

Journal of the Senate

FIRST REGULAR SESSION

FIFTH DAY—WEDNESDAY, JANUARY 10, 2007

The Senate met pursuant to adjournment.

Shields Shoemyer Smith Stouffer
Vogel Wilson—34

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

Absent—Senators—None

“The human mind plans the way, but the Lord directs the steps.” (Proverbs 16:9)

Absent with leave—Senators—None

Our God of visions and goals, we thank You for giving us the ability to imagine the future and to plan how to get there. Journey with us as we work together and direct our steps to fulfill the visions You have planted within each of us. In Your Holy Name we pray. Amen.

Vacancies—None

The Lieutenant Governor was present.

The Pledge of Allegiance to the Flag was recited.

RESOLUTIONS

Senator Vogel offered Senate Resolution No. 52, regarding Joshua Michael Hutson, Jefferson City, which was adopted.

A quorum being established, the Senate proceeded with its business.

Senator Coleman offered Senate Resolution No. 53, regarding Carolyn J. Nichols, Shawnee, Kansas, which was adopted.

The Journal of the previous day was read and approved.

Senator Coleman offered Senate Resolution No. 54, regarding Jerome E. Holtzman, Prairie Village, Kansas, which was adopted.

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

Senator Coleman offered Senate Resolution No. 55, regarding Jonathan Michael Morris, which was adopted.

Senator Kennedy offered Senate Resolution No. 56, regarding the One Hundred First Birthday of Augusta Wynne, Saint Louis, which was adopted.

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 for the Lieutenant Governor and Senators attending the State of the Judiciary address: Representatives Tilley, Brandon, Shoeller, Cunningham (86), Emery, Thomson, Grill, Zweifel, Schoemehl and Walton.

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 1**. Representatives Lipke, Smith (150), Pratt, Flook, Faith, Sater, McClanahan, Shively, Quinn (9) and Schieffer.

INTRODUCTION OF BILLS

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

SB 235—By Shields, Engler, Loudon, Ridgeway, Scott, Vogel, Days, McKenna, Purgason, Goodman, Gibbons, Rupp, Clemens, Coleman, Champion, Kennedy, Nodler, Koster, Griesheimer, Mayer, Justus, Bray, Wilson and Barnitz.

An Act to repeal sections 36.030, 36.031, 306.161, 306.163, and 650.005, RSMo, and to enact in lieu thereof nine new sections relating to the water patrol.

SB 236—By Shields.

An Act to amend chapter 168, RSMo, by adding thereto one new section relating to mentoring standards for education personnel.

SB 237—By Shields.

An Act to repeal section 479.011, RSMo, and

to enact in lieu thereof one new section relating to administrative adjudication of code violations, with penalty provisions.

SB 238—By Stouffer.

An Act to repeal section 301.142, RSMo, and to enact in lieu thereof one new section relating to disabled windshield placards, with penalty provisions and an effective date.

SB 239—By Stouffer.

An Act to repeal sections 301.130, 301.144, 301.550, 301.560, and 306.535, RSMo, and to enact in lieu thereof six new sections relating to the licensing and registration of certain vehicles by the department of revenue, with an effective date for a certain section.

SB 240—By Stouffer.

An Act to repeal section 302.720, RSMo, and to enact in lieu thereof one new section relating to commercial driver license skills test exemptions for qualified military personnel.

SB 241—By Stouffer.

An Act to repeal sections 302.171 and 302.181, RSMo, and to enact in lieu thereof two new sections relating to the implementation of the federal Real ID Act.

SB 242—By Nodler.

An Act to repeal section 196.1003, RSMo, and to enact in lieu thereof eight new sections relating to the tobacco master settlement agreement, with penalty provisions and an emergency clause.

SB 243—By Mayer.

An Act to repeal sections 167.031, 167.034, 167.051, and 167.052, RSMo, and to enact in lieu thereof three new sections relating to compulsory attendance for school age children.

SB 244—By Mayer.

An Act to repeal sections 169.070 and 169.670, RSMo, and to enact in lieu thereof two

new sections relating to the teacher and school employee retirement systems.

SB 245—By Goodman.

An Act to repeal section 393.829, RSMo, and to enact in lieu thereof one new section relating to nonprofit sewer companies.

SB 246—By Goodman.

An Act to repeal sections 452.075 and 452.370, RSMo, and to enact in lieu thereof two new sections relating to alimony and maintenance.

SB 247—By Bray.

An Act to repeal section 67.1806, RSMo, and to enact in lieu thereof one new section relating to regional taxicab commissions.

SB 248—By Days.

An Act to repeal sections 660.546, 660.547, 660.549, 660.551, 660.553, 660.555, and 660.557, RSMo, and to enact in lieu thereof six new sections relating to the long-term care partnership act.

SB 249—By Gross.

An Act to repeal section 290.505, RSMo, and to enact in lieu thereof one new section relating to overtime compensation for public employees, with an emergency clause.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor:

OFFICE OF THE GOVERNOR
 State of Missouri
 Jefferson City
 65101
 January 8, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office submitted to you on January 3, 2007, for your advice and consent:

Donayle E. Whitmore-Smith, Democrat, 4638 Lewis Place, Saint Louis City, Missouri 63113, as a member of the State Board of Education, for a term ending July 1, 2012, and until her successor

is duly appointed and qualified; vice, Vanetta Rogers, term expired.

Respectfully submitted,
 MATT BLUNT

President Pro Tem Gibbons moved that the above appointment be returned to the Governor, pursuant to his request, which motion prevailed.

REFERRALS

President Pro Tem Gibbons, with the consent of the sponsor, referred **SR 51** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

Senator Shields moved that the Senate recess to repair to the House of Representatives to receive the State of the Judiciary Address from the Chief Justice of the Supreme Court, the Honorable Michael A. Wolff, which motion prevailed.

JOINT SESSION

The Joint Session was called to order by President Kinder.

On roll call the following Senators were present:

Present—Senators			
Barnitz	Bartle	Bray	Callahan
Champion	Coleman	Crowell	Days
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

Absent—Senators—None

Absent with leave—Senators
 Clemens Scott—2

Vacancies—None

On roll call the following Representatives were present:

Present—Representatives			
Aull	Baker 25	Baker 123	Bearden

Bivins	Bland	Bowman	Brandom
Bringer	Brown 50	Bruns	Burnett
Casey	Cooper 158	Corcoran	Cox
Cunningham 145	Cunningham 86	Curls	Darrough
Daus	Davis	Day	Deeken
Dempsey	Denison	Dethrow	Dixon
Donnelly	Dougherty	Dusenberg	El-Amin
Emery	Ervin	Faith	Fallert
Fares	Fisher	Flook	Frame
Franz	Funderburk	George	Grill
Grisamore	Guest	Harris 110	Haywood
Hobbs	Hodges	Holsman	Hoskins
Hubbard	Hunter	Icet	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	Pratt
Quinn 7	Quinn 9	Richard	Robb
Robinson	Roorda	Rucker	Ruestman
Ruzicka	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	Talboy	Thomson	Threlkeld
Tilley	Todd	Viebrock	Villa
Vogt	Wallace	Walsh	Walton
Wasson	Wells	Weter	Whorton
Wildberger	Wilson 119	Wilson 130	Witte
Wood	Wright 159	Wright-Jones	Yaeger
Yates	Young	Zimmerman	Zweifel
Mr. Speaker—153			

Absent and Absent with Leave—Representatives

Avery	Brown 30	Chappelle-Nadal	Cooper 120
Cooper 155	Harris 23	Hughes	Liese
Portwood	Salva—10		

Vacancies—0

The Joint Committee appointed to wait upon the Chief Justice of the Supreme Court, Michael A. Wolff, escorted the Chief Justice to the dais where he delivered the State of the Judiciary Address to the Joint Assembly:

2007 STATE OF THE JUDICIARY ADDRESS

CHIEF JUSTICE MICHAEL A. WOLFF

President Kinder, Speaker Jetton, Secretary of State Carnahan, Treasurer Steelman, Auditor Montee, Attorney General Nixon, esteemed members of the General Assembly, my fellow judges of the Supreme Court, and honored guests:

I would like to start by paying tribute to two distinguished colleagues from the other branches of government. First, Mike Keathley is a friend to many of us, an outstanding businessman called to public service first as your Senate administrator and then, by Governor Blunt, to be commissioner of administration. We pray for his speedy recovery.

I also would like to pay tribute to Representative Jason Brown. As you know, while stationed in Iraq in October, he suffered a gunshot wound to his chest. He now is back on duty in Iraq. I extend my gratitude, on behalf of the Missouri judiciary, to Representative Brown, for the selflessness and personal courage that he and all of our nation's soldiers have demonstrated in service to our country.

As the people's representatives, you in this chamber, along with the executive branch leaders, set Missouri's policies within the boundaries established by our state and federal constitutions. It is an awesome power that you possess and one worthy of our respect.

Each of our three co-equal branches – legislative, executive and judicial – has been assigned specific roles. It is the system of checks and balances among these three branches of government that is America's unique contribution to the idea of a democratic republic. The Missouri Constitution, echoing the Magna Carta of nearly 800 years ago, guarantees that the courts shall be open to every person and that a remedy be afforded for every legal injury. Unless we choose to abandon what we traditionally have come to understand as a republican form of government, we never must abandon this fundamental principle. We should remember what Benjamin Franklin replied when asked, at the close of the American Constitutional Convention, what form of government the constitution would create; he said: "A republic, if you can keep it."

We in this state have a constant interplay among our branches of government and with our citizens in what is aptly called a laboratory of democracy. As legislators, you have the power to revise the principles of the common law; you have the power to revise statutes when they prove to be inadequate or when courts apply them in a manner with which you disagree. The executive has the power to veto what you pass, and you have the power to enact

a statute notwithstanding a governor's veto. And, importantly, the people of Missouri retain the power to revise both constitutional and statutory provisions when they deem it appropriate.

In this laboratory of democracy, these legislative chambers are a marketplace of ideas – ideas that ultimately become the public policy of this state. I have gained over many years a profound appreciation for the legislative process of translating the ideas of the political marketplace – as expressed through elections – into policy expressed as law.

So much of what we in the courts do on a day-to-day basis is driven by the words you give us – to decide cases involving, for example, the status and welfare of vulnerable children, the obligations of marriage, the protection of property rights, the protection of the elderly, and the enforcement of the criminal laws. In hundreds of thousands of cases each year, our courts look to your legislated words to enforce the laws that you enact.

In the 30 years that I have been observing Missouri's legislative process, sometimes at close range, I have been impressed that every one who serves in this body comes with an idealistic and personal vision of how to better the public policy of this state. The framers of our constitutional system purposely created a difficult process through which good legislation is the product of competing visions and compromises among interest groups and interested citizens. In this process, you often are confronted with a question as old as representative government itself: was I sent here to carry out the specific wishes of the voters who elected me or to exercise my best judgment on their behalf regardless of what they might think at the moment? In any event, under either theory, you are accountable to the voters for what you do.

The judicial role, on the other hand, is different. Not better, not worse, but definitely different. Regardless of whether voters agree with our decisions, the courts are accountable to uphold and enforce the laws based on the facts of each case as the litigants present them and within the confines of the state and federal constitutions.

In the first three decades of our state's existence, starting in 1821, Missouri judges did not face the voters: like federal judges, they were appointed by the chief executive, subject to senate confirmation. In 1848, Missouri's voters changed our constitution so that judges were elected on partisan ballots. A few years later the Supreme Court of Missouri decided the first Dred Scott case – in which our court declined to follow its own extensive precedents and instead held that a slave who traveled to free territory was still a slave.

The words of the dissenting judge, Hamilton Gamble, are worth remembering. Judge Gamble, himself a slaveholder, said the court should follow prior case law and recognize Scott's freedom. Addressing the "temporary public excitement" over the issue of slavery that undoubtedly would cloud the people's judgment, Gamble said: "Times may have changed, public feeling may have changed, but principles have not and do not change; and, in my

judgment, there can be no safe basis for judicial decision, but in those principles which are immutable." A few years later, after losing his Missouri state case, Dred Scott's appeal of his federal court case resulted in the United States Supreme Court's infamous 1857 decision that denied Mr. Scott's personhood, and his right to sue, in what was truly a low point in American jurisprudence.

Today, most of Missouri's judges – those who serve in the trial courts in 110 counties – are elected directly by the people. Judges in St. Louis, in four urban counties and on the appellate courts serve under the Missouri Nonpartisan Court Plan, adopted by the voters through initiative petition in 1940. Although the governor initially selects these judges from a panel of applicants nominated by a nonpartisan commission of citizens, attorneys and a judge, they are subject to retention election after serving one year in office and periodically thereafter before serving any additional term in office. All Missouri state judges remain accountable to the people through elections.

Unlike legislators, however, judges never should be elected to carry out specific campaign promises. Campaign promises are appropriate for those running for legislative or executive office; in fact, they are essential in helping voters fully evaluate these candidates. But judicial elections are different. After all, if you have a lawsuit, would you really want the judge in your case to promise a position contrary to yours before hearing you present your evidence and legal arguments? No, you would not ... not any more than the local football coach would want to arrive at a game and discover that the referees have already promised to help the other team.

The only promises judicial candidates should make are to follow their constitutional obligations to be accountable to the law, administer justice fairly and impartially, and remain free from political influence and intimidation. When you appear in court as a litigant, you have a right to expect that the judge will decide your case on the facts and on the law regardless of his or her personal beliefs – regardless of political, financial or other special influences or interests.

To achieve and maintain this vision, I want to improve our system of accountability. To do so we must evaluate ourselves honestly and often. As Alexander Hamilton astutely observed 200 years ago, the judiciary has neither the power of the purse nor the power of the sword. Nor should it. We have only judgment. The people's confidence that their disputes will be resolved on the basis of the law is a bedrock principle of our constitutional democracy as well as fundamental to our economic system.

Our obligation to be fair and impartial also extends to our responsibility to administer the affairs of the judiciary wisely. We should be open to evaluations, from the inside and from the outside, to ensure that our process for using the states' resources – which you provide – is thoughtful and wise and based on facts.

To help us evaluate ourselves, enhance our accountability,

and determine the best use of our judicial resources, Missouri's court system has taken three solid steps.

Judging the Judiciary

First, to help us understand where we are and where we should be going, I accepted an offer from the American Bar Association's Standing Committee on Judicial Independence to conduct a thorough examination last year of our Missouri court system – at no cost to us. This is the first – and only – such study that has been done of an American court system. They used criteria the ABA developed for advising emerging democracies around the world about what constitutes an adequate and effective judiciary. They studied the structure of Missouri's courts and conducted in-depth interviews with civic leaders, political leaders, journalists, members of the bar and others about their perceptions of the strengths and needs of the Missouri judiciary. Some of you may have participated in that survey – I have no idea who did, as all the responses were anonymous – so if you did, I thank you for your involvement, your candor and your insights.

Fortunately, most of what the assessment had to say about Missouri's courts was quite positive. We were rated favorably on our professionalism, the quality and tenure of our judges, and our basic unified structure. Our ongoing plan for the use of information technology also was well received. I would add, by the way, that we are using this technology not only to make our courts more efficient but also to let the public see who we are and what we do. This past fall, we launched a new Web site that will give the public ready access to this information. I invite you to visit our courts both in person and online at www.courts.mo.gov.

Evaluating Judges' Performance

Our second step is to enhance our courts' accountability to the public through elections. How do voters get information about judicial performance? In most of Missouri's counties, the populations are small enough that the public can get to know their judges and candidates without costly campaigns. However, for trial courts in the larger counties, whether included in the nonpartisan court plan or not, as well as for the Supreme Court and the Court of Appeals, I believe we should enhance the opportunities for the public to get to know these judges, on whom they vote, and to have an evaluation system that provides timely critiques for the benefit of both the public and our judges.

Currently, The Missouri Bar conducts judicial evaluation surveys for every judge on the ballot for retention in nonpartisan plan jurisdictions. The results are available to the media, to the public in printed form in various locations, and on the Bar's Web site. The Bar does all it can to publicize the results given the resources it has, and it should be given great credit for continuing to undertake this valuable service. Most of our citizenry, however, remains uninformed in such elections, mostly because they don't know where to look for information, and this may result in a lack of confidence about our system. I might add, however, that it does

have the effect of keeping judges humble. I know I wake up each morning and think of the 582,249 people who voted against me six years ago. Not that anyone's counting. I don't even know 582,249 people, but I'd like to prove to them that the 1.27 million or so Missourians who voted to retain me got it right.

We should try to remedy the lack of information about judges. I am asking The Missouri Bar to convene a fair cross-section of citizens – nonlawyers as well as lawyers – to review our judicial evaluation system, to look at systems in place in other states, and to propose a model that gives useful information about judges that can be communicated effectively to the electorate.

I emphasize two aspects of judicial evaluations. First, a judicial evaluation system should include not just the voices of attorneys, but also the voices of jurors, litigants, witnesses, court staff and others with direct experience with the judges. Second, while the results of a judicial evaluation system should be made available at election, the true intent of any evaluation system is to assist in improving both individual and institutional performance; in other words, evaluation should be ongoing. These evaluations should be timed both to allow judges to have an opportunity to improve as a result of the review and to give voters information before elections where the judges' futures are decided. I believe that the vast majority of judges will be rated highly and that even the highest rated judges will learn something useful about how they do their jobs.

My hope is that the group of citizens convened by The Missouri Bar will propose a judicial evaluation system that is driven by nonlawyers as well as by the members of the Bar; that is independent and nonpartisan; and that produces credible results made widely available to the voting public.

Using Our Resources Wisely

Our third step is to evaluate ourselves in the use and distribution of our resources. The weaknesses the ABA committee identified in its assessment report all relate to lack of resources. One of these relates to the impact of judicial salaries in Missouri. On this topic, I will simply say this: I believe the schedule established by the Citizens' Commission on Compensation under the constitution is sensible and appropriately restrained. The citizens' schedule is essential to our continued ability to attract highly qualified and well-motivated men and women to judicial service. Seven years without one penny of increase is too long.

As for the other needs identified by the ABA report, we look forward to addressing them with you in the budgetary process. We do not seek more judges now. Instead, we need to examine critically and competently how our current resources are deployed. Four years ago, Senator Matt Bartle chaired an Interim Committee on Judicial Resources, which made several recommendations, some dealing with judicial procedure and others dealing with judicial personnel. Many of the recommendations have been implemented.

But because there is no consistent understanding of judicial

resource needs, attempts to fashion a consistent process for creating judgeships in this state have languished. Without a coherent method for making decisions allocating judicial personnel, people conclude what they want from the raw data currently available, which includes only population figures and numbers of cases.

But numbers of people and numbers of cases are only part of the answer. To get a true picture of our needs across the state, we have undertaken a substantial study – the first of its kind in Missouri – to review the weighted workload of Missouri’s trial judges. I say “workload,” not “caseload,” because if you just count cases, you will not necessarily get a useful answer. A 15-minute hearing involving a traffic ticket and a two-week murder trial each counts as one “case,” but each obviously has a much different impact on judicial time, both in preparation and in the courtroom. Likewise, time that judges spend on administrative duties is essential to the operation of the courts; in rural areas, especially, where one circuit may include as many as five counties, judges spend time moving from county to county to hear cases – we must account for this travel time.

America’s expert in conducting judicial weighted workload studies is the National Center for State Courts, which we have engaged to direct Missouri’s study. A cross-section of Missouri’s trial judges is serving as a steering committee to guide the study, and the National Center is using methodology that has been used in many other states with similar population distributions between urban and rural areas.

This study, which they are conducting this spring, is essential for our future to provide useful information to us, to the public, and to you, the legislature, so that together we might make more informed decisions about judicial personnel needs. The legislative and executive branches are the appropriators of money, but we have an obligation to advise you how best to spend the public’s dollars for courts. This will assure adequate judicial service in every county of the state.

Do we need more judges? My own guess is that, overall, we have enough judges statewide. But until the data are available this summer, any guess regarding our judicial personnel is still just a guess. We are now filling needs in some areas by transferring judges and using senior judges. We should wait for the results of this study before making any long-term changes in allocation or numbers of judges.

Cooperative Efforts

Although there remains much to improve that the three steps I have described will help bring to light, there is much that we have done in recent years to increase our efficiency and, indeed, to cooperate in improving state government as a whole. Through legislation you passed in 2004, we established methods to collect overdue court debt through the use of income tax offsets, time payment fees and private debt collection agencies. The end result of these efforts has been twofold: a greater respect for the laws you

pass, by virtue of the higher percentages of court costs and fines paid, and, since the programs began, an increase of more than \$3 million to the state and to local governments and school districts. Almost none of that money comes to the judiciary, just in case you were wondering.

There are other examples. We continue to cooperate with the department of corrections and other agencies in seeking alternatives to prison, including our drug courts, to enhance public safety and to avoid wasting scarce correctional dollars. Additionally, we have remained in contact with you about several opportunities that may allow all three branches of government to become even more efficient. These include the potential for greater savings of time and money in our juvenile justice system as well as for a structural reduction in the public defender’s caseload. Working as partners, we can solve these kinds of problems. We are committed to cooperating with you in a continued spirit of openness and respect, so that we all may better serve the citizens to whom we all are ultimately accountable.

In the past 18 months, during which I have been privileged to serve as chief justice, I have worked hard to help our citizens better understand their system of government. Judges and members of the bar around the state similarly have embraced the challenge of engaging in civics education.

In the eight and a half years I have served on the Supreme Court – and especially in these last 18 months – I have gotten to know many of the fine men and women who serve in the judicial branch as judges, as clerks and as support staff throughout the state. I am very proud of their dedication and of the work they do, week in and week out, to uphold the rule of law and to maintain a stable, civil society in our state through the fair and impartial administration of justice.

On their behalf, I assure you that we in the judiciary will continue to be responsive to the public’s needs, and we will continue to evaluate ourselves – subject to the scrutiny of others – in the spirit of honesty and accountability that all Missourians should expect of us. In turn, it is my hope that you will continue to work with us toward the goal of giving Missouri the greatest judicial system possible. Without your continued support, we cannot meet this goal. But with your support, I am certain that we will.

Thank you.

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 Koster.

RESOLUTIONS

Senator Shields offered the following resolution:

SENATE RESOLUTION NO. 57

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
5	Staff Attorney II	3,277 - 4,840
3	Research Analyst IV	3,277 - 4,840
1	Investigator	3,040 - 4,452
4	Research Staff Secretary	2,534 - 3,612
5	Budget Research Analyst III	3,474 - 5,269
1	Budget Staff Secretary	2,534 - 3,612
3	Assistant Secretary of Senate	2,721 - 3,857
1	Enrolling & Engrossing Supervisor	2,721 - 3,857
2.5	Enrolling & Engrossing Clerk	2,247 - 3,158
1	Billroom Supervisor	2,247 - 3,158
1	Billroom Clerk	1,930 - 2,571
5	Public Information Specialist	2,247 - 3,612
1	Photographer	2,534 - 3,612
1	Administrative Assistant	3,040 - 6,056
1	Telecommunications Coordinator	2,824 - 4,018
2.5	Accounting Specialist	2,625 - 3,706
1	Human Resources Specialist	2,625 - 3,706
1	Office Assistance Supervisor	2,721 - 3,857
9	Administrative/Office Support	2,625 - 3,706
1	Messenger	1,869 - 2,437
2	Computer Info. Technology Spec. I	3,612 - 5,269
2	Computer Info. Technology Spec. II	4,186 - 5,992
1	Computer Info. Technology Spec. III	4,363 - 6,262
4	Computer Info. Technologist II	2,929 - 4,186
1	Network/Communications Specialist	3,612 - 5,269
2	Data Entry Operator III	2,038 - 2,774
1	Composing Equipment Operator III	2,173 - 2,876
0.5	Mailroom Supervisor	2,247 - 3,158

NO.	CLASSIFICATION	MONTHLY SALARY RANGE
1	Printing Services Technician II	1,930 - 2,571
2	Printing Services Technician III	2,104 - 2,876
2	Printing Services Technician IV	2,364 - 3,277
1	Maintenance Supervisor	2,364 - 3,277
1	Carpenter II	2,364 - 3,277
1	Maintenance Worker	1,930 - 2,571
0.5	Sergeant at Arms (Elected)	2,364 - 3,277
0.5	Doorkeeper (Elected)	1,727 - 2,241
3.5	Assistant Doorkeeper	1,582 - 1,993
0.5	Reading Clerk	1,582 - 1,993
0.5	Chaplain	857 - 1,133
0.5	Security Guard	1,628 - 2,092

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 2008.

INTRODUCTION OF BILLS

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

SB 250—By Ridgeway and Vogel.

An Act to repeal sections 36.030, 36.031, 306.111, 306.112, 306.116, 306.117, 306.161, 565.082, and 650.005, RSMo, and to enact in lieu thereof eleven new sections relating to the water patrol, with penalty provisions and an emergency clause.

SB 251—By Ridgeway.

An Act to repeal section 407.1095, RSMo, and to enact in lieu thereof two new sections relating to political telephone calls, with penalty provisions.

SB 252—By Ridgeway.

An Act to repeal section 302.020, RSMo, and to enact in lieu thereof one new section relating to protective headgear, with penalty provisions.

SB 253—By Ridgeway.

An Act to repeal section 137.100, RSMo, and to enact in lieu thereof one new section relating to property exempt from taxation.

On motion of Senator Shields, the Senate recessed until 5:00 p.m.

RECESS

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

COMMITTEE APPOINTMENTS

President Pro Tem Gibbons submitted the following committee appointments, reading of which was waived:

AGRICULTURE, CONSERVATION, PARKS AND NATURAL RESOURCES

Clemens, Chair
 Stouffer, Vice-Chair
 Lager
 Mayer
 Purgason
 Barnitz
 Coleman
 Shoemyer

COMMERCE, ENERGY AND THE ENVIRONMENT

Engler, Chair
 Lager, Vice-Chair
 Bartle
 Griesheimer
 Koster
 Ridgeway
 Bray
 Callahan
 Green

ECONOMIC DEVELOPMENT, TOURISM AND LOCAL GOVERNMENT

Griesheimer, Chair
 Koster, Vice-Chair
 Crowell
 Engler
 Goodman
 Vogel
 Callahan
 Kennedy
 McKenna
 Shoemyer

EDUCATION

Nodler, Chair
 Mayer, Vice-Chair
 Champion
 Loudon
 Rupp
 Shields
 Coleman
 Days
 Graham
 Wilson

FINANCIAL AND GOVERNMENTAL ORGANIZATIONS AND ELECTIONS

Scott, Chair
 Crowell, Vice-Chair
 Engler
 Lager
 Loudon
 Coleman
 Justus
 Kennedy

GOVERNMENTAL ACCOUNTABILITY AND FISCAL OVERSIGHT

Goodman, Chair
 Lager, Vice-Chair
 Mayer
 Stouffer
 Vogel
 Days
 Shoemyer
 Smith

HEALTH AND MENTAL HEALTH

Purgason, Chair
 Shields, Vice-Chair
 Gibbons
 Kennedy
 Shoemyer

JUDICIARY AND CIVIL AND CRIMINAL JURISPRUDENCE

Bartle, Chair
 Goodman, Vice-Chair
 Koster
 Loudon
 Mayer
 Graham
 Justus
 Smith

PENSIONS, VETERANS' AFFAIRS AND GENERAL LAWS

Crowell, Chair
 Rupp, Vice-Chair
 Clemens
 Nodler
 Scott
 Kennedy
 McKenna
 Smith

SENIORS, FAMILIES AND PUBLIC HEALTH

Champion, Chair
 Bartle, Vice-Chair
 Clemens
 Goodman
 Stouffer
 Kennedy
 Justus
 Smith

SMALL BUSINESS, INSURANCE AND INDUSTRIAL RELATIONS

Loudon, Chair
 Ridgeway, Vice-Chair
 Clemens
 Rupp
 Scott
 Vogel
 Callahan
 Days
 Green

TRANSPORTATION

Stouffer, Chair
 Rupp, Vice-Chair
 Bartle
 Engler
 Griesheimer
 Scott
 Barnitz
 Bray
 Days
 McKenna

WAYS AND MEANS

Vogel, Chair
 Koster, Vice-Chair
 Goodman
 Griesheimer
 Lager
 Barnitz
 Bray
 McKenna

COMMUNICATIONS

President Pro Tem Gibbons submitted the following:

January 10, 2007

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

RE: Appointment of Joint Committee on Administrative Rules

Dear Terry:

Pursuant to Section 536.037 of the Revised Statutes of Missouri (RSMo 2002), I am appointing the following senator to the Joint

Committee on Administrative Rules:

Senator Victor Callahan

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

Yours truly,

/s/ Michael R. Gibbons

MICHAEL R. GIBBONS

RESOLUTIONS

Senator Kennedy offered Senate Resolution No. 58, regarding Matthew Wayne Mantia, House Springs, which was adopted.

Senator Stouffer offered Senate Resolution No. 59, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. Harry Avery, Carrollton, which was adopted.

Senator Green offered Senate Resolution No. 60, regarding Francis A. Meyer, St. Louis, which was adopted.

Senator Crowell offered Senate Resolution No. 61, regarding the NARS Call Center, Cape

Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 62, regarding Albert M. Spradling, III, Cape Girardeau, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Champion introduced to the Senate, Kathryn Ethridge, Springfield.

Senator Shields introduced to the Senate, Susan Brown, Dearborn; Debbie Woehrman, Debie and Alex Asher, Camden Point.

Senator Loudon introduced to the Senate, the Physician of the Day, Dr. Tom Saak, M.D., St. Louis.

Senator Justus introduced to the Senate, Kevin Patrick Hennosy, Kansas City; and Anna Koepfel, Columbia.

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

SENATE CALENDAR

SIXTH DAY—THURSDAY, JANUARY 11, 2007

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1-Gibbons
SB 2-Gibbons
SB 3-Gibbons
SB 4-Gross
SB 5-Loudon
SB 6-Loudon
SB 7-Loudon
SB 8-Kennedy

SB 9-Kennedy
SB 10-Kennedy
SB 11-Coleman
SB 12-Coleman
SB 13-Coleman
SB 14-Scott
SB 15-Scott
SB 16-Scott

SB 17-Shields	SB 57-Graham
SB 18-Shields	SB 58-Graham
SB 19-Shields	SB 59-Wilson
SB 20-Griesheimer	SB 60-Wilson
SB 21-Griesheimer	SB 61-Wilson
SB 22-Griesheimer	SB 62-Goodman
SB 23-Champion	SB 63-Goodman
SB 24-Champion	SB 64-Goodman and Koster
SB 25-Champion	SB 65-Rupp
SB 26-Bartle	SB 66-Rupp
SB 27-Bartle and Koster	SB 67-Rupp
SB 28-Bartle	SB 68-Shoemyer
SB 29-Nodler	SB 69-Shoemyer
SB 30-Nodler and Ridgeway	SB 70-Shoemyer
SB 31-Nodler	SB 71-Justus, et al
SB 32-Bray	SB 72-Justus
SB 33-Bray, et al	SB 73-Justus
SB 34-Bray	SB 74-Coleman
SB 35-Days	SB 75-Coleman
SB 36-Days	SB 76-Coleman
SB 37-Days	SB 77-Scott
SB 38-Ridgeway	SB 78-Scott
SB 39-Ridgeway	SB 79-Scott
SB 40-Ridgeway	SB 80-Shields
SB 41-Purgason	SB 81-Griesheimer
SB 42-Purgason	SB 82-Griesheimer
SB 43-Purgason	SB 83-Griesheimer
SB 44-Mayer	SB 84-Champion
SB 45-Mayer	SB 85-Champion and Koster
SB 46-Mayer	SB 86-Champion
SB 47-Engler	SB 87-Bartle
SB 48-Engler	SB 88-Bartle
SB 49-Engler and Loudon	SB 89-Bartle
SB 50-Stouffer	SB 90-Nodler
SB 51-Stouffer	SB 91-Nodler
SB 52-Stouffer	SB 92-Nodler
SB 53-Koster	SB 93-Bray
SB 54-Koster	SB 94-Bray
SB 55-Koster	SB 95-Bray
SB 56-Graham	SB 96-Days

SB 97-Days	SB 139-Bray
SB 98-Days	SB 140-Rupp
SB 99-Mayer	SB 141-Nodler
SB 100-Mayer	SB 142-Nodler and Days
SB 101-Mayer	SB 143-Nodler
SB 102-Stouffer	SB 144-Bray
SB 103-Stouffer	SB 145-Bray and Days
SB 104-Stouffer	SB 146-Bray
SB 105-Graham	SB 147-Nodler
SB 106-Graham	SB 148-Nodler
SB 107-Wilson	SB 149-Nodler
SB 108-Wilson	SB 150-Mayer
SB 109-Wilson	SB 151-Engler
SB 111-Rupp	SB 152-Engler
SB 112-Rupp	SB 153-Engler
SB 113-Shoemyer	SB 154-Graham
SB 114-Scott	SB 155-Engler
SB 115-Scott	SB 156-Engler
SB 116-Griesheimer	SB 157-Engler
SB 117-Griesheimer	SB 158-Engler
SB 118-Griesheimer	SB 159-Engler
SB 119-Nodler	SB 160-Rupp
SB 120-Nodler	SB 161-Shields
SB 121-Nodler	SB 162-Vogel
SB 122-Bray and Days	SB 163-Mayer
SB 123-Bray	SB 164-Scott
SB 124-Bray	SB 165-Scott
SB 125-Days	SB 166-Griesheimer
SB 126-Days	SB 167-Bartle
SB 127-Mayer	SB 168-Mayer
SB 128-Stouffer	SB 169-Rupp
SB 129-Stouffer	SB 170-Engler
SB 130-Stouffer	SB 171-Nodler
SB 131-Rupp	SB 172-Ridgeway
SB 132-Rupp	SB 173-Ridgeway
SB 133-Rupp	SB 174-Green
SB 135-Nodler	SB 175-Green
SB 136-Nodler	SB 176-Green
SB 137-Bray	SB 177-Green
SB 138-Bray	SB 178-Green

SB 179-Green	SB 221-Callahan
SB 180-Green	SB 222-Gross
SB 181-Green	SB 223-Rupp
SB 182-Green	SB 224-Rupp
SB 183-Green	SB 225-Stouffer
SB 184-Green	SB 226-Stouffer
SB 185-Green	SB 227-Graham
SB 186-Green	SB 228-Graham
SB 187-Green	SB 229-Coleman
SB 188-Green	SB 230-Crowell and Koster
SB 189-Green	SB 231-Crowell
SB 190-Green	SB 232-Crowell
SB 191-Days	SB 233-Crowell
SB 192-Crowell	SB 234-Crowell
SB 193-Griesheimer	SB 235-Shields, et al
SB 194-Crowell	SB 236-Shields
SB 195-Crowell	SB 237-Shields
SB 196-Gross	SB 238-Stouffer
SB 197-Loudon and Graham	SB 239-Stouffer
SB 198-Mayer	SB 240-Stouffer
SB 199-Stouffer	SB 241-Stouffer
SB 200-Stouffer	SB 242-Nodler
SB 202-Stouffer	SB 243-Mayer
SB 203-Lager	SB 244-Mayer
SB 204-Stouffer	SB 245-Goodman
SB 205-Stouffer and Gibbons	SB 246-Goodman
SB 206-Justus	SB 247-Bray
SB 207-Gross	SB 248-Days
SB 209-Griesheimer	SB 249-Gross
SB 210-Crowell	SB 250-Ridgeway and Vogel
SB 211-Goodman	SB 251-Ridgeway
SB 212-Goodman	SB 252-Ridgeway
SB 213-McKenna	SB 253-Ridgeway
SB 214-McKenna	SJR 1-Bartle
SB 215-Loudon	SJR 2-Bartle
SB 216-Crowell	SJR 3-Bartle
SB 217-Crowell	SJR 4-Nodler
SB 218-Graham	SJR 5-Graham
SB 219-Graham	SJR 6-Graham
SB 220-McKenna	SJR 7-Graham

SJR 8-Ridgeway
SJR 9-Crowell

SJR 10-Bartle and Engler

INFORMAL CALENDAR

RESOLUTIONS

SR 57-Shields

Unofficial ✓

Journal

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