

# Journal of the Senate

SECOND REGULAR SESSION

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SIXTH DAY—THURSDAY, JANUARY 17, 2008

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Two are better than one...For if one falls, one lifts the other; but woe to one who is alone and falls and does not have another to help.”  
(Ecclesiastes 4:9-10)

Lord, we thank You and are grateful for colleagues, friends and family, for we know what a blessing it is to have others to share our lives and help us when we need assistance and provide correction when we have erred and offer forgiveness that seeks to mend relationships. As we return home help us always be mindful of these gifts to us and rejoice that they are there 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	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	Shoemyer	Smith	Stouffer	Vogel	Wilson—32

Absent—Senators—None

Absent with leave—Senators

Bartle                Shields—2

Vacancies—None

The Lieutenant Governor was present.

Senator Engler requested unanimous consent of the Senate for the Senate Journal of January 16, 2008 to reflect Joshua Clarke being named an honorary page, which request was granted.

### **RESOLUTIONS**

Senator Vogel offered Senate Resolution No. 1530, regarding Blake Allen Schollmeyer, Jefferson City, which was adopted.

Senator Shoemyer offered Senate Resolution No. 1531, regarding Matthew Calvin Smith, Mexico, which was adopted.

Senator Green offered Senate Resolution No. 1532, regarding Peter Gabriel Krenn, Bellefontaine Neighbors, which was adopted.

Senator Engler offered Senate Resolution No. 1533, regarding Ree Rogers, Farmington, which was adopted.

Senator Rupp offered Senate Resolution No. 1534, regarding Tom Hughes, Saint Charles, which was adopted.

Senator Dempsey offered Senate Resolution No. 1535, regarding Lisa Baue, St. Charles, which was adopted.

Senator Stouffer offered Senate Resolution No. 1536, regarding the One Hundredth Birthday of Imo H. Walker, Macon, which was adopted.

Senator Dempsey offered Senate Resolution No. 1537, regarding Herb Pundmann, St. Charles County, which was adopted.

Senator Dempsey offered Senate Resolution No. 1538, regarding Richard Sacks, St. Charles County, which was adopted.

Senator Dempsey offered Senate Resolution No. 1539, regarding Linda Klohr, St. Peters, which was adopted.

Senator Dempsey offered Senate Resolution No. 1540, regarding John Spear, St. Charles County, which was adopted.

Senator Dempsey offered Senate Resolution No. 1541, regarding Grace Nichols, St. Charles County, which was adopted.

### **CONCURRENT RESOLUTIONS**

Senator Champion offered the following concurrent resolution:

#### **SENATE CONCURRENT RESOLUTION NO. 27**

WHEREAS, the National Center for State Courts recently completed the Missouri Circuit Court Judicial Workload Assessment Study, which was undertaken in order to provide information about allocation of and need for judicial resources in the various judicial circuits; and

WHEREAS, the study shows that three of the largest judicial circuits in the state, the twenty-first circuit consisting of the county of St. Louis, the sixteenth circuit consisting of the county of Jackson County, and the thirty-first circuit consisting of the county of Greene, are each in need of at least five additional judicial officers; and

WHEREAS, the study also shows that several jurisdictions have one or more additional judicial officers than are needed to manage their daily caseloads; and

WHEREAS, the Supreme Court of Missouri has the authority to temporarily require transfer of any judge to another judicial circuit, pursuant to Section 6 of Article V of the Constitution of Missouri and Court Rule; and

WHEREAS, the Court currently utilizes a judicial transfer program and is examining ways in which to establish partnerships with judicial officers and personnel in order to expand such program:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Fourth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby recognize that allocation and sharing of judicial resources is necessary for the administration of justice; and

BE IT FURTHER RESOLVED that the members of the Ninety-Fourth General Assembly, Second Regular Session, encourage the Supreme Court to work with the presiding judges of the various judicial circuits, the Office of the State Courts Administrator, and the Circuit Court Budget Committee in order to efficiently allocate resources among the various circuits;

BE IT FURTHER RESOLVED that the members of the Ninety-Fourth General Assembly, Second Regular Session, also encourage the Court to continue to track workloads of judges in order to update the information presented in the Workload Assessment Study, and to examine and alter its Rules if necessary to effectively implement and expand the judicial transfer program;

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Supreme Court, the Circuit Court Budget Committee, and the Office of the State Courts Administrator, which shall send a copy to the presiding judge of each judicial circuit.

### **INTRODUCTION OF BILLS**

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

**SB 971**—By Clemens.

An Act to repeal section 10.012, RSMo, and to enact in lieu thereof one new section relating to the official state game bird.

**SB 972**—By Stouffer.

An Act to repeal section 208.152, RSMo, and to enact in lieu thereof one new section relating to comprehensive day rehabilitation services under the MO HealthNet program.

**SB 973**—By Engler and Shoemyer.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to the regulation and licensing of Medicare Advantage insurance agents, with penalty provisions.

**SB 974**—By Engler.

An Act to repeal sections 537.037, 630.045, 630.140, 630.175, 632.005, and 632.440, RSMo, and to enact in lieu thereof six new sections relating to mental health services.

**SB 975**—By Ridgeway.

An Act to repeal section 577.023, RSMo, and to enact in lieu thereof one new section relating to alcohol monitoring, with penalty provisions.

**SB 976**—By Ridgeway.

An Act to repeal sections 621.250 and 640.013, RSMo, and to enact in lieu thereof two new sections relating to certain appeals to be heard by the administrative hearing commission.

**SB 977**—By Ridgeway and Loudon.

An Act to amend chapter 135, RSMo, by adding thereto seven new sections relating to the Betty L. Thompson scholarship program.

**SB 978**—By Griesheimer.

An Act to amend chapter 190, RSMo, by adding thereto one new section relating to recall of ambulance district board members.

**SB 979**—By Vogel.

An Act to repeal sections 135.090 and 144.270, RSMo, and to enact in lieu thereof two new sections relating to taxation.

**SJR 43**—By Loudon.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article IV of the Constitution of Missouri relating to the distribution of general revenue funds to the various transportation funds.

### **REPORTS OF STANDING COMMITTEES**

Senator Gibbons, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Melinda L. Ward, as a member of the Citizens' Advisory Commission for Marketing Missouri Agricultural Products;

Also,

Terry M. Jarrett, Republican, as a member of the Public Service Commission;

Also,

Jane A. Henke, Vincent M. Cannon, Wilbur Craig McGuire, Jeanette L. Brown, Joyce McMahan Massey and Noella A. Buchanan, as members of the Child Abuse and Neglect Review Board;

Also,

Steven H. Lipstein and Frederick G. DeFeo, as members of the MO HealthNet Oversight Committee;

Also,

Nimrod T. Chapel, Jr., as a member of the Administrative Hearing Commission;

Also,

Andrew J. Bracker, Democrat, as a member of the Hazardous Waste Management Commission;

Also,

Rebecca L. Herwick, as a member of the Missouri Head Injury Advisory Council;

Also,

Michael "Wayne" Wheeler, as a member of the Public School Retirement System of Missouri;

Also,

Cynthia L. Parks, as a member of the State Historical Records Advisory Board;

Also,

Karen M. Prescott, Democrat, as a member of the State Milk Board;

Also,

Charles M. Heiss, as a member of the Advisory Committee for 911 Service Oversight;

Also,

Vicki L. McCarrell, as a member of the Missouri Planning Council on Developmental Disabilities;

Also,

Renate D. Brodecker, as a member of the Board of Therapeutic Massage;

Also,

Terry D. Milam, as a member of the Amber Alert System Oversight Committee.

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

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

On motion of Senator Goodman, the Senate adjourned until 4:00 p.m., Tuesday, January 22, 2008.

## SENATE CALENDAR

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SEVENTH DAY—TUESDAY, JANUARY 22, 2008

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## FORMAL CALENDAR

### SECOND READING OF SENATE BILLS

SB 956-Kennedy

SB 957-Goodman

SB 958-Goodman

SB 959-Goodman

SB 960-Goodman

SRB 961-Goodman

SB 962-Champion

SB 963-Stouffer

SB 964-Smith

SB 965-Shields

SB 966-Dempsey and Koster

SB 967-Mayer

SB 968-Shields

SB 969-Scott

SB 970-Scott

SB 971-Clemens

SB 972-Stouffer

SB 973-Engler and Shoemyer

SB 974-Engler

SB 975-Ridgeway

SB 976-Ridgeway  
SB 977-Ridgeway and Loudon  
SB 978-Griesheimer

SB 979-Vogel  
SJR 43-Loudon

INFORMAL CALENDAR

RESOLUTIONS

SR 1515-Coleman

To be Referred

SCR 27-Champion

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