

**SENATE CONCURRENT RESOLUTION NO. 1 [SCR 1]**

Relating to disapproval under  
Article IV, Section 8  
of the Missouri Constitution  
the final order of rulemaking  
for the proposed amendment to  
4 CSR 240-20.100(2)(A)  
and 4 CSR 240-20.100(2)(B)2  
regarding the  
Electric Utility Renewable  
Energy Standard Requirements.

WHEREAS, the Public Service Commission filed a proposed amendment for 4 CSR 240-20.100 on January 8, 2010, and filed the order of rulemaking with the Joint Committee on Administrative Rules on June 2, 2010 and filed an amended order of rulemaking with the Joint Committee on Administrative Rules on July 1, 2010; and

WHEREAS, the Joint Committee on Administrative Rules held hearings on June 24, June 30, and July 1, 2010, and has found 4 CSR 240-20.100(2)(A) and 4 CSR 240-20.100(2)(B)2, lacking in compliance with the provisions of Chapter 536, RSMo:

NOW THEREFORE BE IT RESOLVED that the General Assembly finds that the Public Service Commission has violated the provisions of Chapter 536, RSMo, when it failed to comply with the provisions of section 536.014, RSMo; and

BE IT FURTHER RESOLVED that the Ninety-sixth General Assembly, upon concurrence of a majority of the members of the Senate and a majority of the members of the House of Representatives, hereby permanently disapproves and suspends the final order of rulemaking for the proposed amendment to 4 CSR 240-20.100(2)(A) and 4 CSR 240-20.100(2)(B)2, Electric Utility Renewable Energy Standard Requirements; and

BE IT FURTHER RESOLVED that a copy of the foregoing be submitted to the Secretary of State so that the Secretary of State may publish in the Missouri Register, as soon as practicable, notice of the disapproval of the final order of rulemaking for the proposed amendment to 4 CSR 240-20.100(2)(A) and 4 CSR 240-20.100(2)(B)2, upon this resolution having been signed by the Governor or having been approved by two-thirds of each house of the Ninety-sixth General Assembly, First Regular Session, after veto by the Governor as provided in Article III, Sections 31 and 32, and Article IV, Section 8 of the Missouri Constitution; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Governor in accordance with Article IV, Section 8 of the Missouri Constitution.

February 16, 2011

Honorable Robert N. Mayer  
Senate President Pro Tem  
State Capitol, Room 326  
Jefferson City, MO 65101

Honorable Steven Tilley  
Speaker of the House  
State Capitol, Room 308  
Jefferson City, MO 65101

Honorable Victor Callahan  
Senate Minority Floor Leader  
State Capitol, Room 333  
Jefferson City, MO 65101

Honorable Mike Talbot  
House Minority Floor Leader  
State Capitol, Room 204  
Jefferson City, MO 65101

Dear Gentlemen:

This letter shall serve as notice of my action on Senate Concurrent Resolution No. 1. On January 26, 2011, the Public Service Commission approved an order withdrawing 4 CSR 240-20.100(2)(A) and 4 CSR 240-20.100(2)(B)2 pertaining to geographic sourcing. Twelve days later, on February 7, 2011, I was presented with Senate Concurrent Resolution No. 1 which purports to disapprove those same regulations. The action of the Public Service Commission approving an order to withdraw the relevant regulations renders Senate Concurrent Resolution No. 1 moot and therefore makes the approval or disapproval of Senate Concurrent Resolution No. 1 unnecessary.<sup>1</sup>

Sincerely,  
Jeremiah W. (Jay) Nixon  
Governor

<sup>1</sup> I am cognizant of the argument asserted by two members of the Public Service Commission that the Commission lacked authority to withdraw these regulations. I disagree with that view and find that the Public Service Commission was clearly vested with the necessary power to issue its January 26, 2011 order. While I am not approving this legislative resolution rendered unnecessary by mootness, I recognize that my action will allow Senate Concurrent Resolution No. 1 to become effective through Article III, Section 31 of the Missouri Constitution. This approach will not change the inevitable result – the relevant rules being withdrawn – but will eliminate future uncertainty surrounding the status of these rules and appropriately return our collective focus to developing a vibrant renewable energy industry in Missouri.

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**SENATE CONCURRENT RESOLUTION NO. 2 [SCR 2]**

WHEREAS, excessive and misdirected light is considered energy waste and misuse; and

WHEREAS, current research by the National Park Service indicates the rate at which light pollution is increasing will leave almost no dark skies in the contiguous United States by 2025; and

WHEREAS, many Missouri state parks have an impaired view of the night sky due to light pollution; and

WHEREAS, Missouri state facilities have the duty and responsibility to demonstrate best practices in energy conservation and reduce all visible signs of energy waste:

NOW THEREFORE BE IT RESOLVED that the members of the Senate of the Ninety-sixth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby urge the Department of Natural Resources to provide public education on light pollution and develop guidelines to address light pollution in new and existing state facilities; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare a properly inscribed copy of this resolution for the director of each state department.

**SENATE CONCURRENT RESOLUTION NO. 7 [SCR 7]**

WHEREAS, Section 21.760 of the Revised Statutes of Missouri provides that during the regular legislative session which convenes in an odd-numbered year, the General Assembly shall, by concurrent resolution, employ an independent certified public accountant or certified public accounting firm to conduct an audit examination of the accounts, functions, programs, and management of the State Auditor's office:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-sixth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby authorize the employment of an independent certified public accountant or certified public accounting firm pursuant to the provisions of Section 21.760; and

BE IT FURTHER RESOLVED that the audit examination be made in accordance with generally accepted auditing standards, including such reviews and inspections of books, records and other underlying data and documents as are necessary to enable the independent certified public accountant performing the audit to reach an informed opinion on the condition and performance of the accounts, functions, programs, and management of the State Auditor's Office; and

BE IT FURTHER RESOLVED that upon completion of the audit, the independent certified public accountant make a written report of his or her findings and conclusions, and supply each member of the General Assembly, the Governor, and the State Auditor with a copy of the report; and

BE IT FURTHER RESOLVED that the cost of the audit and report be paid out of the joint contingent fund of the General Assembly; and

BE IT FURTHER RESOLVED that the Commissioner of Administration bid these services, at the direction of the General Assembly, pursuant to state purchasing laws; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare a properly inscribed copy of this resolution for the Commissioner of Administration.

**SENATE CONCURRENT RESOLUTION NO. 11 [SCR 11]**

Relating to the recognition of every third week in  
June as Diabetic Peripheral Neuropathy Week

WHEREAS, Diabetic Peripheral Neuropathy (DPN) is a serious condition that results from damage to nerves due to prolonged exposure to high amounts of glucose in the bloodstream as a result of diabetes; and

WHEREAS, more than half of all diabetics suffer from DPN, and the areas of the body most commonly affected by DPN are the feet and legs; and

WHEREAS, nerve damage in the feet can result in the loss of foot sensation, increasing risk of foot problems and which manifests itself in intense pain often described as aching, tingling, burning, and numbness; and

WHEREAS, in 2009, 364,000 Missourians were diagnosed with diabetes; and

WHEREAS, DPN is the leading cause of amputations, and as many as 40 to 60 percent of lower extremity amputations are due to severe forms of DPN; and

WHEREAS, DPN is preventable only to the extent that the underlying cause is preventable, requiring the individual patient's alert awareness of bodily deficiency, illness, infection or injury that can cause DPN, and the individual's willingness to seek early diagnosis and treatment; and

WHEREAS, it is absolutely fitting and proper to designate a special week to raise public awareness of DPN and its symptoms:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-sixth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby recognize the third week of June of each year as Diabetic Peripheral Neuropathy (DPN) Week in Missouri; and

BE IT FURTHER RESOLVED that the members of the Missouri Senate and the House of Representatives encourage citizens throughout Missouri to observe this week by raising public awareness regarding the symptoms and treatment of this painful and dangerous neuropathy; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to send properly inscribed copies of this resolution to the Governor for his approval or rejection pursuant to the Missouri Constitution.

Approved June 17, 2011

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**SENATE CONCURRENT RESOLUTION NO. 12 [SCR 12]**

WHEREAS, atrial fibrillation (AFib) is the most common serious heart rhythm disorder and causes 15 percent of all strokes in the United States; and

WHEREAS, AFib affects more than 2.3 million Americans and is expected to more than double to 5.6 million Americans by 2050; and

WHEREAS, one in four people aged 40 years or older develop AFib during their lifetime; and

WHEREAS, AFib causes the heart to beat irregularly or out of rhythm. As a result, people with AFib are nearly five times more likely to have a stroke than someone without the condition.

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In addition, AFib-related strokes are about twice as likely to be fatal and about twice as likely to be severely disabling than strokes that are not related to AFib; and

WHEREAS, three out of four AFib-related strokes can be prevented, but many patients are not aware of their risk and do not take action to prevent stroke; and

WHEREAS, the estimated direct medical cost of stroke for 2007 was \$25.2 billion. This includes hospital outpatient or office-based provider visits, hospital inpatient stays, emergency room visits, prescribed medicines, and home health; and

WHEREAS, appropriate stroke prevention in AFib can effectively reduce the overall financial burden of the illness within public programs such as Medicaid and Medicare; and

WHEREAS, reducing the risk of stroke related to AFib may maintain self sufficiency on the part of patients cared for within public programs:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-sixth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby urge the MO HealthNet Division to pursue the feasibility of implementing a program to assess chronic disease management of stroke prevention in atrial fibrillation using available general appropriations and/or private sources of funding in an effort to identify opportunities to reduce the financial and clinical burden of AFib-related strokes upon Missouri, and public programs including Medicare and Medicaid; and

BE IT FURTHER RESOLVED that at the conclusion of such an assessment, a report of findings and recommendations be prepared and provided to the General Assembly by December 31, 2011, so that it can evaluate the effectiveness of the current quality of care within public programs including Medicare and Medicaid and in providing recommendations for improved health and well being of the affected patients; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to send properly inscribed copies of this resolution to the director of the MO HealthNet Division.

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