

Journal of the Senate

FIRST REGULAR SESSION

FIRST EXTRA SESSION

FIFTH DAY - WEDNESDAY, JUNE 11, 2025

The Senate met pursuant to adjournment.

Senator O'Laughlin in the Chair.

RESOLUTIONS

On behalf of Senators Roberts and May, Senator O'Laughlin offered Senate Resolution No. 12, regarding the death of King Freeman McDuff Bosley, St. Louis, which was adopted.

On behalf of Senator Roberts, Senator O'Laughlin offered Senate Resolution No. 13, regarding the death of Carol Ann Clay, which was adopted.

On behalf of Senator Luetkemeyer, Senator O'Laughlin offered Senate Resolution No. 14, regarding the One Hundred Sixty-First Anniversary of the Platte County Landmark, Platte City, which was adopted.

On behalf of Senator Luetkemeyer, Senator O'Laughlin offered Senate Resolution No. 15, regarding the Platte County Health Department (PCHD), Kansas City, which was adopted.

Senator O'Laughlin offered Senate Resolution No. 16, regarding Sheila A. Teague, Mexico, which was adopted.

On behalf of Senator Webber, Senator O'Laughlin offered Senate Resolution No. 17, regarding Pat and Ted Jones, which was adopted.

On behalf of Senator Mosley, Senator O'Laughlin offered Senate Resolution No. 18, regarding Madison Farr, Florissant, which was adopted.

On behalf of Senator Bean, Senator O'Laughlin offered Senate Resolution No. 19, regarding Troy Floyd Hale, Silva, which was adopted.

MESSAGES FROM THE HOUSE

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

Madam President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HR 1**.

HOUSE RESOLUTION NO. 1

BE IT RESOLVED, that the Chief Clerk of the House of Representatives of the One Hundred Third General Assembly, First Regular Session, inform the Senate that the House duly convened in the First Extraordinary Session of the First Regular Session on Monday, June 9, 2025, and is convened in full session and ready for consideration of its business.

Also,

Madam President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SB 1**.

Bill ordered enrolled.

Also,

Madam President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SB 4**.

Emergency Clause Adopted.

Bill ordered enrolled.

Also,

Madam President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS No. 2** for **SCS** for **SB 3**.

Bill ordered enrolled.

REPORTS OF STANDING COMMITTEES

On behalf of Senator Luetkemeyer, Chair of the Committee on Rules, Joint Rules, Resolutions and Ethics, Senator O’Laughlin submitted the following reports:

Madam President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SB 1**, **SS No. 2** for **SCS** for **SB 3**, and **SS** for **SB 4**, begs leave to report that it has examined the same and finds that the bills have been duly enrolled and that the printed copies furnished the Senators are correct.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SS** for **SB 1** and **SS** for **SB 4**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills would be signed by the President Pro Tem to the end that they may become law. The bills were so read by the Secretary and signed by the President Pro Tem.

OBJECTIONS

Senator Moon submitted the following:

June 12, 2025

Kristina Martin
Secretary of the Senate
201 W. Capitol Avenue
Jefferson City, MO 65101

OBJECTION TO SS #2 FOR SCS FOR SB 3

Senate Bill (SB) 3 was, in its original form intended to modify and create provisions related to taxation. When introduced, the bill included tax credits for certain sporting events, the Show-me Sports Investment Act, and a Tax Credit for Homestead Damage.

The Truly Agreed and Finally Passed bill contained the provisions noted above and a Property Tax Credit. (It should be noted that a ‘severability clause’ was adopted prior to its passage. Perhaps, this addition was made in the hope that a court challenge would be filed. Most often, legislators claim ignorance when it comes to understanding constitutional limitations. During debate of SB 3, however, it was stated that the bill, as amended, was likely unconstitutional. Therefore, it is no surprise that the clause was added.)

The property tax provision allows Missouri Counties to freeze property assessments or cap property assessments. However, the opportunity to enact this provision was limited to 97 of 114 Counties. Missouri Constitution, Article I, section 2 requires that laws should be equally applied to all residents. **SS #2 FOR SCS FOR SB 3**, fails this test.

This partiality mentioned above (excluding 17 Missouri Counties' eligibility for tax relief) appears to violate Article III, section 42 of the state constitution: "No local or special law shall be passed unless a notice, setting forth the intention to apply therefor and the substance of the contemplated law, shall have been published in the locality where the matter or thing to be affected is situated at least thirty days prior to the introduction of the bill into the general assembly and in the manner provided by law. Proof of publication shall be filed with the general assembly before the act shall be passed and the notice shall be recited in the act."

Senate Substitute #2 for Senate Committee Substitute for Senate Bill 3 was distributed sometime between 11:00 pm on June 4, 2025 and 12:30 am on June 5, 2025. As a result, publishing a notice "in the locality where the matter ... is situated at least thirty days prior to the introduction of the bill ... was not possible. In addition, "proof of publication" "recited in the act," as required by the constitution, is missing.

Also, Missouri Constitution, Article III, section 38(a) states, "The general assembly shall have no power to grant public money or property, or lend or authorize the lending of public credit, to any private person, association or corporation, excepting aid in public calamity, and general laws providing for pensions for the blind, for old age assistance, for aid to dependent or crippled children or the blind, for direct relief, for adjusted compensation, bonus or rehabilitation for discharged members of the armed services of the United States who were bona fide residents of this state during their service, and for the rehabilitation of other persons. Money or property may also be received from the United States and be redistributed together with public money of this state for any public purpose designated by the United States."

Although some argue that as long as the giving of public funds to private entities allows for public benefit, there is no constitutional violation. However, courts have decided that if the expenditure of public funds "promote some private end" (benefits a private entity), the expense is not legal. In the case of SS #2 for SCS for SB 3, the use of public funds ultimately benefits a private business.

Lastly, Missouri Constitution, Article III, section 39 states, "The general assembly shall not have power: (1) To give or lend or to authorize the giving or lending of the credit of the state in aid or to any person, association, municipal or other corporation; or, (5) To release or extinguish or to authorize the releasing or extinguishing, in whole or in part, without consideration, the indebtedness, liability or obligation of any corporation or individual due this state or any county or municipal corporation. Both of these sections prohibit the actions taken by the general assembly in SS #2 for SCS for SB 3.

For each of the reasons stated herein it is my opinion that the entirety of SS #2 for SCS for SB 3 is in violation of the state constitution.



Mike Moon
District 29

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SS No. 2 for SCS for SB 3**, having passed both branches of the General Assembly, would be read at length by the Secretary, and, the objection notwithstanding, the bill would be signed by the President Pro Tem to the end that it may become law. The bill was so read by the Secretary and signed by the President Pro Tem.

BILLS DELIVERED TO THE GOVERNOR

SS for SB 1, SS No. 2 for SCS for SB 3, and SS for SB 4, after having been duly signed by the Speaker of the House of Representatives in open session, were delivered to the Governor by the Secretary of the Senate.

On motion of Senator O'Laughlin, the Senate adjourned sine die, pursuant to the Constitution.

DAVID WASINGER

Lieutenant Governor

KRISTINA MARTIN

Secretary of the Senate

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