

Journal of the Senate

SECOND REGULAR SESSION

FIFTY-FOURTH DAY—MONDAY, APRIL 19, 2010

The Senate met pursuant to adjournment.

Senator Pearce in the Chair.

Reverend Carl Gauck offered the following prayer:

“This is what the Holy One said to Israel: My children, what do I seek from you? I seek no more than that you love one another and honor one another.” (Tanna d’Bai Eliyahu)

Lord, we are thankful for Your watching over our travel this day and bringing us safely here to serve You and the people we represent. In our serving may we always honor one another and see to love even those who are sometimes hard to love. So we pray guide our thoughts and actions whether in or out of this chamber so they reflect our love for You. 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 for Thursday, April 15, 2010 was read and approved.

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

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson

Wright-Jones—33

Absent—Senators—None

Absent with leave—Senator McKenna—1

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Crowell offered Senate Resolution No. 2196, regarding Super 8 Motel, Perryville, which was adopted.

Senator Griesheimer offered Senate Resolution No. 2197, regarding Richard “Dick” Stratman, Washington, which was adopted.

Senator Griesheimer offered Senate Resolution No. 2198, regarding John Covington, New Haven, which was adopted.

Senator Crowell offered Senate Resolution No. 2199, regarding Linda T. Sacha, which was adopted.

Senator Crowell offered Senate Resolution No. 2200, regarding Ann Hogan, which was adopted.

Senator Crowell offered Senate Resolution No. 2201, regarding Toni Ryan Dement, which was adopted.

Senator Crowell offered Senate Resolution No. 2202, regarding Ann E. Cunningham, which was adopted.

Senator Shields offered Senate Resolution No. 2203, regarding Jacob C. Phillip Hochard, which was adopted.

Senator Shields offered Senate Resolution No. 2204, regarding Alexander M. Stearns, which was adopted.

Senator Griesheimer offered Senate Resolution No. 2205, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Robert Overschmidt, Sr., Union, which was adopted.

Senator Bartle offered Senate Resolution No. 2206, regarding Jason Jackson Ringer, which was adopted.

Senator Bartle offered Senate Resolution No. 2207, regarding Joseph David Stanton, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 2208, regarding the Fathers’ Support Center, Saint Louis, which was adopted.

Senator Wilson offered Senate Resolution No. 2209, regarding the Missouri Federation of Chapters of the National Active and Retired Federal Employees Association, which was adopted.

Senator Wilson offered Senate Resolution No. 2210, regarding Abena Adutwum, Kansas City, which was adopted.

Senator Bray offered Senate Resolution No. 2211, regarding Julie Morgan, Rock Hill, which was adopted.

Senator Crowell offered Senate Resolution No. 2212, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Vernon Eggimann, Jackson, which was adopted.

Senator Crowell offered Senate Resolution No. 2213, regarding the Thirtieth Wedding Anniversary of Mr. and Mrs. Terry Wayne Pohlman, Oak Ridge, which was adopted.

Senator Crowell offered Senate Resolution No. 2214, regarding the Fortieth Wedding Anniversary of Mr. and Mrs. Mike Eby, Whitewater, which was adopted.

Senator Crowell offered Senate Resolution No. 2215, regarding the Fiftieth Wedding Anniversary of

Mr. and Mrs. Joe D. King, Cape Girardeau, which was adopted.

Senator Dempsey offered Senate Resolution No. 2216, regarding Matthew Kyle Thomas, St. Peters, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Dempsey moved that **SB 1007** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Dempsey offered **SS** for **SB 1007**, entitled:

**SENATE SUBSTITUTE FOR
SENATE BILL NO. 1007**

An Act to repeal sections 208.010, 208.895, 208.909, 208.918, and 660.300, RSMo, and to enact in lieu thereof six new sections relating to public assistance programs administered by the state, with penalty provisions and a contingent effective date for a certain section.

Senator Dempsey moved that **SS** for **SB 1007** be adopted.

Senator Green offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 1007, Page 10, Section 208.010, Line 8 of said page, by inserting immediately after said line the following:

“208.453. Every hospital as defined by section 197.020, RSMo, except [public hospitals which are operated primarily for the care and treatment of mental disorders and] any hospital operated by the department of health and senior services, shall, in addition to all other fees and taxes now required or paid, pay a federal reimbursement allowance for the privilege of engaging in the business of providing inpatient health care in this state. For the purpose of this section, the phrase “engaging in the business of providing inpatient health care in this state” shall mean accepting payment for inpatient services rendered. The federal reimbursement allowance to be paid by a hospital which has an unsponsored care ratio that exceeds sixty-five percent or hospitals owned or operated by the board of curators, as defined in chapter 172, RSMo, may be eliminated by the director of the department of social services. The unsponsored care ratio shall be calculated by the department of social services.”; and

Further amend the title and enacting clause accordingly.

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

Senator Bray offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 1007, Pages 10-11, Section 208.895, by striking said section and inserting in lieu thereof the following:

“208.895. Upon receipt of a properly completed referral for MO HealthNet-funded home- and community-based care containing a nurse assessment or physician's order, the department of health and senior services shall:

- (1) Review the recommendations regarding services and process the referral within fifteen business

days;

(2) Issue a prior-authorization for home and community-based services when information contained in the referral is sufficient to establish eligibility for MO HealthNet-funded long-term care and determine the level of service need as required under state and federal regulations;

(3) Arrange for the provision of services by an in-home provider;

(4) Reimburse the in-home provider for one nurse visit to conduct an assessment and recommendation for a care plan and, where necessary based on case circumstances, a second nurse visit may be authorized to gather additional information or documentation necessary to constitute a completed referral;

(5) Notify the referring entity upon the authorization of MO HealthNet eligibility and provide MO HealthNet reimbursement for personal care benefits effective the date of the assessment or physician's order, and MO HealthNet reimbursement for waiver services effective the date the state reviews and approves the care plan;

(6) Notify the referring entity within five business days of receiving the referral if additional information is required to process the referral; and

(7) Inform the provider and contact the individual when information is insufficient or the proposed care plan requires additional evaluation by state staff that is not obtained from the referring entity to schedule an in-home assessment to be conducted by the state staff within thirty days. **The department of health and senior services shall establish contracts for home and community based assessment pilot projects, implemented in two regions of the state, with one in an urban area and one in a rural area. Each pilot project shall provide for contracts with an independent third party assessor and shall meet the requirements of this section including requiring a care plan. The department of health and senior services shall, by December 31, 2013, submit a report to the governor and general assembly detailing the outcomes of these pilot projects. The report shall take into consideration the impact of third party assessments on the quality of the services delivered to home and community based participants.**”; and

Further amend said bill, Page 24, Section B, Lines 11 to 16, by striking all of said lines; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted, which motion failed.

Senator Schmitt offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Bill No. 1007, Page 10, Section 208.010, Line 8, by inserting after all of said line the following:

“208.215. 1. MO HealthNet is payer of last resort unless otherwise specified by law. When any person, corporation, institution, public agency or private agency is liable, either pursuant to contract or otherwise, to a participant receiving public assistance on account of personal injury to or disability or disease or benefits arising from a health insurance plan to which the participant may be entitled, payments made by the department of social services or MO HealthNet division shall be a debt due the state and recoverable from the liable party or participant for all payments made [in] **on** behalf of the participant and the debt due the state shall not exceed the payments made from MO HealthNet benefits provided under sections 208.151 to 208.158 and section 208.162 and section 208.204 on behalf of the participant, minor or estate for

payments on account of the injury, disease, or disability or benefits arising from a health insurance program to which the participant may be entitled. **Any health benefit plan as defined in section 376.1350, third party administrator, administrative service organization, and pharmacy benefits manager, shall process and pay all properly submitted medical assistance subrogation claims or MO HealthNet subrogation claims:**

(1) For a period of three years from the date services were provided or rendered, regardless of any other timely filing requirement otherwise imposed by such entity, and the entity shall not deny such claims on the basis of the type or format of the claim form, failure to present proper documentation of coverage at the point of sale, or failure to obtain prior authorization; and

(2) If any action by the state to enforce its rights with respect to such claim is commenced within six years of the state's submission of such claim.

2. The department of social services, MO HealthNet division, or its contractor may maintain an appropriate action to recover funds paid by the department of social services or MO HealthNet division or its contractor that are due under this section in the name of the state of Missouri against the person, corporation, institution, public agency, or private agency liable to the participant, minor or estate.

3. Any participant, minor, guardian, conservator, personal representative, estate, including persons entitled under section 537.080, RSMo, to bring an action for wrongful death who pursues legal rights against a person, corporation, institution, public agency, or private agency liable to that participant or minor for injuries, disease or disability or benefits arising from a health insurance plan to which the participant may be entitled as outlined in subsection 1 of this section shall upon actual knowledge that the department of social services or MO HealthNet division has paid MO HealthNet benefits as defined by this chapter promptly notify the MO HealthNet division as to the pursuit of such legal rights.

4. Every applicant or participant by application assigns his right to the department of social services or MO HealthNet division of any funds recovered or expected to be recovered to the extent provided for in this section. All applicants and participants, including a person authorized by the probate code, shall cooperate with the department of social services, MO HealthNet division in identifying and providing information to assist the state in pursuing any third party who may be liable to pay for care and services available under the state's plan for MO HealthNet benefits as provided in sections 208.151 to 208.159 and sections 208.162 and 208.204. All applicants and participants shall cooperate with the agency in obtaining third-party resources due to the applicant, participant, or child for whom assistance is claimed. Failure to cooperate without good cause as determined by the department of social services, MO HealthNet division in accordance with federally prescribed standards shall render the applicant or participant ineligible for MO HealthNet benefits under sections 208.151 to 208.159 and sections 208.162 and 208.204. A [recipient] **participant** who has notice or who has actual knowledge of the department's rights to third-party benefits who receives any third-party benefit or proceeds for a covered illness or injury is either required to pay the division within sixty days after receipt of settlement proceeds the full amount of the third-party benefits up to the total MO HealthNet benefits provided or to place the full amount of the third-party benefits in a trust account for the benefit of the division pending judicial or administrative determination of the division's right to third-party benefits.

5. Every person, corporation or partnership who acts for or on behalf of a person who is or was eligible for MO HealthNet benefits under sections 208.151 to 208.159 and sections 208.162 and 208.204 for purposes of pursuing the applicant's or participant's claim which accrued as a result of a nonoccupational

or nonwork-related incident or occurrence resulting in the payment of MO HealthNet benefits shall notify the MO HealthNet division upon agreeing to assist such person and further shall notify the MO HealthNet division of any institution of a proceeding, settlement or the results of the pursuit of the claim and give thirty days' notice before any judgment, award, or settlement may be satisfied in any action or any claim by the applicant or participant to recover damages for such injuries, disease, or disability, or benefits arising from a health insurance program to which the participant may be entitled.

6. Every participant, minor, guardian, conservator, personal representative, estate, including persons entitled under section 537.080, RSMo, to bring an action for wrongful death, or his attorney or legal representative shall promptly notify the MO HealthNet division of any recovery from a third party and shall immediately reimburse the department of social services, MO HealthNet division, or its contractor from the proceeds of any settlement, judgment, or other recovery in any action or claim initiated against any such third party. A judgment, award, or settlement in an action by a [recipient] **participant** to recover damages for injuries or other third-party benefits in which the division has an interest may not be satisfied without first giving the division notice and a reasonable opportunity to file and satisfy the claim or proceed with any action as otherwise permitted by law.

7. The department of social services, MO HealthNet division or its contractor shall have a right to recover the amount of payments made to a provider under this chapter because of an injury, disease, or disability, or benefits arising from a health insurance plan to which the participant may be entitled for which a third party is or may be liable in contract, tort or otherwise under law or equity. Upon request by the MO HealthNet division, all third-party payers shall provide the MO HealthNet division with information contained in a 270/271 Health Care Eligibility Benefits Inquiry and Response standard transaction mandated under the federal Health Insurance Portability and Accountability Act, except that third-party payers shall not include accident-only, specified disease, disability income, hospital indemnity, or other fixed indemnity insurance policies.

8. The department of social services or MO HealthNet division shall have a lien upon any moneys to be paid by any insurance company or similar business enterprise, person, corporation, institution, public agency or private agency in settlement or satisfaction of a judgment on any claim for injuries or disability or disease benefits arising from a health insurance program to which the participant may be entitled which resulted in medical expenses for which the department or MO HealthNet division made payment. This lien shall also be applicable to any moneys which may come into the possession of any attorney who is handling the claim for injuries, or disability or disease or benefits arising from a health insurance plan to which the participant may be entitled which resulted in payments made by the department or MO HealthNet division. In each case, a lien notice shall be served by certified mail or registered mail, upon the party or parties against whom the applicant or participant has a claim, demand or cause of action. The lien shall claim the charge and describe the interest the department or MO HealthNet division has in the claim, demand or cause of action. The lien shall attach to any verdict or judgment entered and to any money or property which may be recovered on account of such claim, demand, cause of action or suit from and after the time of the service of the notice.

9. On petition filed by the department, or by the participant, or by the defendant, the court, on written notice of all interested parties, may adjudicate the rights of the parties and enforce the charge. The court may approve the settlement of any claim, demand or cause of action either before or after a verdict, and nothing in this section shall be construed as requiring the actual trial or final adjudication of any claim, demand or cause of action upon which the department has charge. The court may determine what portion of the

recovery shall be paid to the department against the recovery. In making this determination the court shall conduct an evidentiary hearing and shall consider competent evidence pertaining to the following matters:

(1) The amount of the charge sought to be enforced against the recovery when expressed as a percentage of the gross amount of the recovery; the amount of the charge sought to be enforced against the recovery when expressed as a percentage of the amount obtained by subtracting from the gross amount of the recovery the total attorney's fees and other costs incurred by the participant incident to the recovery; and whether the department should, as a matter of fairness and equity, bear its proportionate share of the fees and costs incurred to generate the recovery from which the charge is sought to be satisfied;

(2) The amount, if any, of the attorney's fees and other costs incurred by the participant incident to the recovery and paid by the participant up to the time of recovery, and the amount of such fees and costs remaining unpaid at the time of recovery;

(3) The total hospital, doctor and other medical expenses incurred for care and treatment of the injury to the date of recovery therefor, the portion of such expenses theretofore paid by the participant, by insurance provided by the participant, and by the department, and the amount of such previously incurred expenses which remain unpaid at the time of recovery and by whom such incurred, unpaid expenses are to be paid;

(4) Whether the recovery represents less than substantially full recompense for the injury and the hospital, doctor and other medical expenses incurred to the date of recovery for the care and treatment of the injury, so that reduction of the charge sought to be enforced against the recovery would not likely result in a double recovery or unjust enrichment to the participant;

(5) The age of the participant and of persons dependent for support upon the participant, the nature and permanency of the participant's injuries as they affect not only the future employability and education of the participant but also the reasonably necessary and foreseeable future material, maintenance, medical rehabilitative and training needs of the participant, the cost of such reasonably necessary and foreseeable future needs, and the resources available to meet such needs and pay such costs;

(6) The realistic ability of the participant to repay in whole or in part the charge sought to be enforced against the recovery when judged in light of the factors enumerated above.

10. The burden of producing evidence sufficient to support the exercise by the court of its discretion to reduce the amount of a proven charge sought to be enforced against the recovery shall rest with the party seeking such reduction. **The computerized records of the MO HealthNet division, certified by the director or his designee, shall be prima facie evidence of proof of moneys expended and the amount of the debt due the state.**

11. The court may reduce and apportion the department's or MO HealthNet division's lien proportionate to the recovery of the claimant. The court may consider the nature and extent of the injury, economic and noneconomic loss, settlement offers, comparative negligence as it applies to the case at hand, hospital costs, physician costs, and all other appropriate costs. The department or MO HealthNet division shall pay its pro rata share of the attorney's fees based on the department's or MO HealthNet division's lien as it compares to the total settlement agreed upon. This section shall not affect the priority of an attorney's lien under section 484.140, RSMo. The charges of the department or MO HealthNet division or contractor described in this section, however, shall take priority over all other liens and charges existing under the laws of the state of Missouri with the exception of the attorney's lien under such statute.

12. Whenever the department of social services or MO HealthNet division has a statutory charge under this section against a recovery for damages incurred by a participant because of its advancement of any assistance, such charge shall not be satisfied out of any recovery until the attorney's claim for fees is satisfied, [irrespective] **regardless** of whether [or not] an action based on participant's claim has been filed in court. Nothing herein shall prohibit the director from entering into a compromise agreement with any participant, after consideration of the factors in subsections 9 to 13 of this section.

13. This section shall be inapplicable to any claim, demand or cause of action arising under the workers' compensation act, chapter 287, RSMo. From funds recovered pursuant to this section the federal government shall be paid a portion thereof equal to the proportionate part originally provided by the federal government to pay for MO HealthNet benefits to the participant or minor involved. The department or MO HealthNet division shall enforce TEFRA liens, 42 U.S.C. 1396p, as authorized by federal law and regulation on permanently institutionalized individuals. The department or MO HealthNet division shall have the right to enforce TEFRA liens, 42 U.S.C. 1396p, as authorized by federal law and regulation on all other institutionalized individuals. For the purposes of this subsection, "permanently institutionalized individuals" includes those people who the department or MO HealthNet division determines cannot reasonably be expected to be discharged and return home, and "property" includes the homestead and all other personal and real property in which the participant has sole legal interest or a legal interest based upon co-ownership of the property which is the result of a transfer of property for less than the fair market value within thirty months prior to the participant's entering the nursing facility. The following provisions shall apply to such liens:

(1) The lien shall be for the debt due the state for MO HealthNet benefits paid or to be paid on behalf of a participant. The amount of the lien shall be for the full amount due the state at the time the lien is enforced;

(2) The MO HealthNet division shall file for record, with the recorder of deeds of the county in which any real property of the participant is situated, a written notice of the lien. The notice of lien shall contain the name of the participant and a description of the real estate. The recorder shall note the time of receiving such notice, and shall record and index the notice of lien in the same manner as deeds of real estate are required to be recorded and indexed. The director or the director's designee may release or discharge all or part of the lien and notice of the release shall also be filed with the 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;

(3) No such lien may be imposed against the property of any individual prior to the individual's death on account of MO HealthNet benefits paid except:

(a) In the case of the real property of an individual:

a. Who is an inpatient in a nursing facility, intermediate care facility for the mentally retarded, or other medical institution, if such individual is required, as a condition of receiving services in such institution, to spend for costs of medical care all but a minimal amount of his or her income required for personal needs; and

b. With respect to whom the director of the MO HealthNet division or the director's designee determines, after notice and opportunity for hearing, that he cannot reasonably be expected to be discharged from the medical institution and to return home. The hearing, if requested, shall proceed under the provisions of chapter 536, RSMo, before a hearing officer designated by the director of the MO HealthNet

division; or

(b) Pursuant to the judgment of a court on account of benefits incorrectly paid on behalf of such individual;

(4) No lien may be imposed under paragraph (b) of subdivision (3) of this subsection on such individual's home if one or more of the following persons is lawfully residing in such home:

(a) The spouse of such individual;

(b) Such individual's child who is under twenty-one years of age, or is blind or permanently and totally disabled; or

(c) A sibling of such individual who has an equity interest in such home and who was residing in such individual's home for a period of at least one year immediately before the date of the individual's admission to the medical institution;

(5) Any lien imposed with respect to an individual pursuant to subparagraph b of paragraph (a) of subdivision (3) of this subsection shall dissolve upon that individual's discharge from the medical institution and return home.

14. The debt due the state provided by this section is subordinate to the lien provided by section 484.130, RSMo, or section 484.140, RSMo, relating to an attorney's lien and to the participant's expenses of the claim against the third party.

15. Application for and acceptance of MO HealthNet benefits under this chapter shall constitute an assignment to the department of social services or MO HealthNet division of any rights to support for the purpose of medical care as determined by a court or administrative order and of any other rights to payment for medical care.

16. All participants receiving benefits as defined in this chapter shall cooperate with the state by reporting to the family support division or the MO HealthNet division, within thirty days, any occurrences where an injury to their persons or to a member of a household who receives MO HealthNet benefits is sustained, on such form or forms as provided by the family support division or MO HealthNet division.

17. If a person fails to comply with the provision of any judicial or administrative decree or temporary order requiring that person to maintain medical insurance on or be responsible for medical expenses for a dependent child, spouse, or ex-spouse, in addition to other remedies available, that person shall be liable to the state for the entire cost of the medical care provided pursuant to eligibility under any public assistance program on behalf of that dependent child, spouse, or ex-spouse during the period for which the required medical care was provided. Where a duty of support exists and no judicial or administrative decree or temporary order for support has been entered, the person owing the duty of support shall be liable to the state for the entire cost of the medical care provided on behalf of the dependent child or spouse to whom the duty of support is owed.

18. The department director or the director's designee may compromise, settle or waive any such claim in whole or in part in the interest of the MO HealthNet program. Notwithstanding any provision in this section to the contrary, the department of social services, MO HealthNet division is not required to seek reimbursement from a liable third party on claims for which the amount it reasonably expects to recover will be less than the cost of recovery or for which recovery efforts will not be cost-effective. Cost-effectiveness is determined based on the following:

(1) Actual and legal issues of liability as may exist between the [recipient] **participant** and the liable party;

(2) Total funds available for settlement; and

(3) An estimate of the cost to the division of pursuing its claim.”; and

Further amend the title and enacting clause accordingly.

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

Senator Crowell offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Bill No. 1007, Page 24, Section B, Lines 11-16, by striking all of said lines; and

Further amend the title and enacting clause accordingly.

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

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

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Bill No. 1007, Page 1, Section A, Line 4, by inserting after all of said line the following:

“198.016. Prior to admission of a MO HealthNet individual into a long-term care facility, the prospective resident or his or her next of kin, legally authorized representative, or designee shall be informed of the home and community based services available in this state and shall have on record that such home and community based services have been declined as an option.”; and

Further amend the title and enacting clause accordingly.

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

President Pro Tem Shields assumed the Chair.

Senator Shoemyer offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Bill No. 1007, Page 11, Section 208.895, Line 15 of said page, by inserting immediately after “assessor.” the following: **“The contract shall include a requirement that:**

(1) Within fifteen days of receipt of a referral for service, the contractor shall have made an assessment of care need and developed a plan of care; and

(2) The contractor notify the referring entity within five days of receipt of referral if additional information is needed to process the referral.

The contract shall also include the same requirements for such assessments as of January 1, 2010, related to timeliness of assessments and the beginning of service.”.

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

President Kinder assumed the Chair.

At the request of Senator Dempsey, **SB 1007**, with **SS**, as amended, was placed on the Informal Calendar.

HOUSE BILLS ON THIRD READING

HCS for **HJR 86**, with **SCS**, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article I of the Constitution of Missouri, and adopting one new section relating to the right to raise animals.

Was taken up by Senator Stouffer.

SCS for **HCS** for **HJR 86**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE JOINT RESOLUTION NO. 86

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article I of the Constitution of Missouri, and adopting one new section relating to the right to raise animals.

Was taken up.

Senator Stouffer moved that **SCS** for **HCS** for **HJR 86** be adopted.

Senator Griesheimer assumed the Chair.

Senator Stouffer offered **SS** for **SCS** for **HCS** for **HJR 86**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE JOINT RESOLUTION NO. 86

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article I of the Constitution of Missouri, and adopting one new section relating to the right to raise animals.

Senator Stouffer moved that **SS** for **SCS** for **HCS** for **HJR 86** be adopted.

Senator Dempsey assumed the Chair.

At the request of Senator Stouffer, **HCS** for **HJR 86**, with **SCS** and **SS** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Engler, 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 **SS** for **SCS** for **SB 793**, 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.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

Fifty-Fourth Day—Monday, April 19, 2010

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

April 16, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Curtis E. Chick, Jr., 1902 Sun Meadow, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Workforce Investment Board, for a term ending March 03, 2014, and until his successor is duly appointed and qualified; vice, Patrick Kellett, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

April 16, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Mark H. Hargens, Democrat, 2212 Carper Drive, Saint Joseph, Buchanan County, Missouri 64506, as a member of the Northwest Missouri State University Board of Regents for a term ending January 1, 2015, and until his successor is duly appointed and qualified; vice, Rita Hanks, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

April 16, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Carolyn R. Mahoney, 1901 Andrea Drive, Jefferson City, Cole County, Missouri 65101, as a member of the Midwestern Higher Education Commission for a term ending January 1, 2013, and until her successor is duly appointed and qualified; vice, Robert Stein, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

April 16, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Ginger E. Nicol, 1155 Appleseed Lane, Unit D, Saint Louis, Saint Louis County, Missouri 63132, as a member of the Drug Utilization

Review Board, for a term ending October 15, 2010, and until her successor is duly appointed and qualified; vice, Peggy Wanner-Barjenbruch, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
April 16, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Lisa T. Pelofsky, Democrat, 2750 Charlotte Street, Kansas City, Jackson County, Missouri 64109, as a member of the Kansas City Board of Police Commissioners, for a term ending March 7, 2012, and until her successor is duly appointed and qualified; vice, Karl Zobrist, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
April 16, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

James R. Person, 706 Belton Avenue, Belton, Cass County, Missouri 64012, as a member of the Advisory Committee for 911 Service Oversight, for a term ending April 9, 2014 and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

President Pro Tem Shields referred the above appointments to the Committee on Gubernatorial Appointments.

REFERRALS

President Pro Tem Shields referred **HCS** for **HB 1675**, with **SCS**; **HJR 76**, with **SCS**; and **SS** for **SCS** for **SB 793** to the Committee on Governmental Accountability and Fiscal Oversight.

Senator Stouffer assumed the Chair.

SENATE BILLS FOR PERFECTION

Senator Dempsey moved that **SB 1007**, with **SS**, as amended (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for **SB 1007**, as amended, was again taken up.

Senator Dempsey moved that **SS** for **SB 1007**, as amended, be adopted, which motion prevailed.

On motion of Senator Dempsey, **SS** for **SB 1007**, as amended, was declared perfected and ordered printed.

RESOLUTIONS

Senator Engler offered Senate Resolution No. 2217, regarding Glenna Lucas, Park Hills, which was adopted.

Senator Engler offered Senate Resolution No. 2218, regarding Velma Baldwin, which was adopted.

Senator Engler offered Senate Resolution No. 2219, regarding Thomas Brann, which was adopted.

Senator Engler offered Senate Resolution No. 2220, regarding Buena House, which was adopted.

Senator Engler offered Senate Resolution No. 2221, regarding Joyce Dowell, which was adopted.

Senator Engler offered Senate Resolution No. 2222, regarding Linda Wheatley, which was adopted.

Senator Engler offered Senate Resolution No. 2223, regarding Michael Jarvis, which was adopted.

Senator Engler offered Senate Resolution No. 2224, regarding Lois J. Flieg, Saint Mary, which was adopted.

Senator Engler offered Senate Resolution No. 2225, regarding Belinda Powell, Bonne Terre, which was adopted.

Senator Engler offered Senate Resolution No. 2226, regarding Helen Mitchell, Farmington, which was adopted.

Senator Engler offered Senate Resolution No. 2227, regarding Janis Trautman, Sainte Genevieve, which was adopted.

Senator Engler offered Senate Resolution No. 2228, regarding Robert John Zeiss, Sainte Genevieve, which was adopted.

Senator Engler offered Senate Resolution No. 2229, regarding Mary L. Rosenquist, Saint Mary, which was adopted.

Senator Engler offered Senate Resolution No. 2230, regarding Ellen Sachs, which was adopted.

Senator Engler offered Senate Resolution No. 2231, regarding Cheryl Mayfield, which was adopted.

Senator Engler offered Senate Resolution No. 2232, regarding Ruth Merritt, which was adopted.

Senator Engler offered Senate Resolution No. 2233, regarding Rebecca Pruitt, which was adopted.

COMMUNICATIONS

Senator Crowell submitted the following:

April 19, 2010

Ms. Terry Spieler
Secretary of Senate
State Capitol Building - Room 325
Jefferson City, Missouri 65101

Dear Madame Secretary:

I respectfully request that the following bills be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

HB 1340 - Repeals the provision of law allowing fire protection districts in Douglas County to seek voter approval to impose a sales tax;

HB 1595 - Includes construction, extension, and improvement of public roads in the definition of project for the purposes of industrial development corporations;

- HB 1643** - Authorizes the recorder of deeds in Jackson County to collect a \$1 donation in addition to the fees charged for marriage and birth records to assist homeless families in the county;
- HB 1705** - Provides an alternate procedure to approve bond issuance for a sewer subdistrict in Cass County;
- HCS for HB 1806** - Increases the assessed valuation a county must maintain in order to move into a higher classification with exceptions for certain counties of the second classification;
- HB 1942** - Modifies requirements for the emergency telephone service 911 board in Polk County;
- HCS for HB 2297** - Authorizes the establishment of the Kansas City Zoological District;
- HB 1270** - Changes the name of the Crippled Children’s Service to the Children’s Special Health Care Needs Service and modifies references to crippled children accordingly;
- HB 1894** - Requires the Director of the Department of Mental Health, or his or her designee, to certify overdue patient accounts submitted to a court for collection;
- HB 1898** - Establishes the Women’s Heart Health Program to provide heart disease risk screenings to certain uninsured and underinsured women;
- HB 1977** - Modifies the laws regarding emergency services and emergency medical technicians-intermediate;
- HB 2270** - Allows child abuse medical resource centers and SAFE CARE providers to collaborate to promote improved services to children who are suspected victims of abuse in need of a forensic medical exams;
- HB 1609** - Modifies requirements regarding the presiding judge of a circuit court’s assignment of certain types of cases;
- HCS for HB 1848** - Creates the Urban Farming Task Force;
- HCS for HB 2161** - Specifies that “commercial purposes” as it relates to the sale of driver’s license application information will not include when used, compiled, or obtained for certain purposes expressly allowed by law;
- HCS for HB 2231** - Modifies the procedures by which a funeral establishment may dispose of cremated remains;
- HB 2317** -Authorizes the Governor to convey certain state property located in the counties of Cape Girardeau and Cole;
- HB 1713** - Requires health carriers to cover adopted children of an insured on the same basis as other dependents;
- HCS for HB 1831** - Allows school districts, after ten years, to return donated real property to the original donor or to sell it as surplus; and
- HCS for HBs 2147 & 2261** - Exempts certain students who are dependents of recently retired military personnel from the three-year attendance requirement under the A+ Schools Program.

Sincerely,
/s/ Jason G. Crowell
Jason G. Crowell
State Senator

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

SENATE CALENDAR

FIFTY-FIFTH DAY–TUESDAY, APRIL 20, 2010

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HBs 1524 & 2260
HCS for HB 2081
HCS for HB 2070

HCS for HB 1404
HCS for HB 1871
HCS for HB 1244

THIRD READING OF SENATE BILLS

- | | |
|--|--|
| 1. SB 627-Justus (In Fiscal Oversight) | 9. SS for SCS for SB 734-Pearce
(In Fiscal Oversight) |
| 2. SJR 20-Bartle (In Fiscal Oversight) | 10. SS for SB 714-Crowell (In Fiscal Oversight) |
| 3. SB 779-Bartle (In Fiscal Oversight) | 11. SS for SB 943-Shields (In Fiscal Oversight) |
| 4. SCS for SB 944-Shields (In Fiscal Oversight) | 12. SS for SB 1057-Shields (In Fiscal Oversight) |
| 5. SB 816-Lembke | 13. SS for SCS for SB 793-Mayer
(In Fiscal Oversight) |
| 6. SB 1026-Rupp (In Fiscal Oversight) | |
| 7. SS for SCS for SB 884-Schaefer
(In Fiscal Oversight) | |
| 8. SCS for SB 622-Shoemyer
(In Fiscal Oversight) | |

SENATE BILLS FOR PERFECTION

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|--------------------------|--------------------------|
| SJR 44-Shields | SJR 45-Shields, with SCS |
| SB 1022-Stouffer | SB 643-Keaveny, with SCS |
| SB 639-Schmitt, with SCS | |

HOUSE BILLS ON THIRD READING

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|---|----------------------------------|
| HCS for HB 1675, with SCS (Ridgeway)
(In Fiscal Oversight) | HB 1268-Meiners (Justus) |
| HJR 76-Dethrow, et al, with SCS (Purgason)
(In Fiscal Oversight) | HB 1336-Brandom, et al (Days) |
| HB 2109-Ruzicka, with SCS (Lager) | HB 1691-Kraus, et al (Pearce) |
| HB 1662-Brown (149), et al (Clemens) | HB 2111-Faith, et al, with SCS |
| | HB 1941-Parson, with SCS (Scott) |

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

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|--|---|
| SCS for SB 631-Cunningham
(In Fiscal Oversight) | SCS for SB 826-Griesheimer
SB 1001-Griesheimer |
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SENATE BILLS FOR PERFECTION

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|--|--|
| SB 579-Shields, with SCS | SBs 607, 602, 615 & 725-Stouffer,
with SCS & SA 1 (pending) |
| SB 587-Nodler and Cunningham,
with SCS & SA 1 (pending) | SB 698-Griesheimer, with SCS,
SS for SCS & SA 1 (pending) |
| SB 596-Callahan, with SCS (pending) | SB 705-Griesheimer |
| SB 606-Stouffer | |

SB 738-Crowell, with SCS	SB 896-Shields and Crowell, with SA 1 (pending)
SB 747-Rupp, et al, with SA 1 (pending)	SB 905-Bray, et al, with SCS & SS for SCS (pending)
SB 784-Schaefer and Pearce	SB 999-Schaefer
SB 792-Dempsey and Rupp, with SS (pending)	SB 1016-Mayer, with SCS
SB 797-Green	SB 1017-Mayer, with SCS (pending)
SB 810-Lager, with SCS	SJR 22-Callahan
SB 818-Lembke, with SCS (pending)	SJR 25-Cunningham, et al, with SCS, SS#2 for SCS & SA 5 (pending)
SB 839-Wright-Jones, with SCS	SJR 29-Purgason and Cunningham, with SCS & SS#2 for SCS (pending)
SB 852-Lager, et al, with SS, SA 1 & SSA 1 for SA 1 (pending)	SJR 31-Scott
SB 868-Shields	SJR 33-Bartle, with SA 1 (pending)
SB 878-Lembke, with SCS (pending)	SJR 34-Goodman, et al, with SA 1 (pending)
SBs 880, 780 & 836-Schaefer, with SCS	SJR 38-Ridgeway
SBs 895, 813, 911, 924, 922 & 802-Dempsey, et al, with SCS, SS for SCS, SA 1, SSA 1 for SA 1 & SA 1 to SSA 1 for SA 1 (pending)	SJR 40-Goodman, with SA 1 (pending)

HOUSE BILLS ON THIRD READING

SS for SCS for HB 1442-Jones (89), et al (Nodler) (In Fiscal Oversight)	HCS for HB 2198, with SCS (Griesheimer)
HCS#2 for HB 1472 (Schaefer)	HCS for HJR 86, with SCS & SS for SCS (pending) (Stouffer)
SCS for HB 1677-Hoskins (80) (Days) (In Fiscal Oversight)	

CONSENT CALENDAR

House Bills

Reported 4/15

HCS for HB 1290, with SCS (Griesheimer)	HB 2182-Munzlinger and Smith (150) (Clemens)
HB 1392-Kirkton, et al, with SCS	HB 1892-Nasheed, et al, with SCS (Cunningham)
HB 1612-Molendorg and Scavuzzo, with SCS (Pearce)	HCS for HB 1858, with SCS (Shoemyer)
HB 2056-Diehl (Bartle)	
HB 1654-Zimmerman, et al (Goodman)	

RESOLUTIONS

Reported from Committee

SCR 42-Bray, with SCA 1	HCR 38-Icet, et al, with SCA 1 (Lembke)
HCS for HCR 18, with SA 1 (pending) (Rupp)	SCR 52-Lager
SCR 46-Stouffer	HCS for HCRs 34 & 35 (Schmitt)

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