



Senator Kevin Engler

Capitol Report

Majority Floor Leader

3rd District

*Senator Kevin Engler proudly represents the people of
Carter, Iron, Reynolds, St. Francois, Ste. Genevieve,
Washington counties and part of Jefferson County*

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Week of April 27, 2009

A Better Missouri Plan

The judicial selection process in our state has been called into question recently, and we discussed legislation this week to address the problems with the system. Since the 1940s, Missouri has used the “Nonpartisan Court Plan” also called the Missouri Plan, to select judges. In more recent history, the process has become extremely partisan and secretive and unfairly influenced by big city lawyers. House Joint Resolution 10 seeks to correct these problems by adding more transparency and putting more non-lawyer members on the panel that select the judges.

The process of judicial selection begins when the Appellate Judicial Commission chooses a list of candidates to fill state Supreme Court vacancies. Currently, lawyers who are appointed by the Missouri Bar hold the majority on the commission. The commission, behind closed doors, reviews applications of those who apply for the job and submits three candidates to the governor, who then has 60 days to make a selection. If he does not choose anyone, the commission then makes the selection. The result of this process is that attorneys are selecting those that govern them, setting up the potential for a conflict of interest

Changes proposed in HJR 10 include increasing the number of non-lawyer citizens that serve on the commission, providing a longer list of candidates to the governor, and requiring that all governor-appointed commission members be confirmed by the Senate. The governor would also be able to veto the first list of candidates and ask the panel to submit a second list if he feels he is not given a quality choice. The resolution also

makes the commission and the selection process subject to the Sunshine Law. While I think it is important to bring these changes forward for a vote of the people, the many democrats with close ties to trial attorneys filibustered the legislation. Despite hours of discussion on Wednesday, the bill was laid over.

Another issue I would like to mention is the current state of tourism funding, funding which is currently being withheld by the governor. To date, the governor is withholding \$750,000. Although the governor said a few months ago he would not be withholding nearly \$1 million from this year's budget. A quarter million dollars, has been released to the city of St. Louis for the upcoming All-Star Game. With tourism being the number one industry in the Parkland and much of out-state Missouri, this is extremely troubling. I hope that the governor's promise to not withhold this money was not an empty gesture simply to make people feel better at the time.

This week we successfully completed work on several other pieces of legislation. These bills, which were sent back to the House for approval, include:

- [House Bill 544](#), which would require the Commissioner of Administration to continue to maintain the web-based [Missouri Accountability Portal](#) (mapyourtaxes.mo.gov). I encourage you to check out the site, which includes a searchable database of goods and services purchased by the state, tax credit recipients and tax delinquents. The bill also adds the requirement that the governor submit a daily report documenting any funding withheld from the operating budget to be published and searchable on the site. It is a great accountability measure that ensures taxpayer dollars are accounted for and that these records are easily accessible to the public.
- [House Bill 427](#), an omnibus military measure, addresses several issues relating to military members and their families, including expanding the eligibility of the Veteran's Survivor Grant program and clarifying the rules for in-state tuition for military dependents by making sure students can continue to qualify for in-state tuition, even if their parent(s) move(s) from Missouri.

The budget conference committee met this week to work out the differences in the two chambers' fiscal year 2010 budgets. We will begin working on the resulting budget draft next week, and we must complete our work by the constitutional deadline, which falls

on May 8th this year.

If you are planning a trip to Jefferson City in the near future, do not hesitate to contact my office. You may reach me at 573-751-3455, send your e-mails to kevin.engler@senate.mo.gov or write to me at the Missouri Senate, State Capitol, Room 331, Jefferson City, MO 65101.

If you know anyone who would like to receive these updates electronically, please [send me](#) an email.

Contact Information

Capitol Office
State Capitol Building
Room 331
Jefferson City, MO 65101

Website:
<http://www.senate.mo.gov/engler>

Phone Number:
573.751.3455
Fax:
573.522.9318