

Journal of the Senate

FIRST REGULAR SESSION

FORTY-SEVENTH DAY—MONDAY, APRIL 2, 2007

The Senate met pursuant to adjournment.

Shields Shoemyer Smith Stouffer
Vogel Wilson—34

Senator Scott in the Chair.

Reverend Carl Gauck offered the following prayer:

Absent—Senators—None

“So let us not be weary in doing what is right, for we will reap at the harvest time, if we do not give up.” (Galatians 6:9)

Absent with leave—Senators—None

We begin a new week, O Lord, mindful that time is passing quickly and there is much for us to do here. Give us strength to persist in spite of all of the obstacles that lie before us. Let our efforts be for the best that can come out of conflict. Our love of the law only limited by our love of our fellow citizens. In Your Holy Name we pray. Amen.

Vacancies—None

RESOLUTIONS

The Pledge of Allegiance to the Flag was recited.

Senator Vogel offered Senate Resolution No. 745, regarding Joyce F. Browner, Russellville, which was adopted.

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

Senator Gibbons offered Senate Resolution No. 746, regarding Joe Shaver, Saint Louis, which was adopted.

The Journal for Thursday, March 29, 2007 was read and approved.

Senator Vogel offered Senate Resolution No. 747, regarding the Eightieth Birthdays of Melba G. Willibrand and Norma G. Butler, Jefferson City, which was adopted.

The following Senators were present during the day’s proceedings:

Senator Vogel offered Senate Resolution No. 748, regarding the Ninety-third Birthday of Henrietta Galbreath, Fulton, which was adopted.

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 Graham offered Senate Resolution No. 749, regarding the University of Missouri-Columbia Wrestling Program, which was adopted.

Senator Graham offered Senate Resolution No. 750, regarding Tessa Vellek, Columbia, which

was adopted.

Senator Gross offered Senate Resolution No. 751, regarding Jacob Paul Layer, St. Peters, which was adopted.

Senator Gross offered Senate Resolution No. 752, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. John A. Bieda, St. Charles, which was adopted.

Senator Gibbons offered Senate Resolution No. 753, regarding the Missouri Youth/Adult Alliance, which was adopted.

Senator Coleman offered Senate Resolution No. 754, regarding the Missouri Alliance of Boys and Girls Clubs, which was adopted.

Senator Gibbons offered Senate Resolution No. 755, regarding Travis William Herd, Crestwood, which was adopted.

Senator Gibbons offered Senate Resolution No. 756, regarding Berry Door and Window, which was adopted.

Senator Wilson offered Senate Resolution No. 757, regarding Nicole Stamets, Kansas City, which was adopted.

Senator Stouffer offered Senate Resolution No. 758, regarding Greg Schmidt, Concordia, which was adopted.

Senator Stouffer offered Senate Resolution No. 759, regarding La Plata High School Boys Basketball Program, which was adopted.

Senator Green offered Senate Resolution No. 760, regarding Rosemary Cira, Florissant, which was adopted.

Senator Rupp offered Senate Resolution No. 761, regarding Christopher Snowden, O'Fallon, which was adopted.

Senator Mayer offered Senate Resolution No. 762, regarding the One Hundredth Birthday of Henry Barnes, Bernie, which was adopted.

Senator Crowell offered Senate Resolution

No. 763, regarding Dr. Mary V. Moore Johnson, which was adopted.

Senator Crowell offered Senate Resolution No. 764, regarding Mary Ann Stamp, which was adopted.

Senator Crowell offered Senate Resolution No. 765, regarding Monica Parsons, which was adopted.

Senator Crowell offered Senate Resolution No. 766, regarding Ruth Ann Orr, which was adopted.

Senator Crowell offered Senate Resolution No. 767, regarding Sydney Herbst, which was adopted.

Senator Shoemyer offered Senate Resolution No. 768, regarding the Fifty-fifth Wedding Anniversary of Robert and Vera Crandal, Wayland, which was adopted.

Senator Engler offered Senate Resolution No. 769, regarding Brant Nicholas Hubbs, Viburnum, which was adopted.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HB 1—Appropriations.

HCS for HB 2—Appropriations.

HCS for HB 3—Appropriations.

HCS for HB 4—Appropriations.

HCS for HB 5—Appropriations.

HCS for HB 6—Appropriations.

HCS for HB 7—Appropriations.

HCS for HB 8—Appropriations.

HCS for HB 9—Appropriations.

HCS for HB 10—Appropriations.

HCS for HB 11—Appropriations.

HCS for HB 12—Appropriations.

HCS for HB 13—Appropriations.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SRB 613**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

SENATE BILLS FOR PERFECTION

Senator Shields moved that **SB 577**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for SB 577, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 577

An Act to repeal sections 208.014, 208.151, 208.152, 208.153, 208.201, 208.631, 660.546, 660.547, 660.549, 660.551, 660.553, 660.555, and 660.557, RSMo, and to enact in lieu thereof sixteen new sections relating to the Missouri health improvement act of 2007, with an emergency clause for a certain section.

Was taken up.

Senator Shields moved that **SCS for SB 577** be adopted.

Senator Shields offered **SS for SCS for SB 577**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 577

An Act to repeal sections 191.411, 208.014, 208.151, 208.152, 208.153, 208.201, 208.212, 208.215, 208.217, 208.631, 208.930, 473.398, 660.546, 660.547, 660.549, 660.551, 660.553, 660.555, and 660.557, RSMo, and to enact in lieu thereof twenty-three new sections relating to the

creation of the MO HealthNet program in order to provide medical assistance for needy persons, with penalty provisions and an emergency clause for a certain section.

Senator Shields moved that **SS for SCS for SB 577** be adopted.

Senator Lager offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 577, page 55, section 208.670, lines 14-15, by deleting the words “to permit” on line 14 and inserting in lieu thereof the words “governing” and by deleting the words “state of Missouri” on line 15 and inserting in lieu thereof the words “MO HealthNet program”.

Senator Lager moved that the above amendment be adopted, which motion prevailed.

Senator Lager offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 577, page 32, section 208.197, lines 20-21, by deleting the word “fifteen” on line 20 and inserting in lieu thereof the word “eighteen” and by deleting the words “at least” on lines 20-21.

Senator Lager moved that the above amendment be adopted.

Senator Days offered **SSA 1 for SA 2**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 577, Page 32, Section 208.197, Line 20, by striking the words “fifteen members” and inserting in lieu thereof the following: “**eighteen members, geographically balanced,**”; and further amend lines 20-21 by striking the words “at least”; and further amend said line by inserting immediately

after the word “state” the following: “**and two patient advocates**”.

Senator Days moved that the above substitute amendment be adopted.

Senator Callahan offered **SA 1** to **SSA 1** for **SA 2**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 2

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 2 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 577, Page 1, Section 208.197, Line 6, by striking the word “and” and inserting in lieu thereof the following: “;” and further amend line 7 by inserting immediately after the word “advocates” the following: “**and the attorney general, or his or her designee**”.

Senator Callahan moved that the above amendment be adopted, which motion prevailed.

SSA 1 for **SA 2**, as amended, was again taken up.

Senator Days moved that the above substitute amendment be adopted, which motion prevailed.

Senator Days offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 577, Page 2, Section 191.411, Line 28 of said page, by striking “or psychologists” and inserting in lieu thereof the following: “**psychologists, or other mental health providers licensed under chapter 337, RSMo**”.

Senator Days moved that the above amendment be adopted, which motion prevailed.

Senator Rupp assumed the Chair.

Senator Kennedy offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 577, Page 47, Section 208.215, Lines 26-28 of said page, by striking all of said lines and inserting in lieu thereof the following: “be recorded and indexed. The director or the”; and

Further amend said bill and section, Page 48, Lines 3 to 5 of said page, by striking all of said lines and inserting in lieu thereof the following: “recorder. **The department of social services, MO HealthNet division, shall provide payment to the recorder of deeds the fees set for similar filings in connection with the filing of a lien and any other necessary documents;**”.

Senator Kennedy moved that the above amendment be adopted, which motion prevailed.

Senator Callahan offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 577, Page 76, Section 208.955, Line 6, by striking the word “thirteen” and inserting in lieu thereof the following: “**fourteen**”; and further amend line 17 by striking the word “and”; and further amend line 20 by inserting immediately after the word “designee” the following:

“; and
(7) The attorney general, or his or her designee”.

Senator Callahan moved that the above amendment be adopted, which motion prevailed.

Senator Engler offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 577, Page 69, Section 208.950, Line 14 of said page, by inserting after “8.” the following: “**The department shall engage in a public process for the design, development, and implementation of the health improvement plans, health advocates,**

and health improvement points, and other provisions of MO HealthNet; such public process shall include but not be limited to processes to allow for input from consumers, health advocates, disability advocates, and other key stakeholders parties.

9.”; and further amend said section by renumbering the remaining subsections accordingly.

Senator Engler moved that the above amendment be adopted, which motion prevailed.

Senator Barnitz offered SA 7:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 577, Page 67, Section 208.950, Line 25 of said page, by striking said line and inserting in lieu thereof the following: **“choice of which health improvement plans to enroll in. The three access choices for”**; and further amend line 28 of said page, by inserting after all of said line the following: **“The state shall provide to applicants information on all three health improvement plans prior to the applicant choosing a plan. The participant shall also choose between available vendors in the health improvement plan.”**; and

Further amend said bill and section, Page 68, Line 6 of said page, by striking “2013” and inserting in lieu thereof the following: **“2016”**; and further amend line 13 of said page, by inserting after all of said line the following:

“5. No provision of any statute shall be construed as to require any aged, blind or disabled person to enroll in a capitated managed care plan.”; and further amend said section by renumbering the remaining subsections accordingly; and

Further amend said bill and section, Page 75, Lines 10 to 14 of said page, by striking all of said lines and inserting in lieu thereof the following: **“of aged, blind, or disabled, as specified in**

subdivision (24) of subsection 1 of section 208.151, in a health improvement plan. One-half of the aged, blind and disabled participants shall be enrolled in their choice of health improvement plan by July 1, 2013. Participants shall have the ability to opt-out of enrolling in a health improvement plan prior to 2013. Participants who opt-out will continue to receive medical assistance, Title XIX, under the Missouri Medicaid rules in place on June 30, 2007.”; and further amend lines 15 to 19 of said page, by striking all of said lines and inserting in lieu thereof the following:

“13. By July 1, 2016, the remainder of recipients of MO HealthNet benefits who receive such assistance on the basis of being aged, blind, or disabled, as specified in subdivision (24) of section 208.151 shall choose their health improvement plan.”

Senator Barnitz moved that the above amendment be adopted.

Senator Shields offered SSA 1 for SA 7:

SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 577, Page 67, Section 208.950, Line 25 of said page, by striking said line and inserting in lieu thereof the following: **“choice of which health improvement plans to enroll in. The three access choices for”**; and further amend line 28 of said page, by inserting after all of said line the following: **“The state shall provide to applicants information on all three health improvement plans prior to the applicant choosing a plan. The participant shall also choose between available vendors in the health improvement plan.”**; and

Further amend said bill and section, Page 68, Line 13 of said page, by inserting after all of said line the following:

“5. No provision of any statute shall be construed as to require any aged, blind or

disabled person to enroll in a risk-bearing care coordination plan unless there is no other health improvement plan available in the area.”; and further amend said section by renumbering the remaining subsections accordingly.

Senator Shields moved that the above substitute amendment be adopted.

Senator Shields announced that photographers from KOMU-TV were given permission to take pictures in the Senate Chamber today.

Senator Barnitz requested a roll call vote be taken on the adoption of SSA 1 for SA 7 and was joined in his request by Senators Callahan, Days, Graham and Kennedy.

SSA 1 for SA 7 was adopted by the following vote:

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|---------------|-------------|--------|---------|
| YEAS—Senators | | | |
| Bartle | Champion | Engler | Gibbons |
| Goodman | Griesheimer | Gross | Koster |
| Lager | Loudon | Mayer | Nodler |
| Purgason | Rupp | Scott | Shields |
| Stouffer | Vogel—18 | | |

| | | | |
|---------------|-----------|----------|----------|
| NAYS—Senators | | | |
| Barnitz | Bray | Callahan | Coleman |
| Crowell | Days | Graham | Green |
| Justus | Kennedy | McKenna | Shoemyer |
| Smith | Wilson—14 | | |

Absent—Senator Clemens—1

Absent with leave—Senator Ridgeway—1

Vacancies—None

At the request of Senator Shields, SB 577, with SCS and SS for SCS, as amended (pending), was placed on the Informal Calendar.

INTRODUCTIONS OF GUESTS

Senator Griesheimer introduced to the Senate, Darin Gilley, Pacific; Cindy Downing, Beaufort; Carol Straatmann, Washington; and Kelly Knehans, Villa Ridge.

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

SENATE CALENDAR

FORTY-EIGHTH DAY—TUESDAY, APRIL 3, 2007

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SRB 613-Goodman

SENATE BILLS FOR PERFECTION

- | | |
|---|--|
| 1. SB 668-Loudon, with SCS | 4. SBs 555 & 38-Gibbons, with SCS |
| 2. SB 496-Koster and Bartle, with SCS | 5. SB 499-Engler and Clemens, with SCS |
| 3. SBs 660, 553, 557, 167, 258, 114 & 378-Mayer, with SCS | 6. SB 572-Vogel |
| | 7. SB 627-Ridgeway |

- | | |
|--|----------------------------|
| 8. SB 599-Engler, with SCS | 14. SB 542-Scott, with SCS |
| 9. SB 205-Stouffer and Gibbons, with SCS | 15. SB 592-Scott, with SCS |
| 10. SB 521-Lager, et al, with SCS | 16. SB 664-Scott, with SCS |
| 11. SB 611-Goodman, with SCS | 17. SB 212-Goodman |
| 12. SB 537-Lager | 18. SB 654-Kennedy |
| 13. SB 523-Scott, with SCS | 19. SB 563-Lager, with SCS |

HOUSE BILLS ON THIRD READING

- | | |
|---------------------------------|--|
| HCS for HB 453 (Mayer) | HCS for HB 327, with SCS (Griesheimer) |
| HJR 7-Nieves, with SCS (Engler) | |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|---|---|
| SB 2-Gibbons, with SCS | SB 242-Nodler, with SCS |
| SB 5-Loudon, with SCS | SB 250-Ridgeway and Vogel |
| SB 17-Shields, with SCS | SB 252-Ridgeway and McKenna |
| SB 20-Griesheimer, with SCS | SB 254-Nodler, et al, with SCS |
| SB 21-Griesheimer, with SCS | SBs 260 & 71-Koster, et al, with SCS |
| SB 27-Bartle and Koster | SB 274-Shields |
| SB 31-Nodler | SB 282-Griesheimer, with SCS & SS for SCS (pending) |
| SB 40-Ridgeway, with SS (pending) | SB 287-Crowell and Vogel |
| SB 53-Koster and Engler, with SCS | SB 292-Mayer |
| SB 75-Coleman, et al, with SCS | SB 297-Loudon, with SCS |
| SB 85-Champion and Koster, with SCS | SB 300-Bartle |
| SB 86-Champion, with SCS | SB 303-Loudon, et al |
| SB 101-Mayer | SB 313-Scott, with SCS |
| SB 131-Rupp | SB 341-Goodman, with SCS |
| SB 153-Engler, et al, with SCS | SB 363-Bartle |
| SB 155-Engler, with SCS | SB 364-Koster, with SCS |
| SB 160-Rupp, with SCS | SB 368-Barnitz, et al, with SCS |
| SB 168-Mayer and Crowell, with SCS | SBs 370, 375 & 432-Scott and Koster, with SCS & SA 3 (pending) |
| SB 169-Rupp, with SCS, SS for SCS & SA 3 (pending) | SB 385-Gibbons, with SCS |
| SB 204-Stouffer, with SCS & SS for SCS (pending) | SB 389-Nodler, et al, with SCS & SS#4 for SCS (pending) |
| SB 213-McKenna | |

SB 391-Days, with SCS
 SB 400-Crowell, et al
 SB 428-Purgason, with SCS
 SB 429-Gibbons, with SCS
 SB 430-Shields, et al, with SCS, SS#2 for
 SCS, SA 4 & SSA 3 for SA 4 (pending)
 SB 433-Callahan and Rupp
 SB 444-Goodman
 SB 453-Scott, with SCS
 SB 458-Gibbons

SB 476-Crowell
 SB 480-Ridgeway, et al, with SCS
 SB 492-Crowell
 SB 511-Scott, with SCS
 SB 531-Gibbons, with SCS
 SB 534-Nodler
 SB 570-Clemens
 SB 577-Shields and Gibbons, with SCS &
 SS for SCS (pending)
 SB 698-Ridgeway, et al, with SCS

Unofficial
 CONSENT CALENDAR

Senate Bills

Reported 2/8

SB 211-Goodman

Journal
 Reported 2/15

SB 8-Kennedy

Reported 3/8

SB 185-Green

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