is about results. The old system treated people like numbers. Health Net treats people as valued patients. Health Net empowers participants through personalized care in a health care home, and, for the first time in Missouri history, guarantees access to primary and preventative care. We should always remember that the best solutions are not government mandates or bigger government programs. Telling a patient, "the bureaucrat will see you now" would be a cure worse than the sickness. Impersonal government-run health care is bad for Missouri families, bad for Missouri doctors, and bad for taxpayers.

I believe in solutions that put Missouri families in greater control of their own lives.

Last fall, I announced the creation of INSURE MISSOURI, to make health insurance more affordable for working Missourians, by relying on the proven Missouri values of work, personal responsibility, and free enterprise.

WORK – Missourians believe in work. We want to help those who are trying to help themselves and their children. INSURE MISSOURI meets the test of rewarding work.

PERSONAL RESPONSIBILITY – INSURE MISSOURI is no handout. Sharing in the cost provides people with the esteem that comes with ownership.

FREE ENTERPRISE – INSURE MISSOURI is not a government program in constant danger of massive waste and cost overruns. Unlike proposals that want to go back in time, INSURE MISSOURI comes without a tax hike. It takes existing resources and helps Missourians buy their own personal health insurance, at an affordable price.

Starting next month, more than 54,000 Missourians can gain immediate access to affordable, high quality care.

Those covered will have incomes below the federal poverty line. Co-payments will be no more than three dollars per visit.

This summer, access to coverage will move above federal poverty. Missourians will make contributions based on income. My budget will help an additional 56,000 Missourians buy their own personal health insurance.

Once fully implemented, INSURE MISSOURI will offer access to care for nearly 200,000 Missourians. This new direction has us on the path to affordable coverage for all.

#### **AUTISM**

My budget also includes a substantial increase for autism funding. Last year, we provided 3.9 million dollars to shorten the waiting lists for families seeking services for early intervention and diagnoses of autism and to fund pilot projects to determine best practices in treating children with autism. This year, I recommend 6.4 million dollars to further reduce the waiting list, one million dollars for projects designed to expand treatment and services, and 5 million dollars for the Thompson Center in Columbia, a world-class treatment and research facility we will help build right here in central Missouri. Combined, this funding will improve the lives of Missouri families struggling to overcome autism.

### **PROTECTING MISSOURI VALUES**

We have also championed the values that define who we are as a people. Since January of 2005, we have enacted new laws to reflect our profound respect for the inherent dignity of each and every life.

This year, we must take further steps. I believe the vast majority of Missourians agree that we should do all we can to encourage young parents to choose life. That is why my budget again includes increased funding for the Alternatives to Abortion program.

It is also why I support legislation to strengthen Missouri's informed consent laws. We have a moral obligation to protect Missouri women and defend the dignity of human life. We must ensure that expectant mothers have all the information they need to make fully-informed decisions, including the right to view an ultrasound of their child. As any parent can tell you, there is nothing so powerful as that first glimpse of your child. It enhances early bonding and it will encourage expectant parents to choose life.

### **HONORING OUR MILITARY HEROES**

From Bunker Hill to Baghdad, Missouri veterans have served for freedom and country rather than personal glory, and for that, they deserve our esteem, respect, and gratitude.

War takes an incredible toll on our warriors and their families. They have earned a hero's welcome, and any help we can provide to aid their transition to civilian life. This year, I recommend 2.5 million in new funding for veteran's mental health and sheltering services. The funds will be used to ensure that our returning Soldiers, Sailors, Airmen, and Marines have the care they need as they return to civilian life.

Last year, we cut taxes for all Missourians who purchase health insurance. We cut taxes to protect family-supporting manufacturing jobs. And we passed legislation to end state income taxes on Social Security benefits. This year, I propose a fourth major tax cut. I urge the General Assembly to honor our veterans and eliminate all state income taxes on military retirement benefits.

Tonight, we are joined by a Missourian who will benefit from that tax relief, Chief Warrant Officer Rodney Hughes, a veteran of the War on Terror. Chief Warrant Officer Hughes has 25 years of unbroken service in the Missouri National Guard, including one year in Iraq. He is here tonight as a representative of an estimated 50,000 Missourians who have served our country in the Global War on Terror, and hundreds of thousands of Missourians who have served in the past. Chief Warrant Officer Hughes, we salute you, and all of your fellow warriors.

### **AGRICULTURE AND RENEWABLE FUELS**

My administration has fully returned to the Missouri tradition of encouraging agriculture, helping Missouri family farmers realize proper reward for their toil on the land.

Every year, America spends billions of dollars on foreign oil from anti-American suppliers. Ethanol and biodiesel can and should be used to break this reliance on foreign oil and protect our environment. I believe we would all prefer to fuel our cars with renewable fuel grown by a Midwestern farmer rather than oil from a Middle Eastern dictator.

We have encouraged the production of ethanol to help America move toward environmentally-friendly energy independence. Earlier this month, we became just the third state to implement a renewable fuels standard, increasing the use of ethanol in Missouri. In each of the past three years, I have recommended full funding for ethanol and bio-diesel incentives, and I do so again tonight.

To further grow alternative fuel production, I support a B5 standard for diesel fuel sold in our state. Biodiesel from soybeans has proven much more environmentally-friendly and better for air quality than regular diesel. Research has shown that it cuts carbon dioxide and cancer-causing emissions by more than 75 percent. Adopting a B5 standard will reduce carbon monoxide emissions by 168 million pounds. A B5 standard will improve our air quality and makes sense for Missouri.

### **PRESERVING OUR ENVIRONMENT**

We have a moral obligation to protect our environment. We seek long-term solutions.

Last year, we passed the Hunting Heritage Act to protect thousands of acres of ecologically-diverse flood plain from taxpayer-financed development.

We also passed the Green Power Initiative so that, by 2020, 11 percent of the energy used in our state will be produced from renewable sources. This year, I support incentives for the construction of alternative fuel pumps, for the purchase of environmentally-friendly hybrid vehicles, and for the purchase of cleaner burning alternative fuels.

Of course, there are two sides to the energy equation. We can get our energy from greener sources. And we can also improve energy efficiency. I started an energy efficiency initiative within state government to save taxpayer money and improve Missouri's environment. For example, in Jefferson City, previously wasted energy from a landfill will heat an entire prison. In total, efficiency and innovation will save

Missouri taxpayers more than 15 million dollars per year and help protect our environment.

To build on that success, this budget includes 400,000 dollars for energy audits outside of state government. We will provide 100,000 dollars for voluntary audits to help small businesses save money and energy, and 300,000 dollars to conduct audits of municipal water systems, amongst our largest users of electricity. These audits will help identify inefficiencies – helping to save energy, lower costs, and improve Missouri’s environment.

To reward efficiency by consumers, I support legislation creating a week-long “SHOW-ME GREEN” tax holiday to eliminate sales taxes on Energy-Star certified efficient appliances. This will give Missouri consumers an additional incentive to buy energy efficient products – saving energy, saving money, and preserving our environment.

#### **SAFE AND MODERN TRANSPORTATION**

Before I took office, our state highways and bridges were crumbling. Over 87 percent of Missouri’s roads were in less than good condition. Today, 74 percent of Missouri highways are in good condition and Missouri roads are safer. Last year, Missouri led the nation in improved highway safety. Traffic fatalities are down about 15 percent since 2005. This dramatic turnaround fuels job creation, supports tourism and ensures that Missouri families have the transportation system they need and deserve.

#### **PROTECTING THE SAFETY AND SECURITY OF MISSOURIANS**

It is a fundamental duty of government to protect the life and property of its citizens, especially Missouri children. At my recommendation, you passed one of America’s strongest versions of Jessica’s Law to ensure that dangerous sexual predators spend at least 30 years in prison and are monitored for their entire life if they ever get out. We also created the Cyber Crime Task Forces grant program so that law enforcement can catch predators before they harm a Missouri child. My budget includes another increase for the Task Forces, bringing total funding to 1.5 million dollars.

I also urge you to improve the state’s sex offender registry by requiring sex offenders to add their e-mail addresses to their profiles.

Violent sex crimes against children are unspeakably evil. Any criminal that rapes a Missouri child deserves the most serious punishment we can deliver. I urge you to make the rape of a Missouri child punishable by death.

We have taken dramatic steps to protect Missourians from methamphetamine – and they are working. I have already signed landmark legislation making it far more difficult to get the raw materials to make meth. Since our state law went into effect, meth incidents have declined by forty percent. This year, I recommend nearly 1 million dollars for a new system to better alert law enforcement to potential abuses. I also request 1.8 million dollars in supplemental funding to help Missouri sheriffs continue their good work to keep meth off our streets and put meth dealers behind bars.

#### **COMBATTING ILLEGAL IMMIGRATION**

A just society must rest on the rule of law and respect for the police and courts. Illegal immigration makes a travesty of the rule of law. It undermines wages for Missourians. It imposes huge costs on taxpayers for public services.

Those who favor an open border and welfare benefits for illegal immigrants say that Missouri “doesn’t have a problem” with illegal immigration. Tell that to skilled carpenters or electricians who cannot get work because illegals are being exploited and doing the job for a pittance. Tell it to Missouri taxpayers who subsidize services for those who broke the law to come here. Disrespect for the law is always a serious social problem.

As in generations past, Missourians welcome legal immigrants and want to help them assimilate into our society. That is why I renew my endorsement of English as the official language. I support this because I wish to include all in the full promise of the American life. English is the language of opportunity. As legal residents learn it, they open new doors, leading to greater freedom and prosperity.

But while we open our hearts to those here LEGALLY, we must reserve a firm hand for those who break our laws.

Washington, unfortunately, has failed to secure our borders. Open borders and amnesty are unacceptable. Washington’s failure means states must do more and Missouri is taking the lead.

For example, I directed the Highway Patrol to verify the immigration status of every person booked into jail. Since my directive, 138 illegal immigrants have found out the hard way that crime does not pay. To build on these gains, we have applied for federal approval that deputizes state law enforcement to enforce federal immigration law.

Working with federal authorities, we helped bust and disqualify a state contractor for using illegal workers. I have a simple rule. If a contractor uses illegal labor, they will not do business with Missouri taxpayers.

I urge you to place my directives in statute and pass a number of important legislative initiatives.

I urge you to create new penalties for aiding an illegal in obtaining a license by fraud; and to specifically prohibit illegals from having

a Missouri driver's license.

I ask that you forbid local governments from hampering law enforcement efforts to help enforce immigration law. Missouri should have no "sanctuary cities."

To stop the use of illegal labor and to protect illegal immigrants from exploitation, I support a new law making it a crime to transport any illegal immigrant for exploitive purposes, including illegal labor.

To protect taxpayers, I urge legislation that requires public agencies verify the legal status of applicants before providing welfare benefits.

Missourians know what needs to happen. Turn OFF the magnets that help attract mass illegal immigration.

Finally, I urge you to require stronger employment verification; to punish those who knowingly hire illegals; and to protect from undue penalty those whose failures occur in good faith.

Again: Turn OFF the magnets, end the easy hiring of illegals, and stop undermining American wages.

Missouri is already taking some of the strongest steps in the United States to curb illegal immigration, but we can and should be doing more. Missourians should know that I will do everything I can to combat illegal immigration – to protect their safety, to defend their hard-earned tax dollars, to protect their jobs, and to enforce the rule of law.

#### **CHANGE THAT IS WORKING**

When the old way failed the people, Missourians issued their mandate for a new direction.

We took a wrecked state budget and delivered consecutive surpluses.

We took a job climate that was causing entrepreneurs and employers to flee our state and turned it into a climate welcoming new jobs – nearly 90,000 in just three years.

We reduced taxes for Missouri seniors and every Missouri family that spends money on health insurance.

We took a health care system that resulted in poor health for patients and reckless spending for Missouri taxpayers, and replaced it with a better system, one that delivers better care, improves the quality of life for participants, and is sustainable for Missouri taxpayers. Now, for the first time, we will help working families afford their own coverage. And again, I will not rest until every Missourian has access to affordable health care.

We took an education system that all-too-often found itself fighting tooth-and-nail for funding and made it our highest budget priority. We will deliver more than 1.2 billion dollars in new funding, and we will quadruple scholarships to help well more than 36,000 deserving Missouri students.

What we are doing is passing the ultimate Missouri test. It is working. It is working for Missouri families.

Our task is to make what is good, even better. We must aspire for even greater prosperity, opportunity, and freedom. We must never stand still. America is the most dynamic society in human history. We must combine tested and proven values with innovation and the common wisdom of the people, to honor Missouri's motto: that the welfare of the people shall be the supreme law.

May God bless each of you, and may God continue to bless our great and wonderful state.

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 Rupp.

#### **MESSAGES FROM THE HOUSE**

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following escort committee to act with a like committee from the Senate pursuant to **HCR 1**. Representatives: Fares, Pearce, Portwood, Quinn (7), May, Hoskins, Grill, Walton, Salva and Young.

Also,

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: Lipke, Wasson, Guest, Avery, Deeken, Villa, Hubbard, Wright-Jones, Skaggs and Aull.

### RESOLUTIONS

Senator Crowell offered Senate Resolution No. 1521, regarding Subway, Jackson, which was adopted.

Senator Crowell offered Senate Resolution No. 1522, regarding Atmos Energy Corporation, Jackson, which was adopted.

Senator Loudon offered Senate Resolution No. 1523, regarding Jonathan Jones, Maryland Heights, which was adopted.

Senator Shields offered the following resolution:

#### SENATE RESOLUTION NO. 1524

WHEREAS, the Administration Committee is required by law to establish the rates of pay each year, and

WHEREAS, such rates of pay are to be the same as those established under the policies of the Personnel Division of the Office of Administration for comparable duties after examination of the rates of pay then in effect, and

WHEREAS, the rates of pay established shall become effective with the adoption of this resolution.

NOW, THEREFORE, BE IT RESOLVED by the Committee on Administration that the number, classification and rates of pay authorized for employees of the Senate shall include one department director and eight division level directors to be compensated according to Office of Administration guidelines; and the following authorized employees at rates of pay within the ranges hereby established.

NO.	CLASSIFICATION	MONTHLY SALARY RANGE
6	Staff Attorney II	3,375 - 4,985
2	Research Analyst IV	3,375 - 4,985
1	Investigator	3,131 - 4,586
4	Research Staff Secretary	2,610 - 3,720
5	Budget Research Analyst III	3,375 - 4,985
1	Budget Staff Secretary	2,610 - 3,720
3	Assistant Secretary of Senate	2,909 - 4,139
1	Enrolling & Engrossing Supervisor	2,909 - 4,139
2.5	Enrolling & Engrossing Clerk	2,314 - 3,253
1	Billroom Supervisor	2,314 - 3,253
1	Billroom Clerk	1,988 - 2,746
5	Public Information Specialist	2,314 - 3,253
1	Photographer	2,610 - 3,720
1	Administrative Assistant	3,040 - 6,238
1	Telecommunications Coordinator	2,909 - 4,139
2.5	Accounting Specialist	2,704 - 3,817
1	Human Resources Specialist	2,704 - 3,817
1	Office Assistance Supervisor	2,909 - 4,139
9	Administrative/Office Support	2,704 - 3,817
1	Messenger	1,925 - 2,601
2	Computer Info. Technology Spec. I	3,720 - 5,427
2	Computer Info. Technology Spec. II	4,312 - 6,172

NO.	CLASSIFICATION	MONTHLY SALARY RANGE
1	Computer Info. Technology Spec. III	4,494 - 6,450
4	Computer Info. Technologist II	3,017 - 4,312
1	Network/Communications Specialist	3,720 - 5,427
2	Data Entry Operator III	2,167 - 3,017
1	Composing Equipment Operator III	2,167 - 3,017
0.5	Mailroom Supervisor	2,314 - 3,253
1	Printing Services Technician II	1,988 - 2,746
2	Printing Services Technician III	2,167 - 3,017
2	Printing Services Technician IV	2,435 - 3,375
1	Maintenance Supervisor	2,435 - 3,375
1	Carpenter II	2,435 - 3,375
1	Maintenance Worker	1,988 - 2,746
0.5	Sergeant at Arms (Elected)	2,435 - 3,375
0.5	Doorkeeper (Elected)	1,779 - 2,388
3.5	Assistant Doorkeeper	1,629 - 2,119
0.5	Reading Clerk	1,629 - 2,119
0.5	Chaplain	882 - 1,167
0.5	Security Guard	1,677 - 2,230

BE IT FURTHER RESOLVED that the Senate Administration Committee is authorized to establish a formula setting forth the maximum amount which may be expended by each Senator and each caucus for the employment of Administrative and Clerical Assistants. Each Senator plus the President Pro Tem and the Minority Leader on behalf of their caucus will be notified of the funds available, and shall thereafter certify to the Senate Administrator the names and addresses of Administrative and Clerical Assistants. The compensation paid to the Senators' and caucus administrative and clerical assistants shall be within the limits of the categories set forth herein above.

BE IT FURTHER RESOLVED that the Senate Administrator, with the approval of the Senate Administration Committee, shall have the authority to cooperate and coordinate with the Chief Clerk of the House in the selection of employees, who shall be assigned to the garage, Joint Committee Staffs and the rotunda area, and who will be paid from the Joint House and Senate Contingent Fund, within the limits of the categories set out above.

BE IT FURTHER RESOLVED that the Committee on Administration has the authority to reduce, combine or consolidate positions and salaries where necessary to meet changed conditions or circumstances which arise, and may enter into contracts with consultants, provided such consultant's contract fee does not exceed the salary for the comparable position, and such consultant shall count as an employee of the Senate.

BE IT FURTHER RESOLVED that the Senate Administration Committee is authorized to adjust the foregoing pay ranges in July to reflect implementation of the state pay plan for FY 2009.

### INTRODUCTIONS OF GUESTS

Senator Bartle introduced to the Senate, Michele Cole and her husband, Ken, Blue Springs.

Senator Dempsey introduced to the Senate, Mary Lammert and Barb Herbst, St. Charles.

Senator Bray introduced to the Senate, the Physician of the Day, Dr. Scott Smout, M.D., University City.

Senator Justus introduced to the Senate, Sandra Aust, Kansas City.

On behalf of Senator Rupp and himself, Senator Loudon introduced to the Senate, Janet Watkins and her husband, Dave, O'Fallon.

Senator Nodler introduced to the Senate, Danny Craven, Neosho; and Timothy T. Reynolds and Charlotte McClure, Joplin.

Senator Stouffer introduced to the Senate, Mrs. Tatum Reed and fourth grade students from Atlanta C-3 School; and Ashlea Pennington and Alicia Strausbaugh were made honorary pages.

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

## SENATE CALENDAR

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FIFTH DAY—WEDNESDAY, JANUARY 16, 2008

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## FORMAL CALENDAR

### SECOND READING OF SENATE BILLS

SB 897-Wilson	SB 919-Rupp
SB 898-Clemens	SB 920-Rupp
SB 899-Dempsey	SB 921-Goodman
SB 900-Vogel	SB 922-Goodman
SB 901-Loudon, et al	SB 923-Shoemyer
SB 902-Loudon	SB 924-Koster
SB 903-Griesheimer	SB 925-Days
SB 904-Griesheimer	SB 926-Green
SB 905-Loudon	SB 927-Green and Callahan
SB 906-Vogel	SB 928-Green
SB 907-Engler and Gibbons	SB 929-Green and Callahan
SB 908-Engler	SB 930-Stouffer
SB 909-Engler	SB 931-Purgason
SB 910-Graham	SB 932-Loudon
SB 911-Engler	SB 933-Loudon
SB 912-Engler	SB 934-Dempsey
SB 913-Bray	SB 935-Griesheimer, et al
SB 914-Bray	SB 936-Griesheimer
SB 915-Ridgeway	SB 937-Shoemyer
SB 916-Goodman	SB 938-Shoemyer
SB 917-Goodman, et al	SB 939-Stouffer
SB 918-Goodman	SB 940-McKenna

SB 941-Clemens	SJR 29-Loudon and Crowell
SB 942-Clemens	SJR 30-Coleman
SB 943-Clemens	SJR 31-Bartle
SB 944-Engler, et al	SJR 32-Bartle
SB 945-Green	SJR 33-Ridgeway
SB 946-Dempsey and McKenna	SJR 34-Crowell and Coleman
SB 947-Kennedy	SJR 35-Shoemyer
SB 948-Justus, et al	SJR 36-Graham
SB 949-Scott	SJR 37-Graham
SB 950-Scott	SJR 38-Clemens
SB 951-Scott	SJR 39-Clemens
SB 952-Scott	SJR 40-McKenna
SB 953-Scott	SJR 41-Rupp
SB 954-Scott	SJR 42-Griesheimer
SB 955-Shields	

#### INFORMAL CALENDAR

#### RESOLUTIONS

SR 1515-Coleman

SR 1524-Shields

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