

Journal of the Senate

SECOND REGULAR SESSION

FIFTEENTH DAY—TUESDAY, FEBRUARY 5, 2008

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“No personal considerations should stand in the way of performing a public duty.” (Ulysses S. Grant, 1875)

Lord God, we thank You that You love us and that You allow us the opportunity to do our duties as we are called to perform them, whether they be casting our vote or hearing legal concerns or deriving just laws for the betterment of our people. Grant us wisdom and knowledge that surrenders to Your will. 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	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—33

Absent—Senators—None

Absent with leave—Senator Champion—1

Vacancies—None

The Lieutenant Governor was present.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following Escort committee to act with a like committee from the Senate pursuant to **HCR 2**. Representatives: Cunningham (86), Wright, Scharnhorst, Kelly, Dethrow, Yaeger, Bringer, Zweifel, Donnelly and Page.

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 Laura Denvir Stith, 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	Clemens	Coleman	Crowell	Days
Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus	Kennedy
Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—31	

Absent—Senators

Dempsey Koster—2

Absent with leave—Senator Champion—1

Vacancies—None

On roll call the following Representatives were present:

Present— Representatives

Aull	Baker 123	Bivens	Bowman	Brandom	Bringer	Brown 30	Brown 50
Bruns	Burnett	Casey	Cooper 155	Corcoran	Cox	Cunningham 145	Cunningham 86
Curls	Darrough	Daus	Davis	Day	Deeken	Denison	Dethrow
Dixon	Donnelly	Dougherty	Dusenberg	Emery	Ervin	Faith	Fallert
Fares	Fisher	Flook	Frame	Franz	Funderburk	Grill	Grisamore
Guest	Harris 110	Hobbs	Hodges	Hughes	Icet	Jones 89	Jones 117
Kelly	Kingery	Komo	Kraus	Kuessner	Lampe	Lembke	LeVota
Liese	Lipke	Loehner	Low 39	Lowe 44	Marsh	May	McGhee
Meadows	Meiners	Moore	Munzlinger	Muschany	Nance	Nasheed	Nolte
Norr	Oxford	Page	Parson	Pearce	Pollock	Portwood	Pratt
Quinn 7	Quinn 9	Richard	Robb	Robinson	Rucker	Ruzicka	Sander
Sater	Scavuzzo	Schaaf	Schad	Scharnhorst	Schieffer	Schlottach	Schneider
Schoeller	Schoemehl	Self	Shively	Silvey	Skaggs	Smith 14	Smith 150
Spreng	Stevenson	St. Onge	Stream	Sutherland	Swinger	Thomson	Threlkeld

Tilley	Todd	Viebrock	Villa	Vogt	Wallace	Walsh	Walton
Wells	Weter	Whorton	Wilson 119	Wilson 130	Witte	Wood	Wright 159
Wright-Jones	Yaeger	Yates	Young	Zimmerman	Zweifel	Mr Speaker—134	

Nays —Representatives

Avery	George	Talboy—3
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Absent and Absent with Leave—Representatives

Baker (25)	Bland	Chappelle-Nadal	Cooper (120)	El-Amin	Harris (23)	Haywood	Holsman
Hoskins	Hubbard	Hunter	Johnson	McClanahan	Nieves	Onder	Roorda
Ruestman	Salva	Storch	Wasson	Wildberger—21			

Vacancies—5

The Joint Committee appointed to wait upon the Chief Justice of the Supreme Court, Laura Denvir Stith, escorted the Chief Justice to the dais where she delivered the State of the Judiciary Address to the Joint Assembly:

2008 STATE OF THE JUDICIARY ADDRESS
CHIEF JUSTICE LAURA DENVIR STITH

President Kinder, President Pro Tem Gibbons, Speaker Pro Tem Pratt, statewide elected officials, members of the General Assembly, members of the cabinet, my fellow Supreme Court judges, honored guests and fellow citizens:

Thank you for your warm welcome. I am truly honored to be here. When I began my legal career nearly 30 years ago as a Supreme Court law clerk, I had no idea that one day I would have the opportunity to come before this honored assembly, as the state's second female chief justice, to deliver Missouri's 35th state of the judiciary address.

When I began my career, there were no female appellate or Supreme Court judges in Missouri and very few elsewhere. But now, for the first time in Missouri's history, we have three women on the Supreme Court. I thank Governor Matt Blunt for his appointment of Judge Patricia Breckenridge to the Court.

Courts and judges make a positive impact on Missouri's communities

Like many of you, Judge Breckenridge is a true public servant. Over the past nine years, she has mentored five Kansas City children who, under her guidance, have become thriving teenagers looking forward to a promising future. Such efforts are the norm in the judiciary. Just a few weeks ago, for example, the judges and staff of the Western District appeals court finished a food drive that will feed nearly 400 needy families in the Kansas City area.

I tell you about these activities for two reasons. First, we are proud of the community involvement and personal contributions of our judges. Second, a review of these activities affirms that, just as you legislators are well-known for your civic participation at all levels, so too are the vast majority of our judges. They are in the same civic groups as you; they work to make a difference in their communities, like you; and, like you, judges and court staff make a positive impact on their communities through the performance of their official duties.

Just last month, for example, Jackson County received national honors for its family court probation and aftercare services. This program has reduced the recidivism rate drastically; now only 4 percent of its youth are referred back to the family court within six months.

Across the state, in the city of St. Louis, Judge Jimmie Edwards has reorganized the juvenile court so effectively that most felony offenses are processed within five weeks and misdemeanors within two weeks. This gets juvenile offenders off the streets, out of detention centers and into rehabilitative services sooner. It also has reduced the city's juvenile detention population by about a third, saving precious resources.

Judge Mary Sheffield and the 25th circuit in south-central Missouri – along with Judge Rick Zerr and the 11th circuit in St. Charles County – are piloting what we hope will become a statewide model for family courts. This enhanced "unified family court" system assigns a single judge to a particular family, which diminishes the likelihood of fragmented and inconsistent court results and reduces the time families have to spend in court. This new unified family court system will make a real difference in the lives of your constituents.

Drug courts are important for Missourians

Programs like these demonstrate how hard-working court professionals can turn around young lives and keep families together. Drug courts, also, are helping urban and rural communities throughout the state reap similar benefits. Since they were established in Missouri 15 years ago through bipartisan efforts, our drug courts have graduated more than 6,200 individuals. An incredible 90 percent of these never return to our criminal justice system! I thank my colleague, Judge Ray Price, for his instrumental role in the development and oversight of these courts as chairman of Missouri's statewide drug court commission. In fact, the reason he is unable to be with us today is that he is in Washington, D.C., attending a board meeting of the National Association of Drug Court Professionals.

I encourage all of you to attend a local drug court graduation – it's an amazing experience. In Stone County, for example, one graduate went from having no place to live, no relationship with his two sons, no job and spending his time committing crimes and his money on drugs to having a solid marriage, running a masonry business and coaching his son's football team.

His story is echoed in the experiences of many of our drug court graduates. We have a number of recent graduates here today, along with some of our drug court staff and judges, and I invite them to stand and be recognized for their achievements.

These are the types of outcomes that timely and effective court intervention creates all across Missouri. Keeping offenders out of prison allows them to remain in the workforce and their families to stay intact. In fact, our juvenile courts have been able to place 120 children back in their natural homes after a parent graduated from drug court. The success of our drug courts even affects the next generation of Missourians, as more than 325 drug-free babies have been born to female drug-court participants! And as I'm sure you are aware, protecting our unborn children from the ravages of drugs saves the state literally tens of thousands of dollars per child and gives every child a chance at a better life.

Alcohol abuse, like drug abuse, can ruin lives. Missouri has had the foresight to establish DWI courts as part of its drug court programs. The Greene County DWI court recently was one of only four such courts nationwide to be honored as a model court for its work in turning around repeat DWI offenders. Of its 143 graduates since 2003, only *four* have been convicted of subsequent DWIs.

As the Springfield News-Leader recently noted, expanded funding of the proven, cost-effective services offered by such courts will reduce the impact of substance abuse in Missouri. At any given time, our 108 drug courts are working with more than 3,200 offenders – that's approximately equal to the population of two state prisons Missouri has not had to build. This money-saving investment in our drug courts really is an investment in a positive future for Missourians. And all drug court funds go directly to treatment services for your constituents in your communities.

Courts have a positive impact on the state's economy

These are only a few of the many positive effects of Missouri's courts. The next time you visit your local courthouse, I encourage you to meet the skilled court professionals working there. Nearly half of the judiciary's general revenue budget pays for these court clerks, court reporters, juvenile officers and other vital court staff. These *are* your constituents, and they *serve* your constituents every day.

Investing in these people makes fiscal sense, too, because Missouri's courts help buoy the state economy. At an annual cost of slightly more than \$164 million in general revenue, our courts last year produced a positive economic impact of more than twice that amount – approximately \$395 million in damages, offsets, fines, fees and costs. Much of that money went to local schools and county governments and other government funds. In other words, we courts do our share in contributing to the state's bottom line.

We are managing the courts' resources more efficiently

Part of doing our share also means managing court resources as efficiently as possible. Before last year, the courts had only incomplete information to give in response to legislative inquiries whether additional judges were needed and, if so, where. To assist you better, we asked the nation's expert in judicial weighted workloads to study our trial courts. Its results show we need more judges. We are not asking you, however, to fund all the additional judges now – we know this is not the right time.

But the study shows where the need for additional judges is the most urgent, where justice for citizens may be delayed as a result of such shortages – including Greene, Jackson, St. Charles and St. Louis counties, among others. Armed with the facts and figures this study provides, you will be well-equipped to make informed decisions about where it is most critical to add judges throughout the state, as funds become available.

In the meantime, we are taking proactive steps, based on information in the study, to use our judicial resources more wisely. As one example, we are initiating improvements in our judge transfer program. Judges sometimes are transferred into another circuit to help cover for an illness or other temporary absence, but many other transfers help overburdened courts handle their dockets on a routine and continuing basis. For instance, in the 26th circuit in the Lake of the Ozarks area, three judges suffered lengthy illnesses, and two of them eventually died, leaving that circuit shorthanded and unable to meet the needs of its growing population. To resolve this problem, we transferred in senior judges on

a long-term basis, allowing civil trials to proceed and greatly expediting all cases.

Of course, the area soon may need another judge – Presiding Judge Greg Kays was one of two Missouri judges whom President George Bush recently nominated to become a federal district court judge. He is a fine judge and an outstanding individual. In fact, Judge Kays was honored by both the Highway Patrol and the Supreme Court for his selfless service in helping to save the life of his wilderness guide during a 2005 fishing expedition near the Arctic Circle. Judge Kays, will you please stand?

We hope the judicial weighted workload study will help us avoid future crises like the one in the 26th circuit. Instead of the chief justice managing transfers, we are instituting a "judicial partnership program" pairing circuits that need extra judges with other circuits in the region whose judges have time to help. As this new program gets underway, we are focusing on the circuits with the most critical need first and will follow up with additional partnerships over the next year.

We must fix the criminal justice system

But, as newspapers in Springfield and St. Louis noted last month, adding more judges will not end the problems we are seeing in our criminal justice system. Even if we had more judges, we still would need more public defenders and prosecutors because, not enough attorneys are available to try all the pending criminal cases, resulting in lengthy pretrial incarcerations. This is a critical problem in every jurisdiction in the state but most acutely so in our urban areas, where the criminal justice system is on the brink of a shutdown and basic constitutional rights are in jeopardy.

It benefits the public, the victims of crime, witnesses and the entire justice system if these cases are processed in a reasonable time; in fact, the constitution requires it. We are pleased to hear the state's budget analysts predict a surplus will be available this year to meet some of the state's most critical needs. Few could be more critical than in the criminal justice system, where we are on the verge of risking release of some prisoners for failure to give them a speedy trial because there simply is no public defender available to advocate on their behalf. I cannot emphasize enough the urgency of this crisis and ask you to give the utmost consideration to the public defender's budget request.

Missouri cannot afford to let this continue. We thank those of you who have been working on this problem and we urge you to intensify your efforts at solving this critical flaw, one that reaches even beyond the criminal justice system. As shown by the 26th circuit's experience, backlogs in criminal cases can translate into delays for our civil litigants as well. This has not gone unnoticed by our business community. Business leaders tell us that they have no desire to operate in a state unless it has a fair and impartial court system that moves cases efficiently. Businesses are in litigation every day, all over the country, and the prompt resolution of their cases helps our economy to remain strong and to move forward.

Improving court technology enhances public safety and public access

Ensuring access to Missouri's courts extends beyond the courthouse walls, so we have strived to improve our online legal resources also. I am proud that the Supreme Court now offers streaming audio of its oral arguments so all members of the public can listen to them as they occur.

I also am pleased to announce that our electronic case management system will be complete statewide with the addition of Greene County this spring. Why does this matter? Well, by integrating technology into our court services, we are better able to meet your constituents' expectations about making all of government operate more efficiently. Because of its court technology, Missouri is the first state in the nation that allows the courts, the schools and state executive branch agencies that serve youth, to share juvenile case information through a secure, statewide system. And Missouri's court technology ensures that law enforcement agencies receive orders of protection within a few minutes of their entry and that the Highway Patrol more quickly can receive thousands of convictions and mental incapacity determinations.

We also are proud of our nationally recognized Case.net system, which lets you and your constituents access statewide adult case information around the clock through our Web site. Case.net is purely a Missouri product: It was designed by Missouri court technology staff, with input from courts and citizens throughout the state, and it is something of which we all should be proud.

The technology you have helped us build now positions us to take the next step for Missouri's citizens. With your support for our budget request to pilot electronic filing, we can begin providing Missourians electronic access to their court documents, increasing transparency of the courts for less money. E-filing also will be more efficient. It will enable litigants and lawyers to obtain court files and specific documents from their homes or offices any time of day. And it will enhance public safety by giving judges, court personnel and law enforcement officers round-the-clock access to case information. This will be an important step forward for everyone.

The advances we've made would not have been possible without your investments in court technology, because modern computer systems provide the foundation for information sharing and access. We thank you, and we ask for your continued support to enable Missouri's courts to provide the kind of service our citizens expect in the 21st century.

The nonpartisan plan for selecting judges on merit continues to work

I'll spend the remainder of my comments addressing something many of you have asked me about – the nonpartisan court plan. In fact, your enhanced interest gave me the privilege of being the first chief justice in recent memory to be invited to speak with a legislative committee even before the state of the judiciary. I was thankful for that opportunity.

As I noted then, I believe that in the nearly three-quarters of a century since its adoption, Missouri's nonpartisan merit-selection court plan has worked well in attracting high-quality judges in the least political way and in ultimately giving Missouri's voters – not lawyers, not the governor, not the legislature and not the Supreme Court – the final say. This renowned method of judicial selection – what some have called "Missouri's gift to the art of governance" – should be treasured.

Most Missourians agree. In a poll of 600 Missourians recently conducted by Public Opinion Strategies, the majority opposed replacing the plan, either with partisan judicial elections – in which judges raise literally millions, if not tens of millions, of dollars to keep their office – or with a federal-type system in which judges are hand-picked by the governor and confirmed by the senate.

The process the Appellate Judicial Commission followed in filling Judge Ronnie White's vacancy on the Supreme Court was the same process that the same seven commissioners followed to fill the five additional appellate vacancies this year. This process became part of Missouri's structure of government in 1940, when a group of mostly Republican legislators and civic leaders, including my colleague Steve Limbaugh's grandfather, "the original" Rush Limbaugh, successfully led a citizen initiative to end partisan control of the judiciary. The only significant change made since then came in 1978, when citizens – to minimize further the influence of partisan politics in our judicial system – eliminated the governor's ability to force the nonpartisan commissions to nominate additional panels for the same vacancy.

In the end, the process has worked essentially the same way for all those years. It is a neutral, even-handed process that blends the best features of merit screening, executive branch appointment and voter participation in judicial selection while preserving the public's confidence in fair and impartial courts. And it is the process that led to the selection of fine jurists such as John Holstein, Ann Covington, Charles Blackmar, Andrew Jackson Higgins, Joseph Simeone, J.P. Morgan and my own mentors – Robert Seiler and Elwood Thomas – to name but a few.

We are further opening the nonpartisan selection process

Pride in these and other fine judges appointed under the Missouri plan no doubt has played an important role in the rejection of prior attempts to dismantle the plan or allow it to become subject to expensive fundraising efforts, special interest influence or shifting political winds. As Missourians always have recognized, this is not a Democratic or Republican issue – it is a matter of good government.

But does that mean I think that we have implemented the plan perfectly? As I told the Senate Rules Committee last fall, actually, I don't – and those of us on the Supreme Court are working to improve its operation in two significant ways.

The first involves giving even more information to the media and the public. The nonpartisan plan process already makes *more* information public than what is shared in any other area of state government. Under the plan, the public learns who the three finalists are for positions on Missouri's nonpartisan courts so they can offer comment to the governor. For most other appointed positions in government, including the directors of executive branch agencies and the legislative leadership, all the public learns is the name of the person finally selected.

That said, the Supreme Court has listened to the public and the media and plans to open up the process even more. Beginning later this month, the Court will require commissions to announce the time, date and location of their meetings and to provide demographic information about the applicant pool prior to those meetings. Once the three finalists are determined, the commissions will be required to make public the three nominees' applications – with private information redacted, of course.

We plan to enhance public involvement in the process of rating and retaining nonpartisan judges

The second area designated for improvement is the retention election process. The Supreme Court is working to make sure that Missouri's citizens have more, and better, access to information about the performance of their judges when they exercise their right to have the final say on whether judges should remain in office.

In 2006, The Missouri Bar spent more than \$100,000 to conduct evaluations of nonpartisan judges and distribute the results to the public – by holding news conferences, distributing evaluations to the media, putting the results online, sending them to organizations such as the chambers of commerce – the Bar even made them available in libraries and supermarkets. We commend the Bar for its many efforts, but we can do even more for Missourians.

We want citizens to have ready information about the performance of their judges so they can make fully informed decisions when they exercise their right to vote. Ideally, Missouri would follow Arizona's lead and appropriate a million dollars each election cycle so the secretary of state can print and mail to each voter in the state a pamphlet summarizing and evaluating the qualifications and performance of each judge up for retention.

But we are not standing still just because full funding for these efforts is not available. As a member of the national Conference of Chief Justices, I am helping to draft a resolution – which we will vote on this summer – to support federal legislation allowing this type of voter guide to be distributed postage-free. If successful, this could reduce the cost of the pamphlets by up to one-third. I ask each of you to voice your support for this type of legislative proposal to your counterparts in Congress. Together, we can make a difference.

The Supreme Court also is requiring the creation of judicial performance committees to use objective standards to conduct in-depth evaluations of nonpartisan judges seeking retention. These performance committees, composed of an equal number of lay persons and lawyers, will release their evaluation summaries and will recommend whether a nonpartisan judge should be retained. The bottom line recommendations, and directions to a Web site with detailed evaluation information, will be made available in a concise voter information pamphlet – the type of pamphlet we hope one day to be able to send to all the voters.

Each of these proposals is feasible. None require any state funding or any new legislation; all are within the scope of the Supreme Court's constitutional authority over the judiciary. We look forward to the public's feedback about the improved retention evaluation system and to any other creative suggestions they may have for additional enhancements.

In conclusion, all the things I have talked about this morning merely help us accomplish our mission of providing fair and impartial justice in the nearly 1 million cases that come before our state's courts each year. We take every one of these cases very seriously, because we know that each one is the most important case in the world to the people involved.

While we judges often are struck by the weight of this responsibility, and while we may agonize about doing what the facts and the law of a particular case require, this responsibility is part of what we cherish most about our role in the court system. In the end, we are honored to be public servants, just like you.

As most of you know, one of Missouri's fine nonpartisan judges – my colleague Steve Limbaugh – recently was nominated by President Bush to become a federal district court judge. Steve is the epitome of a public servant. His life in public service – first as a prosecutor in Cape Girardeau County, then as a circuit judge there and, since 1992, as a Supreme Court judge – has been shaped by the examples of civility, courtesy and professionalism that Steve's grandfather and father set for him. He has been a real mentor for me on the Court, and I will greatly miss his sharp intellect, his insight, his wit and his camaraderie.

But I know Judge Limbaugh is eager to bring that same wisdom to the federal bench. When he does so, he will become the latest in a long series of Missouri nonpartisan plan judges who had such merit that they were nominated to join the federal bench, including Duane Benton and Theodore McMillian on the 8th Circuit appeals court as well as Henry Autrey, Gary Fenner, Fernando Gaitan, George Gunn, Jean Hamilton and Elmo Hunter on the district court bench, to name but a few.

We know Judge Limbaugh and Judge Kays, like their predecessors, will make Missouri proud. Thank you.

And thanks to all of 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 Scott.

INTRODUCTION OF BILLS

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

SB 1078—By Rupp.

An Act to repeal sections 160.400, 160.405, and 160.410, RSMo, and to enact in lieu thereof three new sections relating to charter schools.

SB 1079—By Bray.

An Act to repeal sections 191.765, 191.767, 191.769, 191.771, 191.775, 191.776, and 577.070, RSMo, and to enact in lieu thereof seven new sections relating to smoking-related offenses, with penalty provisions.

SB 1080—By Bray.

An Act to repeal section 386.266, RSMo, and to enact in lieu thereof one new section relating to alternate rate schedules.

SB 1081—By Nodler and Green.

An Act to repeal sections 210.900, 210.903, 210.906, 210.909, 210.915, 210.921, 210.927, 630.165, 630.167, and 633.005, RSMo, and to enact in lieu thereof fifteen new sections relating to quality assurance and safety in the division of mental retardation and developmental disabilities community programs, with penalty provisions, an emergency clause for a certain section, and an expiration date for a certain section.

SB 1082—By Days.

An Act to repeal section 115.247, RSMo, and to enact in lieu thereof two new sections relating to election ballots.

SB 1083—By Coleman.

An Act to repeal sections 115.205 and 115.631, RSMo, and to enact in lieu thereof three new sections relating to elections, with penalty provisions.

SB 1084—By Coleman and Bray.

An Act to repeal section 163.161, RSMo, and to enact in lieu thereof one new section relating to state aid for transportation of pupils.

SB 1085—By Coleman and Bray.

An Act to repeal section 160.545, RSMo, and to enact in lieu thereof one new section relating to the A+ schools program.

SB 1086—By Smith.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to after school programs for public school students.

SB 1087—By Clemens.

An Act to amend chapter 173, RSMo, by adding thereto six new sections relating to the non-traditional student educational expense repayment program.

SB 1088—By Clemens.

An Act to repeal section 195.010, RSMo, and to enact in lieu thereof three new sections relating to restricted natural substances, with penalty provisions.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Gubernatorial Appointments, submitted the following report:

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Richard “Rick” Sullivan, Jr., as Chief Executive Officer of the Transitional School District of Saint Louis, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Bray moved that the Committee Report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Senator Rupp assumed the Chair.

RE-REFERRALS

President Pro Tem Gibbons re-referred **SB 1032** to the Committee on the Judiciary and Civil and Criminal Jurisprudence.

President Pro Tem Gibbons re-referred **SB 1035** to the Committee on Commerce, Energy and the Environment.

RESOLUTIONS

Senator Dempsey offered Senate Resolution No. 1726, regarding Amanda Kay Weber, St. Charles, which was adopted.

Senator Dempsey offered Senate Resolution No. 1727, regarding Roderick Franklin Laughman, St. Charles, which was adopted.

Senator Dempsey offered Senate Resolution No. 1728, regarding Allison Lee Bacon, St. Charles, which was adopted.

Senator Dempsey offered Senate Resolution No. 1729, regarding Paula Young, St. Charles, which was adopted.

Senator Dempsey offered Senate Resolution No. 1730, regarding Cheryl Skiles, St. Peters, which was adopted.

Senator Crowell offered Senate Resolution No. 1731, regarding the Fiftieth Wedding Anniversary of Ray and Norma Mehner, Perryville, which was adopted.

Senator Rupp offered Senate Resolution No. 1732, regarding Bruce Barnes, Troy, which was adopted.

Senator Rupp offered Senate Resolution No. 1733, regarding the Sixty-first Wedding Anniversary of Mr. and Mrs. Joseph Lococo, St. Charles County, which was adopted.

Senator Justus offered Senate Resolution No. 1734, regarding the Aladdin Hotel, Kansas City, which was adopted.

Senator Justus offered Senate Resolution No. 1735, regarding the Trans-World Airlines Corporate Headquarters Building, Kansas City, which was adopted.

On motion of Senator Shields, the Senate recessed until 8:00 p.m.

RECESS

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

RESOLUTIONS

Senator Smith offered Senate Resolution No. 1736, regarding Michael and Stephen Roberts, Saint Louis, which was adopted.

Senator Bray offered Senate Resolution No. 1737, regarding the Seventieth Birthday of Joan Suarez, University City, which was adopted.

Senator Nodler offered Senate Resolution No. 1738, regarding Bobby Waynick, Oronogo, which was adopted.

Senator Nodler offered Senate Resolution No. 1739, regarding Thomas C. Phillips, Saginaw, which was adopted.

Senator Nodler offered Senate Resolution No. 1740, regarding Ralph Conduff, Carthage, which was adopted.

Senator Barnitz offered Senate Resolution No. 1741, regarding the Forty-first Wedding Anniversary of Mr. and Mrs. Walter Poeschel, Hermann, which was adopted.

Senator Barnitz offered Senate Resolution No. 1742, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Eugene F. Hoffman, Newburg, which was adopted.

Senator Barnitz offered Senate Resolution No. 1743, regarding the Ninetieth Birthday of Victor R. Wagner, Hermann, which was adopted.

Senator Vogel offered Senate Resolution No. 1744, regarding MaKayla Boze, Tuscumbia, which was adopted.

Senator Vogel offered Senate Resolution No. 1745, regarding Kierstin Boze, Tuscumbia, which was adopted.

Senator Vogel offered Senate Resolution No. 1746, regarding Edwin M. Bybee, Jefferson City, which was adopted.

Senator Loudon offered Senate Resolution No. 1747, regarding Lauren Susannah Wilhelm, Columbia, Illinois, which was adopted.

Senator Crowell offered Senate Resolution No. 1748, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Jerry Lee, Cape Girardeau, which was adopted.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: Pursuant to the following corrected message, I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following Escort committee to act with a like committee from the Senate pursuant to **HCR 2**. Representatives: Jones (89), Lipke, Stevenson, Flook, Cox, Burnett, Witte, Zimmerman, Walton and Harris (23).

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 reappointment, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Ben A. "Todd" Parnell and Samuel M. Hunter, Democrats, as members of the Clean Water Commission;

Also,

James D. Palmer, as a member of the Seismic Safety Commission;

Also,

Karlon B. Nash, Arthur R. Higgins, Curtis P. Wall, John A. Buchanan, Kenneth J. Schmidt, Larry L. Butler and Glen R. Kolkmeier, as members of the Missouri Propane Gas Commission;

Also,

Christopher S. Stigall, as a member of the Amber Alert System Oversight Committee;

Also,

Joseph V. Knodell, Republican, as a member of the Board of Probation and Parole;

Also,

Lydia H. McEvoy, Julie A. Robinson, Kathleen Y. Hampton and Richard B. Hicks, as members of the Child Abuse and Neglect Review Board;

Also,

Mark R. Edwards and Jennifer M. Charleston, as members of the Peace Officer Standards and Training Commission;

Also,

Robert J. Weber, as a member of the Board of Boiler and Pressure Vessel Rules;

Also,

Mary Anne Brown, Republican, as a member of the State Board of Senior Services;

Also,

John P. Orr, Democrat, as a member of the Elevator Safety Board;

Also,

Doris J. Carter, as a member of the Coordinating Board for Higher Education;

Also,

Richard A. Walter, Independent, as a member of the Missouri Southern State University Board of Governors;

Also,

Anton H. Luetkemeyer, as student representative of the University of Missouri Board of Curators;

Also,

Omar D. Davis, as the Director of the Department of Revenue;

Also,

James R. Asahl, as a member of the Advisory Committee for 911 Service Oversight.

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 reappointment, which motion prevailed.

INTRODUCTIONS OF GUESTS

Senator Lager introduced to the Senate, members of the Great Northwest Delegation.

Senator Graham introduced to the Senate, Coach Brian Winkler, Assistant Coach Jeff Schleicher and members of the Class 1 Champion Lady Bearcats girls softball team, Cairo High School.

Senator Wilson introduced to the Senate, Neal Colby, Kansas City.

Senator Mayer introduced to the Senate, Kyle Elizabeth Kilroy, Kansas City.

On behalf of Senators Rupp, Dempsey and himself, Senator Kennedy introduced to the Senate, Katie Maws, St. Charles; and Carly Maddock and Caitlin Farrow, St. Louis.

Senator Kennedy introduced to the Senate, the Physician of the Day, Dr. Jim Gibbons, M.D., St. Louis.

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

SENATE CALENDAR

SIXTEENTH DAY—WEDNESDAY, FEBRUARY 6, 2008

FORMAL CALENDAR**SECOND READING OF SENATE BILLS**

SB 1072-Rupp
 SB 1073-Dempsey
 SB 1074-Dempsey
 SB 1075-Engler
 SB 1076-Engler
 SB 1077-Goodman
 SB 1078-Rupp
 SB 1079-Bray
 SB 1080-Bray

SB 1081-Nodler and Green
 SB 1082-Days
 SB 1083-Coleman
 SB 1084-Coleman and Bray
 SB 1085-Coleman and Bray
 SB 1086-Smith
 SB 1087-Clemens
 SB 1088-Clemens

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