

Journal of the Senate

FIRST REGULAR SESSION

SIXTY-FIRST DAY—WEDNESDAY, APRIL 25, 2001

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

Jean-Pierre De Caussade noted: "We can only know through our suffering and our actions what experience taught us. It is the breath of the Holy Spirit whispering the words of life to the heart, and everything we say to others must come from this source."

Loving Father, You seek always to help us improve our lives and learn from the various trials and triumphs we experience in life. May Your Holy Spirit guide our hearts and minds so that everything we say and do reflects what we have learned from You and improves the lives of others as well. 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.

Photographers from KRCG-TV and KOMU-TV were given permission to take pictures in the Senate Chamber today.

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

Present—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson

Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel—33			

Absent with leave—Senator Carter—1

The Lieutenant Governor was present.

Senator Klarich requested unanimous consent of the Senate to correct the Senate Journal for Tuesday, April 24, 2001, on page 844, column 2, line 18, by deleting the word "Klarish" and inserting in lieu thereof the word, "Klarich", which request was granted.

RESOLUTIONS

Senator Kenney offered Senate Resolution No. 635, regarding the Ninetieth Birthday of Ruby Russell Lawhon, Blue Springs, which was adopted.

Senator Klindt offered Senate Resolution No. 636, regarding Dr. Nancy D. Zeliff, Maryville, which was adopted.

Senator Klindt offered Senate Resolution No. 637, regarding Reverend Ron Ratliff, Pattonsburg, which was adopted.

Senator Bentley offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 638

WHEREAS, it is with special pleasure that the Missouri Senate pauses to recognize a group of extraordinary young women who have distinguished themselves through excellence in collegiate athletics; and

WHEREAS, the members of the Lady Bears Basketball Team at Southwest Missouri State University (SMSU) in Springfield are to be commended for their many notable achievements during an

impressive 2000-2001 season that they culminated with a Fourth Place finish at the Final Four; and

WHEREAS, the talented Lady Bears became only the second team in school history to make an appearance in the National Collegiate Athletic Association (NCAA) Final Four competition which was held this year at the Savvis Center in St. Louis; and

WHEREAS, the Lady Bears gave the 134,964 loyal fans who packed the stands at Hammons Hall good reason to cheer during their 2000-2001 season, as they broke an NCAA record for most points scored and traveled coast to coast in the hopes of beating tough teams that included Toledo, Rutgers, and Duke, for a shot at the Final Four competition; and

WHEREAS, the Lady Bears could not have attained such success this season without the unparalleled guidance of Coaches Cheryl Burnett, Karen Rapier, Scott Norris, and Lannett Robinson, all of whom have continually instilled within each of their exceptional athletes the desire to realize their full potential; and

WHEREAS, special words of commendation go out to Lady Bears Administrative Assistant Mark Uitermarkt, whose hard work and strong commitment to the team was instrumental in its overall success this year; and

WHEREAS, few young women possess the athletic prowess of Lady Bears Jackie Stiles, Tara Mitchem, Carly Deer, Erica Vicence, Erika Rante, Ann Cavey, Kinga Kiss, Stephanie Buabey, Morgan Wothenberger, Melody Campbell, Tiny McMorris, and Dzenata Kaolic; and

WHEREAS, fellow students, teachers, and staff at SMSU, parents, and the entire community of Springfield are exceedingly proud of the Lady Bears for their impressive display of teamwork and unwavering unanimity while successfully aspiring towards incredible goals:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-first General Assembly, unambiguously join in extending our most hearty congratulations to the SMSU Lady Bears upon the completion of their most phenomenal 2000-2001 basketball season, and in wishing them only the very best as they continue to maintain their high standards of achievement through excellence both on and off the court; and

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

HOUSE BILLS ON THIRD READING

HB 664, introduced by Representative Skaggs, entitled:

An Act to repeal sections 352.500, 352.505, 352.510, 352.515 and 352.520, RSMo 2000, relating to charitable gift annuities, and to enact in lieu thereof five new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Yeckel.

On motion of Senator Yeckel, **HB 664** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Rohrbach
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel—30		

NAYS—Senators—None

Absent—Senators

DePasco	Quick	Russell—3
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Absent with leave—Senator Carter—1

The President declared the bill passed.

On motion of Senator Yeckel, title to the bill was agreed to.

Senator Yeckel moved that the vote by which the bill passed be reconsidered.

Senator Goode moved that motion lay on the table, which motion prevailed.

HB 491, with **SCS**, introduced by Representative George, et al, entitled:

An Act to repeal section 77.370, RSMo 2000, relating to election of marshals in cities which contract for police service, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Goode.

SCS for **HB 491**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 491

An Act to repeal sections 77.370 and 77.450, RSMo 2000, relating to certain municipalities, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

Senator Goode moved that **SCS** for **HB 491** be adopted, which motion prevailed.

On motion of Senator Goode, **SCS** for **HB 491** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Rohrbach	Russell
Schneider	Scott	Sims	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel—29			

NAYS—Senators—None

Absent—Senators

DePasco	Johnson	Quick	Singleton—4
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Absent with leave—Senator Carter—1

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

HB 236, with **SCS**, introduced by Representative Smith, entitled:

An Act to amend chapter 210, RSMo, relating to the state juvenile information system, by adding thereto one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Caskey.

SCS for **HB 236**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 236

An Act to amend chapter 210, RSMo, by adding thereto one new section relating to the state juvenile information system.

Was taken up.

Senator Caskey moved that **SCS** for **HB 236** be adopted, which motion prevailed.

On motion of Senator Caskey, **SCS** for **HB 236** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Goode
Gross	House	Jacob	Johnson
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Rohrbach	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel—28

NAYS—Senators—None

Absent—Senators

DePasco	Gibbons	Quick	Russell
Schneider—5			

Absent with leave—Senator Carter—1

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Gross moved that motion lay on the table, which motion prevailed.

HB 266, introduced by Representative Treadway, entitled:

An Act to amend chapter 339, RSMo, relating to real estate agents and brokers by adding thereto one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Gross.

On motion of Senator Gross, **HB 266** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Caskey	Cauthorn	Childers
Dougherty	Foster	Gibbons	Goode
Gross	House	Jacob	Johnson
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Steelman	Westfall	Wiggins	Yeckel—28

NAYS—Senators—None

Absent—Senators

Bland DePasco Quick Staples
Stoll—5

Absent with leave—Senator Carter—1

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Mathewson moved that motion lay on the table, which motion prevailed.

HB 745, introduced by Representative Farnen, entitled:

An Act to repeal section 58.490, RSMo 2000, relating to unclaimed property, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Mathewson.

On motion of Senator Mathewson, **HB 745** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Klarich	Klindt
Loudon	Mathewson	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel—30		

NAYS—Senators—None

Absent—Senators

DePasco Kinder Quick—3

Absent with leave—Senator Carter—1

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by

which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Steelman moved that **SB 375**, with **SCS, SS** for **SCS, SA 1** and **SSA 3** for **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SSA 3 for **SA 1** was again taken up.

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

Senator Gibbons offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 375, Page 14, Section 610.021, Lines 22-23, by deleting all of said lines after the words “as such”.

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

Senator Goode offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 375, Page 20, Section 610.027, Line 20, by inserting after all of said line the following:

“6. When a person submits a written complaint to the attorney general concerning the compliance of a public governmental body or a member of a public governmental body with sections 610.010 to 610.026 and the attorney general advises the public body of the complaint or otherwise attempts to resolve a dispute presented by such complaint, the public governmental body or member of that public governmental body shall cooperate with the attorney general for the purpose of resolving the dispute. When, in response to a complaint or on the attorney general’s own initiative, the attorney general seeks to determine compliance of a public governmental body or member of a

public governmental body with sections 610.010 to 610.026, the attorney general shall be entitled to obtain copies of open and closed records of any public governmental body, except records of privileged communications. Records identified as closed by the public governmental body that the attorney general obtains pursuant to this subsection shall remain closed, except that the attorney general may use those records in any action brought to enforce the provisions of sections 610.010 to 610.026, by presenting them in any court proceeding if the attorney general determines that the records should not have been closed or that the records reflect an action or actions that should not have been conducted in a closed session.”.

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

Senator Goode offered SA 4:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 375, Page 9, Section 610.010, Line 14, by striking the word “and”; and further amend page 10, line 3, by inserting at the end of said line the following: **“and (g) Any bi-state development agency established pursuant to section 70.370, RSMo;”.**

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

Senator Klarich assumed the Chair.

Senator Russell offered SA 5, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 375, Page 15, Section 610.021, Line 9, by removing the bracket “[”]; and

Further amend said bill and page by deleting lines 24 through line 26 and inserting in lieu thereof the following: **“The Missouri general assembly fails to enact, on or before December 31, 2003, legislation authorizing electric utility restructuring.”.**

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

Senator Mathewson offered SA 6, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 375, Page 19, Section 610.027, Line 21, by striking the word “thousand” and inserting in lieu thereof: **“hundred”**; and further amend said bill, page 24, section 610.100, line 21, by striking the word “thousand” and inserting in lieu thereof: **“hundred”**.

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

Senator Caskey offered SA 7:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 375, Page 7, Section 58.740, Line 16, by inserting immediately after said line the following:

“197.735. 1. As used in this section, the following terms mean:

(1) “Health carrier”, the same as such term is defined in section 376.1350, RSMo;

(2) “Payment methodologies”, how the units of service to be used as a basis for making payments are defined and the method of determining the specific payment amount per unit of service;

(3) “Public hospital”, a hospital organized pursuant to section 81.180, RSMo, section 82.240, RSMo, sections 96.150 to 96.228, RSMo, sections 205.160 to 205.379, RSMo, or sections 206.010 to 206.160, RSMo;

(4) “Public record”, the same as such term is defined in section 610.010, RSMo;

(5) “Related organization”, an entity created by or affiliated with a public hospital, regardless of the degree of common control or governance with such hospital;

(6) “Self-insured health plan”, an employee health benefit plan established by an employer or an employee organization, or both, for which the insurance laws of this state are preempted

pursuant to the Employee Retirement Income Security Act of 1974.

2. Notwithstanding the provisions of chapter 610, RSMo, to the contrary, the governing body of a public hospital or a related organization of such hospital, or both, may close portions of records and meetings of the entity that it manages or controls if such portions of records and meetings pertain to:

(1) The payment amounts and payment methodologies of its contract proposals to and its contract with a health carrier or a self-insured health plan. Information concerning the parties involved and the duration of such a contract shall be a public record;

(2) Discussion and analysis of:

(a) Developing a new health service or new facility;

(b) Expanding or revising an existing health service or facility; or

(c) Entering into a shared service arrangement or other affiliation agreement;

(3) The amount of compensation that will be or is being paid to a physician under the public hospital's or a related organization's contract proposals to and contracts with the physician. While the compensation amounts of such a contract proposal or contract may be closed, such compensation amounts shall be included in the public hospital's or a related organization's overall financial statements and such statements shall be a public record;

(4) The records closed pursuant to this subsection shall be disclosed pursuant to lawful subpoena.

3. The disclosure of records and meetings of a public hospital, other than those records and meetings which may be closed pursuant to this section, shall be governed by chapter 610, RSMo. This section shall not be construed to prohibit a public hospital from claiming the benefit of any other exemption to chapter 610, RSMo, pursuant to section 610.021, RSMo.”; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted.

Senator Steelman 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. 375, Page 7, Section 58.740, Line 16, by inserting the following:

“197.735. 1. As used in this section, the following terms mean:

(1) "Health carrier", the same as such term is defined in section 376.1350, RSMo;

(2) "Public hospital", a hospital organized pursuant to section 81.190, 82.240, 96.150 to 96.228, 205.160 to 205.379, or 206.010 to 206.160, RSMo;

(3) "Payment methodologies", how the units of service to be used as a basis for making payments are defined and the method of determining the specific payment amount per unit of service;

(4) "Public record", the same as such term is defined in subdivision (6) of section 610.010, RSMo;

(5) "Related organization", an entity created by or affiliated with a public hospital, regardless of the degree of common control or governance with such hospital;

(6) "Self-insured health plan", an employee health benefit plan established by an employer or an employee organization, or both, for which the insurance laws of this state are preempted pursuant to the Employee Retirement Income Security Act of 1974.

2. Notwithstanding the provisions of chapter 610, RSMo, to the contrary, the governing body of a public hospital or a related organization of such hospital, or both, may close contracts as described below in (1) and (2) of this section of the entity that it manages or controls for one year from the date such

contracts become effective if such pertain to:

(1) The payment amounts and payment methodologies of its contract proposals to and contract with a health carrier or a self-insured health plan. However, information concerning the parties involved and the duration of such a contract shall be a public record at all times;

(2) The amount of compensation that will be or is being paid to a physician under the public hospital's or a related organization's contract proposals to and contracts with the physician. However, while the compensation amounts of such a contract proposal or contract may be closed, such compensation amounts shall be included in the public hospital's or a related organization's overall financial statements and such statements shall be a public record at all times.

3. The disclosure of records and meetings of a public hospital, other than those records and meetings which may be closed pursuant to this section, shall be governed by chapter 610, RSMo. This section shall not be construed to prohibit a public hospital from claiming the benefit of any other exemption to chapter 610, RSMo, pursuant to section 610.021, RSMo.

4. The provisions in 2. (1) and (2) of this section shall only apply if:

(1) The public hospital does not receive money from a tax levy imposed by the city, county or hospital district that established the hospital; and

(2) The public hospital waives its rights to claim sovereign or governmental tort immunity protection available pursuant to sections 537.600 to 537.615, RSMo.”

Senator Steelman moved that the above substitute amendment be adopted.

Senator Caskey requested a roll call vote be taken on the adoption of SSA 1 for SA 7 and was joined in his request by Senators Cauthorn, DePasco, Kenney and Quick.

At the request of Senator Steelman, **SB 375**, with **SCS, SS** for **SCS, SA 7** and **SSA 1** for **SA 7** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Russell, Chairman of the Committee on Appropriations, submitted the following reports:

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 13**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 18**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 19**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

MESSAGES FROM THE HOUSE

The following messages were 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 House has taken up and passed **SB 25**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 441**, entitled:

An Act to repeal section 95.280, RSMo 2000, relating to cities of the third class, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 521**, entitled:

An Act to repeal section 287.123, RSMo 2000, relating to workers' compensation insurance carriers, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 301**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 295**.

Bill ordered enrolled.

On motion of Senator Kenney, the Senate recessed until 2:15 p.m.

RECESS

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

RESOLUTIONS

Senator Sims offered Senate Resolution No. 639, regarding the death of Rolla Wells Streett, St. Louis, which was adopted.

HOUSE BILLS ON THIRD READING

HB 180, introduced by Representatives Thompson and Boucher, entitled:

An Act to repeal section 217.015, RSMo 2000, relating to the department of corrections, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Sims.

On motion of Senator Sims, **HB 180** was read

the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel—32

NAYS—Senators—None

Absent—Senator Gibbons—1

Absent with leave—Senator Carter—1

The President declared the bill passed.

On motion of Senator Sims, title to the bill was agreed to.

Senator Sims moved that the vote by which the bill passed be reconsidered.

Senator Klarich moved that motion lay on the table, which motion prevailed.

HB 129, introduced by Representatives Van Zandt and Campbell, entitled:

An Act to amend chapter 136, RSMo, relating to collection of state taxes by adding thereto one new section relating to government contracts for the examination of taxpayer records.

Was called from the Consent Calendar and taken up by Senator Klarich.

On motion of Senator Klarich, **HB 129** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Carter—1

The President declared the bill passed.

On motion of Senator Klarich, title to the bill was agreed to.

Senator Klarich moved that the vote by which the bill passed be reconsidered.

Senator Bentley moved that motion lay on the table, which motion prevailed.

HB 48, introduced by Representative Relford, entitled:

An Act to repeal sections 333.041, 333.042, 333.061 and 333.081, RSMo 2000, relating to embalmers and funeral directors, and to enact in lieu thereof four new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Mathewson.

On motion of Senator Mathewson, **HB 48** was read the 3rd time and passed by the following vote:

YEAS—Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Carter—1

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Yeckel moved that motion lay on the table, which motion prevailed.

Senator Klarich assumed the Chair.

HB 801, with **SCS**, introduced by Representatives Liese and Wagner, entitled:

An Act relating to compliance with Title V of the federal Gramm-Leach-Bliley Financial Modernization Act of 1999, with an emergency clause.

Was called from the Consent Calendar and taken up by Senator Yeckel.

SCS for **HB 801**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 801

An Act relating to compliance with Title V of the federal Gramm-Leach-Bliley Financial Modernization Act of 1999, with an emergency clause.

Was taken up.

Senator Yeckel moved that **SCS** for **HB 801** be adopted, which motion prevailed.

On motion of Senator Yeckel, **SCS** for **HB 801** was read the 3rd time and passed by the following vote:

YEAS—Senators			
Bland	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel—32

NAYS—Senators—None

Absent—Senator Bentley—1

Absent with leave—Senator Carter—1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators			
Bland	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Russell	Schneider	Scott	Sims

Stoll Westfall Wiggins
 Steelman
 Yeckel—29

NAYS—Senators—None

Absent—Senators
 Bentley Rohrbach Singleton Staples—4

Absent with leave—Senator Carter—1

On motion of Senator Yeckel, title to the bill was agreed to.

Senator Yeckel moved that the vote by which the bill passed be reconsidered.

Senator Dougherty moved that motion lay on the table, which motion prevailed.

HB 454, introduced by Representative Monaco, entitled:

An Act to repeal section 475.110, RSMo 2000, relating to the removal of a guardian or conservator, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Dougherty.

On motion of Senator Dougherty, **HB 454** was read the 3rd time and passed by the following vote:

YEAS—Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Russell	Schneider	Scott
Sims	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel—31	

NAYS—Senators—None

Absent—Senators
 Rohrbach Singleton—2

Absent with leave—Senator Carter—1

The President declared the bill passed.

On motion of Senator Dougherty, title to the bill was agreed to.

Senator Dougherty moved that the vote by

which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HCS for HB 274, with **SCA 1**, entitled:

An Act to repeal section 171.033, RSMo 2000, relating to inclement weather exceptions for mandatory days of school attendance, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Was taken up by Senator Klindt.

SCA 1 was taken up.

Senator Klindt moved that the above amendment be adopted.

Senator Klindt offered **SA 1** to **SCA 1**, which was read:

SENATE AMENDMENT NO. 1 TO
 SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Committee Amendment No. 1 to House Committee Substitute for House Bill No. 274, Page 1, Line 1, by striking “173.033” and inserting in lieu thereof the following: “171.033”.

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

Senator Klindt moved that **SCA 1**, as amended, be adopted, which motion prevailed.

Senator Gibbons assumed the Chair.

On motion of Senator Klindt, **HCS for HB 274**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators			
Bland	Cauthorn	Childers	DePasco
Foster	Gibbons	Johnson	Kinder
Klindt	Mathewson	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Staples	Steelman	Stoll	Yeckel—20

NAYS—Senators			
Bentley	Caskey	Dougherty	Goode
Gross	House	Jacob	Kenney
Klarich	Loudon	Westfall	Wiggins—12

Absent—Senator Schneider—1

Absent with leave—Senator Carter—1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Gross	Johnson	Kinder
Klindt	Rohrbach	Russell	Schneider
Scott	Sims	Staples	Steelman
Stoll	Wiggins	Yeckel—23	

NAYS—Senators

Goode	House	Jacob	Kenney
Klarich	Loudon	Mathewson	Westfall—8

Absent—Senators

Quick	Singleton—2
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Absent with leave—Senator Carter—1

On motion of Senator Klindt, title to the bill was agreed to.

Senator Klindt moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Steelman moved that **SB 375**, with **SCS**, **SS** for **SCS**, **SA 7** and **SSA 1** for **SA 7** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SSA 1 for **SA 7** was again taken up.

At the request of Senator Steelman, **SSA 1** for **SA 7** was withdrawn.

SA 7 was again taken up.

Senator Singleton offered **SA 1** to **SA 7**, which was read:

SENATE AMENDMENT NO. 1 TO SENATE AMENDMENT NO. 7

Amend Senate Amendment No. 7 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 375, Page 2, Section 197.735, Line 21, by adding after the word “physician” “**shall be available upon termination of contracts to the**

public”; and

Further delete all of remaining line 21 and all of 22 to 25.

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

SA 7, as amended, was again taken up.

Senator Caskey moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator Steelman offered **SA 8**, which was read:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 375, Page 26, Section 610.200, Line 19, by inserting after all of said line the following:

“Section 1. The provisions of subdivisions (1) and (2) of section 197.735, RSMo, shall only apply if the public hospital waives its rights to claim sovereign or governmental tort immunity protection available pursuant to sections 537.600 to 537.615, RSMo.”; and

Further amend the title and enacting clause accordingly.

Senator Steelman moved that the above amendment be adopted.

At the request of Senator Steelman, **SA 8** was withdrawn.

Senator Schneider offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 375, Page 17, Section 610.022, Lines 5 to 9, by striking said lines and substitute “governmental body. The”.

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

Senator Gross offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 375, Page 7, Section 58.740, Line 16 of said page, by

inserting after all of said line the following:

“188.015. [Unless the language or context clearly indicates a different meaning is intended, the following words or phrases for the purposes of sections 188.010 to 188.130 shall be given the meaning ascribed to them] **As used in this chapter, the following terms mean:**

(1) “Abortion”, the intentional destruction of the life of an embryo or fetus in his or her mother’s womb or the intentional termination of the pregnancy of a mother with an intention other than to increase the probability of a live birth or to remove a dead or dying unborn child;

(2) “Abortion facility”, a clinic, physician’s office, or any other place or facility in which abortions are performed other than a hospital;

(3) “Conception”, the fertilization of the ovum of a female by a sperm of a male;

(4) “Department”, the department of health;

[(4)] **(5) “Gestational age”, length of pregnancy as measured from the first day of the woman’s last menstrual period;**

[(5)] **(6) “Physician”, any person licensed to practice medicine in this state by the state board of registration of the healing arts;**

[(6)] **(7) “Unborn child”, the offspring of human beings from the moment of conception until birth and at every stage of its biological development, including the human conceptus, zygote, morula, blastocyst, embryo, and fetus;**

[(7)] **(8) “Viability”, that stage of fetal development when the life of the unborn child may be continued indefinitely outside the womb by natural or artificial life-supportive systems.**

188.052. 1. An individual abortion report for each abortion performed or induced upon a woman shall be completed by her attending physician. **The report shall include:**

(1) Information required by the United States Standard Report of Induced Termination of Pregnancy, published by the National Center for Health Statistics, Centers for Disease Control and Prevention, United States Department of Health and Human Services, or its successor publication or agency;

(2) Additional information on the type of abortion procedure used, including the specific surgical or nonsurgical method or the specific abortion-inducing drug or drugs employed, including, but not limited to: vacuum aspiration, suction curettage, sharp curettage, dilation and evacuation or “D&E”, intact D&E, dilation and extraction or “D&X”, intrauterine saline instillation, intrauterine prostaglandin instillation, hysterotomy, methotrexate, mifepristone or misoprostol; and

(3) The reason or reasons the woman sought the abortion, including specific medical, social, economic or other factors, including, but not limited to: particular maternal health conditions, pregnancy resulting from rape or incest, does not want others to know of her pregnancy, others object to her pregnancy, has relationship problems with the father of the child or other family members, lack of financial support from the father of the child, disruption of education or job or desire to limit family size.

2. An individual complication report for any post-abortion care performed upon a woman shall be completed by the physician providing such post-abortion care. This report shall include, **but not be limited to:**

(1) The date of the abortion;

(2) The name and address of the abortion facility or hospital where the abortion was performed;

(3) The nature of the abortion complication diagnosed or treated.

3. All abortion reports shall be signed by the attending physician, and submitted to the [state] department [of health] within forty-five days from the date of the abortion. All complication reports shall be signed by the physician providing the post-abortion care and submitted to the department [of health] within forty-five days from the date of the post-abortion care.

4. A copy of the abortion report shall be made a part of the medical record of the patient of the facility or hospital in which the abortion was performed.

5. The [state] department [of health] shall be

responsible for collecting all abortion reports and complication reports and collating and evaluating all data gathered therefrom and shall annually publish a statistical report based on such data from abortions performed **or induced and post-abortion care provided** in the previous calendar year. **The report shall specify the gestational age, by weekly increments, at which abortions were performed or induced. The report shall not include any information that would allow the public to identify a specific:**

- (1) **Patient who obtained an abortion or who received post-abortion care;**
- (2) **Physician who performed or induced an abortion or who provided post-abortion care; or**
- (3) **Hospital or abortion facility where the abortion was performed or induced or which provided post-abortion care.**

188.055. 1. Every abortion facility, hospital, and physician shall be supplied with forms by the department [of health] for use in regards to the consents and reports required by sections 188.010 to 188.085. A purpose and function of such consents and reports shall be the preservation of maternal health and life by adding to the sum of medical knowledge through the compilation of relevant maternal health and life data and to monitor all abortions performed to assure that they are done only under and in accordance with the provisions of the law.

2. All information obtained by physician, hospital, or abortion facility from a patient for the purpose of preparing reports to the department [of health under] **pursuant to** sections 188.010 to 188.085 or reports received by the [division of health] **department** shall be confidential and shall be used only for statistical purposes. Such records, however, may be inspected and health data acquired by local, state, or national public health officers.

188.070. Any [physician or other] person who [fails to maintain] **knowingly violates** the confidentiality of any records [or], reports [required under] **or documents maintained by the abortion facility or hospital or received by the department pursuant to** sections 188.010 to

188.085 is guilty of a [misdemeanor and, upon conviction, shall be punished as provided by law] **class D felony.**

191.655. 1. Any individual aggrieved by a violation of a state statute relating to the confidentiality of medical records may, if a civil remedy is not otherwise provided for in the statute, bring a civil action for damages. If it is found in a civil action that:

(1) **A person has negligently violated the statute, the person is liable, for each violation, for:**

(a) **The greater of actual damages or liquidated damages of one thousand dollars; and**

(b) **Court costs and reasonable attorney's fees incurred by the person bringing the action; and**

(c) **Such other relief, including injunctive relief, as the court may deem appropriate; or**

(2) **A person has willfully or intentionally or recklessly violated the statute, the person is liable, for each violation, for:**

(a) **The greater of actual damages or liquidated damages of five thousand dollars; and**

(b) **Exemplary damages; and**

(c) **Court costs and reasonable attorney's fees incurred by the person bringing the action; and**

(d) **Such other relief, including injunctive relief, as the court may deem appropriate.**

2. The remedies available in this section are cumulative and in addition to any other criminal or administrative penalties otherwise provided for by law.”; and

Further amend the title and enacting clause accordingly.

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

Senator Steelman offered SA 11:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 375, Page 26, Section 610.200, Line 19, by inserting after all of said line the following:

“Section 1. The provisions of subdivisions (1) and (2) of section 197.735, RSMo, shall only apply if the public hospital waives its rights to claim sovereign or governmental tort immunity protection available pursuant to sections 537.600 to 537.615, RSMo.”; and

Further amend the title and enacting clause accordingly.

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

Senator Steelman moved that **SS** for **SCS** for **SB 375**, as amended, be adopted, which motion prevailed.

On motion of Senator Steelman, **SS** for **SCS** for **SB 375**, as amended, was declared perfected and ordered printed.

President Pro Tem Kinder assumed the Chair.

Senator Goode moved that **SB 578**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 578**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 578

An Act to repeal sections 208.471 and 208.480, RSMo 2000, and to enact in lieu thereof two new sections relating to the hospital federal reimbursement allowance program, with an expiration date.

Was taken up.

Senator Goode moved that **SCS** for **SB 578** be adopted.

Senator Sims offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 578, Page 1, In the Title, Line 3, by striking all of said line and inserting in lieu thereof the following: “sections relating to health care

services, with”; and

Further amend said bill, Page 1, Section A, Line 3, by inserting after all of said line the following:

“197.370. Sections 197.370 to 197.398 shall be known as the “Missouri Health Facilities Review Law”.

197.372. The “Office of Health Facilities Review”, whose purpose is to achieve the highest level of health for Missourians through cost containment, reasonable access, appropriate level of competitive choice, public accountability and preventing unnecessary duplication, is hereby established within the department of health.

197.374. As used in sections 197.370 to 197.398 the following terms mean:

(1) **“Committee”, as defined in section 197.376;**

(2) **“Develop”, to undertake those activities which on their completion will result in the offering of a new institutional health service or the incurring of a financial obligation in relation to the offering of such a service;**

(3) **“Filed” or “filing”, delivery to the staff of the committee an application and the appropriate application fee;**

(4) **“First-time service”, includes the following that are proposed for the first time in a specific location or for a mobile unit:**

(a) **Magnetic resonance imaging (MRI), positron emission tomography (PET) and linear acceleration;**

(b) **Open heart surgery;**

(c) **Cardiac catheterization;**

(d) **Lithotripsy;**

(e) **Gamma knife; or**

(f) **Other emerging technology that exceeds two million dollars.**

(5) **“Health care facilities”, hospitals, intermediate care facilities, residential care facility I or II, skilled nursing facilities,**

diagnostic imaging centers, radiation therapy centers, ambulatory surgical facilities and licensed speciality units but excludes the private offices of physicians, dentists and other practitioners of the healing arts, including Christian Science sanatoriums;

(6) “New institutional health service”:

(a) The development of a new health care facility;

(b) The acquisition, including acquisition by lease, of any health care facility, except for intermediate care facilities, residential care facilities I and II, or skilled cared facilities, or facility to house a first-time service;

(c) Any change in the licensed bed capacity of a hospital that increases the total number of beds by more than ten beds or more than ten percent of total bed capacity, whichever is less, over a two-year period;

(d) Health services, excluding home health services, which are offered in a health care facility and which were not offered on a regular basis in such health care facility within the twelve-month period prior to the time such services would be offered;

(e) A reallocation by an existing health care facility of licensed beds from one physical facility or site to another by more than ten beds or more than ten percent of total licensed bed capacity, whichever is less, over a two-year period;

(7) “Nonreviewable projects”, those renovation or replacement projects in a current location whose cost is below seven million five hundred thousand dollars;

(8) “Nonsubstantive projects”, projects which do not involve the addition, replacement, modernization or conversion of beds or the provision of a new institutional health service, but which include an expenditure over seven million five hundred thousand dollars and are due to an act of God or a normal consequence of maintaining health care services, facility or equipment;

(9) “Person”, any individual, trust, estate,

partnership, corporation, including associations and joint stock companies, state or political subdivision or instrumentality of thereof, including a municipal corporation;

(10) “Review certification”, a written certificate issued by the committee setting forth the committee's affirmative finding that a proposed project sufficiently satisfies the criteria prescribed for such projects by sections 197.370 to 197.398;

(11) “Total project cost”, an expenditure by or on behalf of a health care facility which, under generally accepted accounting principles, is not properly chargeable as an expense of operation and maintenance and includes but is not limited to land, buildings, capital improvements and all other costs necessary to establish a first-time service or a new institutional health service.

197.376. 1. The “Missouri Health Facilities Review Committee” is hereby established under the department of health. The office of health facilities review shall provide clerical and administrative support to the committee and shall be subject to all policies and procedures of the department of health, including employment policies.

2. The committee shall be composed of:

(1) Seven members appointed by the governor with the advice and consent of the senate, not more than four of whom shall be from the same political party. Four members shall be appointed in odd numbered years and three members shall be appointed in even numbered years for two year terms, each serving no more than six years; and

(2) The director of the division of health standards and licensure within the department of health or his or her designee; and

(3) The director of the division of aging or his or her designee.

3. No business of this committee shall be performed without a majority of the full body.

4. The committee shall elect a chairman at the first meeting of each odd numbered year.

The committee shall meet at least twice a year or as determined by rule.

5. Members shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of their duties.

6. The proceedings and records of the committee shall be subject to the provisions of chapter 610, RSMo.

197.378. The health facilities review committee shall:

(1) Review and approve or disapprove all applications for a review certification made under sections 197.370 to 197.398. It shall issue reasonable rules and regulations governing the submission, review, and disposition of applications;

(2) Notify the applicant within fifteen days of the date of filing of an application as to the completeness of such application as defined by rule;

(3) Provide written notification to persons located within this state at the beginning of a review. The notification may be given through publication of the review schedule in all newspapers of general circulation in the area to be served;

(4) Hold public hearings on all applications when a request in writing is filed by any person within thirty days from the date of publication of the notification of review;

(5) Within one hundred days of the filing of any application, issue in writing its approval or denial of the review certification; provided, that the committee may grant an extension of not more than thirty days on its own initiative or upon the written request of any person;

(6) Send to the applicant a copy of the aforesaid decisions with copies available to any person upon request;

(7) Consider the needs and circumstances of institutions providing training programs for health personnel;

(8) Consider the predominant ethnic,

cultural, or religious compositions of the residents to be served by a health care facility in considering whether to grant a review certification;

(9) Failure by the committee to issue a written decision on an application for review certification within the time required by this section shall constitute approval of the final administrative action on the application and is subject to appeal pursuant to section 197.382 only on the question of approval.

197.380. 1. Any person who proposes to develop or offer a new institutional health service or a first-time service shall submit a letter of intent to the committee at least thirty days prior to the filing of the application.

2. An application fee must accompany each application for a review certification. The time of filing commences with the receipt of the application and the fee. The fee is one thousand dollars, or one-tenth of one percent of the total project cost, whichever is greater. All application fees shall be deposited in the state treasury. The general assembly will appropriate funds to the Missouri health facilities review committee.

197.382. Within thirty days of the decision of the committee, only the applicant may file an appeal pursuant to chapter 621, RSMo. Any subsequent appeal shall be to the circuit court of the county in which such health care service or facility is proposed to be developed.

197.384. 1. Any person who proposes to develop or offer a new institutional health service must obtain a review certification from the committee prior to the time such services are offered.

2. Any person who proposes a first-time service must obtain a review certification from the committee prior to the time such services are offered.

3. Any person who proposes to add new, not previously licensed, beds to an existing hospital, intermediate care facility, residential care facility I or II or skilled nursing facility must obtain a review certification. This shall not

preclude the transfer of already licensed beds as defined in section 197.374.

4. Any person who proposes to renovate or replace a project in a current location whose cost is over seven million five hundred thousand dollars must obtain a review certification.

5. Those new institutional health services, first-time services, or addition of beds, that are found by the committee to meet the health needs of the community served pursuant to section 197.390, shall be granted a review certification.

6. A review certification shall be issued only for the premises and persons named in the application and is not transferable except by the consent of the committee.

7. Project cost increases, exceeding the initial estimate by more than ten percent shall not be incurred without consent of the committee.

8. Periodic reports to the committee shall be required of any applicant who has been granted a review certification until the project has been completed. The committee may order the forfeiture of the review certification upon failure of the applicant to file any such report.

9. A review certification shall be subject to forfeiture for failure to incur expenditures equal to twenty percent of the total approved cost of the project within twelve months after the date of the order. The applicant may request an extension from the committee of not more than six additional months to avoid forfeiture.

10. No state agency charged by statute to license or certify health care facilities shall issue a license to or certify any such facility, or distinct part of such facility, that is developed and is required to have a review certification, without first obtaining a review certification.

11. No state agency may appropriate or grant funds to or make payment of any funds to any person or health care facility that has not first obtained every review certification required pursuant to sections 197.370 to 197.398.

12. In no event shall a review certification be denied because the applicant refuses to provide

abortion services or information.

13. A review certification shall not be required for the transfer of ownership of an existing and operational health care facility in its entirety.

14. A review certification may be granted for something less than that which was sought in the original application.

15. To assure the safe, appropriate, and cost-effective transfer of new medical technology throughout the state, a review certification shall not be required for the purchase and operation of research equipment that is to be used in a clinical trial that has received written approval from a duly constituted institutional review board of an accredited school of medicine or osteopathy located in Missouri to establish its safety and efficacy and does not increase the bed complement of the institution in which the equipment is to be located. After the clinical trial has been completed, a review certification must be obtained for continued use in such facility.

197.386. Review certification is not required for:

(1) Facilities operated by the state. Appropriation of funds to such facilities by the general assembly shall be in compliance, and such facilities shall be deemed to have received an appropriate review certification without any fee or charge;

(2) Facilities which are licensed pursuant to the provisions of chapter 198, RSMo, which are designed and operated exclusively for the care and treatment of persons with acquired human immunodeficiency syndrome (AIDS). Only AIDS patients shall be residents of such a facility and no others. Any facility that violates this provision shall be liable for a fine of one hundred dollars per resident per day for each such violation;

(3) Nonreviewable projects as per subdivision (7) of section 197.374.

197.388. A review certification shall not be

issued until January 1, 2003, for:

(1) Additional intermediate care facility, residential care facility I, residential care facility II or skilled nursing facility beds above the number licensed by the state except those permitted pursuant to section 197.386;

(2) Beds in a licensed hospital to be reallocated on a temporary or a permanent basis to nursing care or beds in a long-term care hospital meeting the requirements described in 41 C.F.R. section 412.23(e).

197.390. The department of health shall determine, by county, whether there presently exists a need for additional skilled nursing facility beds. The average occupancy of all licensed and available skilled nursing facility beds must exceed ninety percent for at least four consecutive quarters in a particular county, and other considerations may include rural and urban distinctions, delivery of health care services, and population migration.

197.392. A residential care facility I or II or skilled nursing facility licensed pursuant to chapter 198, RSMo, may increase its licensed bed capacity by:

(1) Submitting a letter of intent to expand to the division of aging and the health facilities review committee;

(2) Certification from the division of aging that the facility:

(a) Has no patient care class I deficiencies within the last eighteen months; and

(b) Has maintained a ninety-percent average occupancy rate for the previous six quarters;

(3) Has made an effort to purchase beds for eighteen months following the date the letter of intent to expand is submitted pursuant to subdivision (1) of this section. For purposes of this paragraph, an "effort to purchase" means a copy certified by the offeror as an offer to purchase beds from another licensed facility in the same licensure category; and

(4) If an agreement is reached by the selling and purchasing entities, the health facilities

review committee shall issue a certificate of need for the expansion of the purchaser facility upon surrender of the seller's license; or

(5) If no agreement is reached by the selling and purchasing entities, the health facilities review committee shall permit an expansion for:

(a) A facility with more than forty beds may expand its licensed bed capacity within the same licensure category by twenty-five percent or thirty beds, whichever is greater, if that same licensure category in such facility has experienced an average occupancy of ninety-three percent or greater over the previous six quarters;

(b) A facility with fewer than forty beds may expand its licensed bed capacity within the same licensure category by twenty-five percent or ten beds, whichever is greater, if that same licensure category in such facility has experienced an average occupancy of ninety-two percent or greater over the previous six quarters;

(c) A facility adding beds pursuant to paragraphs (a) or (b) of this subdivision shall not expand by more than fifty percent of its then licensed bed capacity in the qualifying licensure category;

(6) Any beds sold shall, for five years from the date of relicensure by the purchaser, remain unlicensed and unused for any long-term care service in the selling facility, whether they do or do not require a license;

(7) The beds purchased shall, for two years from the date of purchase, remain in the bed inventory attributed to the selling facility and be considered by the department of social services as licensed and available for purposes of this section;

(8) Any residential care facility licensed pursuant to chapter 198, RSMo, may relocate any portion of such facility's current licensed beds to any other facility to be licensed within the same licensure category if both facilities are under the same licensure ownership or control, and are located within six miles of each other;

(9) A facility licensed pursuant to chapter 198, RSMo, may transfer or sell individual long-term care licensed beds to facilities qualifying pursuant to subdivisions (1) and (2) of this section. Any facility which transfers or sells licensed beds shall not expand its licensed bed capacity in that licensure category for a period of five years from the date the licensure is relinquished.

197.394. 1. Any person who is paid to support or oppose any project before the committee shall register with the staff of the committee for every project in which such person has an interest. The registration shall also include the names and addresses of any person, firm, corporation or association that the person registering represents in relation to the named project. Any person violating the provisions of this subsection shall be subject to the penalties specified in section 105.478, RSMo.

2. Any person regulated by chapter 197 or 198, RSMo, and any officer, attorney, agent and employee thereof, shall not offer to any committee member or to any member of the committee staff, any office, appointment or position, or any present, gift, entertainment or gratuity of any kind while such application is pending before the committee. Any person guilty of knowingly violating the provisions of this section shall be punished as follows: For the first offense, such person is guilty of a class B misdemeanor; and for the second and subsequent offenses, such person is guilty of a class D felony.

197.396. For the purposes of reimbursement under section 208.152, RSMo, project costs for new institutional health services in excess of ten percent of the initial project estimate shall not be eligible for reimbursement for the first three years that a facility receives payment for services provided under section 208.152, RSMo. The initial estimate shall be that amount for which the original review certification was obtained. Reimbursement for these excess costs after the first three years shall not be made until a review certification has been granted for the excess project costs. The provisions of this

section shall apply only to facilities which file an application for a review certification or make application for cost-override review of their original application or waiver.

197.397. The health facilities review committee shall submit an annual report to the governor and members of the general assembly on all projects that have come before the committee and have been approved, are in process or have been disapproved.

197.398. The committee shall have the power to promulgate reasonable rules, regulations, criteria and standards in conformity with this section and chapter 536, RSMo, to meet the objectives of sections 197.370 to 197.398 including the power to establish criteria and standards to review new types of equipment or service. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in sections 197.370 to 197.398 shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, sections 536.028, RSMo. All rulemaking authority delegated prior to August 28, 2001, is of no force and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 2001, if it fully complied with all applicable provisions of the law. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void.”; and

Further amend said bill, Page 2, Section 208.480, Line 2, by inserting after all of said line the following:

“[197.300. Sections 197.300 to 197.366 shall be known as the “Missouri Certificate of Need Law”.]

[197.305. As used in sections 197.300 to 197.366, the following terms mean:

(1) “Affected persons”, the person proposing the development of a new institutional health service, the public to be served, and health care facilities within the service area in which the proposed new health care service is to be developed;

(2) “Agency”, the certificate of need program of the Missouri department of health;

(3) “Capital expenditure”, an expenditure by or on behalf of a health care facility which, under generally accepted accounting principles, is not properly chargeable as an expense of operation and maintenance;

(4) “Certificate of need”, a written certificate issued by the committee setting forth the committee's affirmative finding that a proposed project sufficiently satisfies the criteria prescribed for such projects by sections 197.300 to 197.366;

(5) “Develop”, to undertake those activities which on their completion will result in the offering of a new institutional health service or the incurring of a financial obligation in relation to the offering of such a service;

(6) “Expenditure minimum” shall mean:

(a) For beds in existing or proposed health care facilities licensed pursuant to chapter 198, RSMo, and long-term care beds in a hospital as described in subdivision (3) of subsection 1 of section 198.012, RSMo, six hundred thousand dollars in the case of capital expenditures, or four hundred thousand dollars in the case of major medical equipment, provided, however, that prior to January 1, 2003, the expenditure minimum for beds in such a facility and long-term care beds in a hospital described in section 198.012, RSMo, shall be zero, subject to the

provisions of subsection 7 of section 197.318;

(b) For beds or equipment in a long-term care hospital meeting the requirements described in 42 CFR, Section 412.23(e), the expenditure minimum shall be zero; and

(c) For health care facilities, new institutional health services or beds not described in paragraph (a) or (b) of this subdivision one million dollars in the case of capital expenditures, excluding major medical equipment, and one million dollars in the case of medical equipment;

(7) “Health care facilities”, hospitals, health maintenance organizations, tuberculosis hospitals, psychiatric hospitals, intermediate care facilities, skilled nursing facilities, residential care facilities I and II, kidney disease treatment centers, including freestanding hemodialysis units, diagnostic imaging centers, radiation therapy centers and ambulatory surgical facilities, but excluding the private offices of physicians, dentists and other practitioners of the healing arts, and Christian Science sanatoriums, also known as Christian Science Nursing facilities listed and certified by the Commission for Accreditation of Christian Science Nursing Organization/Facilities, Inc., and facilities of not-for-profit corporations in existence on October 1, 1980, subject either to the provisions and regulations of Section 302 of the Labor-Management Relations Act, 29 U.S.C. 186 or the Labor-Management Reporting and Disclosure Act, 29 U.S.C. 401-538, and any residential care facility I or residential care facility II operated by a religious organization qualified pursuant to Section 501(c)(3) of the federal Internal Revenue Code, as amended, which does not require the expenditure of

public funds for purchase or operation, with a total licensed bed capacity of one hundred beds or fewer;

(8) "Health service area", a geographic region appropriate for the effective planning and development of health services, determined on the basis of factors including population and the availability of resources, consisting of a population of not less than five hundred thousand or more than three million;

(9) "Major medical equipment", medical equipment used for the provision of medical and other health services;

(10) "New institutional health service":

(a) The development of a new health care facility costing in excess of the applicable expenditure minimum;

(b) The acquisition, including acquisition by lease, of any health care facility, or major medical equipment costing in excess of the expenditure minimum;

(c) Any capital expenditure by or on behalf of a health care facility in excess of the expenditure minimum;

(d) Predevelopment activities as defined in subdivision (13) hereof costing in excess of one hundred fifty thousand dollars;

(e) Any change in licensed bed capacity of a health care facility which increases the total number of beds by more than ten or more than ten percent of total bed capacity, whichever is less, over a two-year period;

(f) Health services, excluding home health services, which are offered in a health care facility and which were not offered on a regular basis in such health care facility within the twelve-month period prior to the time such services would be offered;

(g) A reallocation by an existing health care facility of licensed beds among major types of service or reallocation of licensed beds from one physical facility or site to another by more than ten beds or more than ten percent of total licensed bed capacity, whichever is less, over a two-year period;

(11) "Nonsubstantive projects", projects which do not involve the addition, replacement, modernization or conversion of beds or the provision of a new health service but which include a capital expenditure which exceeds the expenditure minimum and are due to an act of God or a normal consequence of maintaining health care services, facility or equipment;

(12) "Person", any individual, trust, estate, partnership, corporation, including associations and joint stock companies, state or political subdivision or instrumentality thereof, including a municipal corporation;

(13) "Predevelopment activities", expenditures for architectural designs, plans, working drawings and specifications, and any arrangement or commitment made for financing; but excluding submission of an application for a certificate of need.]

[197.310. 1. The "Missouri Health Facilities Review Committee" is hereby established. The agency shall provide clerical and administrative support to the committee. The committee may employ additional staff as it deems necessary.

2. The committee shall be composed of:

(1) Two members of the senate appointed by the president pro tem, who shall be from different political parties; and

(2) Two members of the house of representatives appointed by the speaker, who shall be from different political

parties; and

(3) Five members appointed by the governor with the advice and consent of the senate, not more than three of whom shall be from the same political party.

3. No business of this committee shall be performed without a majority of the full body.

4. The members shall be appointed as soon as possible after September 28, 1979. One of the senate members, one of the house members and three of the members appointed by the governor shall serve until January 1, 1981, and the remaining members shall serve until January 1, 1982. All subsequent members shall be appointed in the manner provided in subsection 2 of this section and shall serve terms of two years.

5. The committee shall elect a chairman at its first meeting which shall be called by the governor. The committee shall meet upon the call of the chairman or the governor.

6. The committee shall review and approve or disapprove all applications for a certificate of need made under sections 197.300 to 197.366. It shall issue reasonable rules and regulations governing the submission, review and disposition of applications.

7. Members of the committee shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of their duties.

8. Notwithstanding the provisions of subsection 4 of section 610.025, RSMo, the proceedings and records of the facilities review committee shall be subject to the provisions of chapter 610, RSMo.]

[197.311. No member of the Missouri health facilities review committee may accept a political donation from any applicant for a license.]

[197.312. A certificate of need shall

not be required for any institution previously owned and operated for or in behalf of a city not within a county which chooses to be licensed as a facility defined under subdivision (15) or (16) of section 198.006, RSMo, for a facility of ninety beds or less that is owned or operated by a not-for-profit corporation which is exempt from federal income tax as an organization described in section 501(c)(3) of the Internal Revenue Code of 1986, which is controlled directly by a religious organization and which has received approval by the division of aging of plans for construction of such facility by August 1, 1995, and is licensed by the division of aging by July 1, 1996, as a facility defined under subdivision (15) or (16) of section 198.006, RSMo, or for a facility, serving exclusively mentally ill, homeless persons, of sixteen beds or less that is owned or operated by a not-for-profit corporation which is exempt from federal income tax which is described in section 501(c)(3) of the Internal Revenue Code of 1986, which is controlled directly by a religious organization and which has received approval by the division of aging of plans for construction of such facility by May 1, 1996, and is licensed by the division of aging by July 1, 1996, as a facility defined under subdivision (15) or (16) of section 198.006, RSMo, or a residential care facility II located in a city not within a county operated by a not for profit corporation which is exempt from federal income tax which is described in section 501(c)(3) of the Internal Revenue Code of 1986, which is controlled directly by a religious organization and which is licensed for one hundred beds or less on or before August 28, 1997.]

[197.314. 1. The provisions of sections 197.300 to 197.366 shall not apply to any sixty-bed stand-alone facility designed and operated exclusively for the care of residents with Alzheimer's disease or dementia and

located in a tax increment financing district established prior to 1990 within any county of the first classification with a charter form of government containing a city with a population of over three hundred fifty thousand and which district also has within its boundaries a skilled nursing facility.

2. The provisions of sections 197.300 to 197.366 shall not apply, as hereinafter stated, to a skilled nursing facility that is owned or operated by a not-for-profit corporation which was created by a special act of the Missouri general assembly, is exempt from federal income tax as an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, is owned by a religious organization and is to be operated as part of a continuing care retirement community offering independent living, residential care and skilled care. This exemption shall authorize no more than twenty additional skilled nursing beds at each of two facilities which do not have any skilled nursing beds as of January 1, 1999.]

[197.315. 1. Any person who proposes to develop or offer a new institutional health service within the state must obtain a certificate of need from the committee prior to the time such services are offered.

2. Only those new institutional health services which are found by the committee to be needed shall be granted a certificate of need. Only those new institutional health services which are granted certificates of need shall be offered or developed within the state. No expenditures for new institutional health services in excess of the applicable expenditure minimum shall be made by any person unless a certificate of need has been granted.

3. After October 1, 1980, no state agency charged by statute to license or certify health care facilities shall issue a license to or certify any such facility, or

distinct part of such facility, that is developed without obtaining a certificate of need.

4. If any person proposes to develop any new institutional health care service without a certificate of need as required by sections 197.300 to 197.366, the committee shall notify the attorney general, and he shall apply for an injunction or other appropriate legal action in any court of this state against that person.

5. After October 1, 1980, no agency of state government may appropriate or grant funds to or make payment of any funds to any person or health care facility which has not first obtained every certificate of need required pursuant to sections 197.300 to 197.366.

6. A certificate of need shall be issued only for the premises and persons named in the application and is not transferable except by consent of the committee.

7. Project cost increases, due to changes in the project application as approved or due to project change orders, exceeding the initial estimate by more than ten percent shall not be incurred without consent of the committee.

8. Periodic reports to the committee shall be required of any applicant who has been granted a certificate of need until the project has been completed. The committee may order the forfeiture of the certificate of need upon failure of the applicant to file any such report.

9. A certificate of need shall be subject to forfeiture for failure to incur a capital expenditure on any approved project within six months after the date of the order. The applicant may request an extension from the committee of not more than six additional months based upon substantial expenditure made.

10. Each application for a

certificate of need must be accompanied by an application fee. The time of filing commences with the receipt of the application and the application fee. The application fee is one thousand dollars, or one-tenth of one percent of the total cost of the proposed project, whichever is greater. All application fees shall be deposited in the state treasury. Because of the loss of federal funds, the general assembly will appropriate funds to the Missouri health facilities review committee.

11. In determining whether a certificate of need should be granted, no consideration shall be given to the facilities or equipment of any other health care facility located more than a fifteen-mile radius from the applying facility.

12. When a nursing facility shifts from a skilled to an intermediate level of nursing care, it may return to the higher level of care if it meets the licensure requirements, without obtaining a certificate of need.

13. In no event shall a certificate of need be denied because the applicant refuses to provide abortion services or information.

14. A certificate of need shall not be required for the transfer of ownership of an existing and operational health facility in its entirety.

15. A certificate of need may be granted to a facility for an expansion, an addition of services, a new institutional service, or for a new hospital facility which provides for something less than that which was sought in the application.

16. The provisions of this section shall not apply to facilities operated by the state, and appropriation of funds to such facilities by the general assembly shall be deemed in compliance with this section, and such facilities shall be deemed to have received an appropriate certificate of need

without payment of any fee or charge.

17. Notwithstanding other provisions of this section, a certificate of need may be issued after July 1, 1983, for an intermediate care facility operated exclusively for the mentally retarded.

18. To assure the safe, appropriate, and cost-effective transfer of new medical technology throughout the state, a certificate of need shall not be required for the purchase and operation of research equipment that is to be used in a clinical trial that has received written approval from a duly constituted institutional review board of an accredited school of medicine or osteopathy located in Missouri to establish its safety and efficacy and does not increase the bed complement of the institution in which the equipment is to be located. After the clinical trial has been completed, a certificate of need must be obtained for continued use in such facility.]

[197.316. 1. The provisions of subsection 10 of section 197.315 and sections 197.317 and 197.318 shall not apply to facilities which are licensed pursuant to the provisions of chapter 198, RSMo, which are designed and operated exclusively for the care and treatment of persons with acquired human immunodeficiency syndrome, AIDS.

2. If a facility is granted a certificate of need and is found to be exempt from the provisions of subsection 10 of section 197.315 and sections 197.317 and 197.318 pursuant to the provisions of subsection 1 of this section, then only AIDS patients shall be residents of such facility and no others.

3. Any facility that violates the provisions of subsection 2 of this section shall be liable for a fine of one hundred dollars per resident per day for each such violation.

4. The attorney general shall, upon request of the department of health, bring an action in a circuit court of competent jurisdiction for violation of this section.]

[197.317. 1. After July 1, 1983, no certificate of need shall be issued for the following:

(1) Additional residential care facility I, residential care facility II, intermediate care facility or skilled nursing facility beds above the number then licensed by this state;

(2) Beds in a licensed hospital to be reallocated on a temporary or permanent basis to nursing care or beds in a long-term care hospital meeting the requirements described in 42 CFR, Section 412.23(e), excepting those which are not subject to a certificate of need pursuant to paragraphs (e) and (g) of subdivision (10) of section 197.305; nor

(3) The reallocation of intermediate care facility or skilled nursing facility beds of existing licensed beds by transfer or sale of licensed beds between a hospital licensed pursuant to this chapter or a nursing care facility licensed pursuant to chapter 198, RSMo; except for beds in counties in which there is no existing nursing care facility. No certificate of need shall be issued for the reallocation of existing residential care facility I or II, or intermediate care facilities operated exclusively for the mentally retarded to intermediate care or skilled nursing facilities or beds. However, after January 1, 2003, nothing in this section shall prohibit the Missouri health facilities review committee from issuing a certificate of need for additional beds in existing health care facilities or for new beds in new health care facilities or for the reallocation of licensed beds, provided that no construction shall begin prior to January 1, 2004. The provisions of subsections 16 and 17 of section 197.315 shall apply to the provisions of this section.

2. The health facilities review committee shall utilize demographic data from the office of social and economic data analysis, or its successor organization, at the University of Missouri as their source of information in considering applications for new institutional long-term care facilities.]

[197.318. 1. The provisions of section 197.317 shall not apply to a residential care facility I, residential care facility II, intermediate care facility or skilled nursing facility only where the department of social services has first determined that there presently exists a need for additional beds of that classification because the average occupancy of all licensed and available residential care facility I, residential care facility II, intermediate care facility and skilled nursing facility beds exceeds ninety percent for at least four consecutive calendar quarters, in a particular county, and within a fifteen-mile radius of the proposed facility, and the facility otherwise appears to qualify for a certificate of need. The department's certification that there is no need for additional beds shall serve as the final determination and decision of the committee. In determining ninety percent occupancy, residential care facility I and II shall be one separate classification and intermediate care and skilled nursing facilities are another separate classification.

2. The Missouri health facilities review committee may, for any facility certified to it by the department, consider the predominant ethnic or religious composition of the residents to be served by that facility in considering whether to grant a certificate of need.

3. There shall be no expenditure minimum for facilities, beds, or services referred to in subdivisions (1), (2) and (3)

of section 197.317. The provisions of this subsection shall expire January 1, 2003.

4. As used in this section, the term “licensed and available” means beds which are actually in place and for which a license has been issued.

5. The provisions of section 197.317 shall not apply to any facility where at least ninety-five percent of the patients require diets meeting the dietary standards defined by section 196.165, RSMo.

6. The committee shall review all letters of intent and applications for long-term care hospital beds meeting the requirements described in 42 CFR, Section 412.23(e) under its criteria and standards for long-term care beds.

7. Sections 197.300 to 197.366 shall not be construed to apply to litigation pending in state court on or before April 1, 1996, in which the Missouri health facilities review committee is a defendant in an action concerning the application of sections 197.300 to 197.366 to long-term care hospital beds meeting the requirements described in 42 CFR, Section 412.23(e).

8. Notwithstanding any other provision of this chapter to the contrary:

(1) A facility licensed pursuant to chapter 198, RSMo, may increase its licensed bed capacity by:

(a) Submitting a letter of intent to expand to the division of aging and the health facilities review committee;

(b) Certification from the division of aging that the facility:

a. Has no patient care class I deficiencies within the last eighteen months; and

b. Has maintained a ninety-percent average occupancy rate for the previous six quarters;

(c) Has made an effort to purchase beds for eighteen months following the date

the letter of intent to expand is submitted pursuant to paragraph (a) of this subdivision. For purposes of this paragraph, an “effort to purchase” means a copy certified by the offeror as an offer to purchase beds from another licensed facility in the same licensure category; and

(d) If an agreement is reached by the selling and purchasing entities, the health facilities review committee shall issue a certificate of need for the expansion of the purchaser facility upon surrender of the seller's license; or

(e) If no agreement is reached by the selling and purchasing entities, the health facilities review committee shall permit an expansion for:

a. A facility with more than forty beds may expand its licensed bed capacity within the same licensure category by twenty-five percent or thirty beds, whichever is greater, if that same licensure category in such facility has experienced an average occupancy of ninety-three percent or greater over the previous six quarters;

b. A facility with fewer than forty beds may expand its licensed bed capacity within the same licensure category by twenty-five percent or ten beds, whichever is greater, if that same licensure category in such facility has experienced an average occupancy of ninety-two percent or greater over the previous six quarters;

c. A facility adding beds pursuant to subparagraphs a. or b. of this paragraph shall not expand by more than fifty percent of its then licensed bed capacity in the qualifying licensure category;

(2) Any beds sold shall, for five years from the date of relicensure by the purchaser, remain unlicensed and unused for any long-term care service in the selling facility, whether they do or do not

require a license;

(3) The beds purchased shall, for two years from the date of purchase, remain in the bed inventory attributed to the selling facility and be considered by the department of social services as licensed and available for purposes of this section;

(4) Any residential care facility licensed pursuant to chapter 198, RSMo, may relocate any portion of such facility's current licensed beds to any other facility to be licensed within the same licensure category if both facilities are under the same licensure ownership or control, and are located within six miles of each other;

(5) A facility licensed pursuant to chapter 198, RSMo, may transfer or sell individual long-term care licensed beds to facilities qualifying pursuant to paragraphs (a) and (b) of subdivision (1) of this subsection. Any facility which transfers or sells licensed beds shall not expand its licensed bed capacity in that licensure category for a period of five years from the date the licensure is relinquished.

9. Any existing licensed and operating health care facility offering long-term care services may replace one-half of its licensed beds at the same site or a site not more than thirty miles from its current location if, for at least the most recent four consecutive calendar quarters, the facility operates only fifty percent of its then licensed capacity with every resident residing in a private room. In such case:

(1) The facility shall report to the division of aging vacant beds as unavailable for occupancy for at least the most recent four consecutive calendar quarters;

(2) The replacement beds shall be built to private room specifications and only used for single occupancy; and

(3) The existing facility and proposed facility shall have the same owner or owners, regardless of corporate or

business structure, and such owner or owners shall stipulate in writing that the existing facility beds to be replaced will not later be used to provide long-term care services. If the facility is being operated under a lease, both the lessee and the owner of the existing facility shall stipulate the same in writing.

10. Nothing in this section shall prohibit a health care facility licensed pursuant to chapter 198, RSMo, from being replaced in its entirety within fifteen miles of its existing site so long as the existing facility and proposed or replacement facility have the same owner or owners regardless of corporate or business structure and the health care facility being replaced remains unlicensed and unused for any long-term care services whether they do or do not require a license from the date of licensure of the replacement facility.]

[197.320. The committee shall have the power to promulgate reasonable rules, regulations, criteria and standards in conformity with this section and chapter 536, RSMo, to meet the objectives of sections 197.300 to 197.366 including the power to establish criteria and standards to review new types of equipment or service. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in sections 197.300 to 197.366 shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This section and chapter 536, RSMo, are nonseverable and if any of the powers

vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void.]

[197.325. Any person who proposes to develop or offer a new institutional health service shall submit a letter of intent to the committee at least thirty days prior to the filing of the application.]

[197.326. 1. Any person who is paid either as part of his normal employment or as a lobbyist to support or oppose any project before the health facilities review committee shall register as a lobbyist pursuant to chapter 105, RSMo, and shall also register with the staff of the health facilities review committee for every project in which such person has an interest and indicate whether such person supports or opposes the named project. The registration shall also include the names and addresses of any person, firm, corporation or association that the person registering represents in relation to the named project. Any person violating the provisions of this subsection shall be subject to the penalties specified in section 105.478, RSMo.

2. A member of the general assembly who also serves as a member of the health facilities review committee is prohibited from soliciting or accepting campaign contributions from any applicant or person speaking for an applicant or any opponent to any application or persons speaking for any opponent while such application is pending before the health facilities review committee.

3. Any person regulated by chapter 197 or 198, RSMo, and any officer, attorney, agent and employee thereof, shall not offer to any committee member or to any person employed as staff to the

committee, any office, appointment or position, or any present, gift, entertainment or gratuity of any kind or any campaign contribution while such application is pending before the health facilities review committee. Any person guilty of knowingly violating the provisions of this section shall be punished as follows: For the first offense, such person is guilty of a class B misdemeanor; and for the second and subsequent offenses, such person is guilty of a class D felony.]

[197.327. 1. If a facility is granted a certificate of need pursuant to sections 197.300 to 197.365 based on an application stating a need for additional Medicaid beds, such beds shall be used for Medicaid patients and no other.

2. Any person who violates the provisions of subsection 1 of this section shall be liable to the state for civil penalties of one hundred dollars for every day of such violation. Each non-Medicaid patient placed in a Medicaid bed shall constitute a separate violation.

3. The attorney general shall, upon the request of the department, bring an action in a circuit court of competent jurisdiction to recover the civil penalty. The department may bring such an action itself. The civil action may be brought in the circuit court of Cole County or, at the option of the director, in another county which has venue of an action against the person under other provisions of law.]

[197.330. 1. The committee shall:

(1) Notify the applicant within fifteen days of the date of filing of an application as to the completeness of such application;

(2) Provide written notification to affected persons located within this state at the beginning of a review. This notification may be given through publication of the review schedule in all

newspapers of general circulation in the area to be served;

(3) Hold public hearings on all applications when a request in writing is filed by any affected person within thirty days from the date of publication of the notification of review;

(4) Within one hundred days of the filing of any application for a certificate of need, issue in writing its findings of fact, conclusions of law, and its approval or denial of the certificate of need; provided, that the committee may grant an extension of not more than thirty days on its own initiative or upon the written request of any affected person;

(5) Cause to be served upon the applicant, the respective health system agency, and any affected person who has filed his prior request in writing, a copy of the aforesaid findings, conclusions and decisions;

(6) Consider the needs and circumstances of institutions providing training programs for health personnel;

(7) Provide for the availability, based on demonstrated need, of both medical and osteopathic facilities and services to protect the freedom of patient choice; and

(8) Establish by regulation procedures to review, or grant a waiver from review, nonsubstantive projects.

The term "filed" or "filing" as used in this section shall mean delivery to the staff of the health facilities review committee the document or documents the applicant believes constitute an application.

2. Failure by the committee to issue a written decision on an application for a certificate of need within the time required by this section shall constitute approval of and final administrative action on the application, and is subject to appeal pursuant to section 197.335 only on the question of approval by operation of law.]

[197.335. Within thirty days of the decision of the committee, the applicant may file an appeal to be heard de novo by the administrative hearing commissioner, the circuit court of Cole County or the circuit court in the county within which such health care service or facility is proposed to be developed.]

[197.340. Any health facility providing a health service must notify the committee of any discontinuance of any previously provided health care service, a decrease in the number of licensed beds by ten percent or more, or the change in licensure category for any such facility.]

[197.345. Any health facility with a project for facilities or services for which a binding construction or purchase contract has been executed prior to October 1, 1980, or health care facility which has commenced operations prior to October 1, 1980, shall be deemed to have received a certificate of need, except that such certificate of need shall be subject to forfeiture under the provisions of subsections 8 and 9 of section 197.315.]

[197.355. The legislature may not appropriate any money for capital expenditures for health care facilities until a certificate of need has been issued for such expenditures.]

[197.357. For the purposes of reimbursement under section 208.152, RSMo, project costs for new institutional health services in excess of ten percent of the initial project estimate whether or not approval was obtained under subsection 7 of section 197.315 shall not be eligible for reimbursement for the first three years that a facility receives payment for services provided under section 208.152, RSMo. The initial estimate shall be that amount for which the original certificate of need was obtained or, in the case of facilities for which a binding construction or purchase contract was

executed prior to October 1, 1980, the amount of that contract. Reimbursement for these excess costs after the first three years shall not be made until a certificate of need has been granted for the excess project costs. The provisions of this section shall apply only to facilities which file an application for a certificate of need or make application for cost-overrun review of their original application or waiver after August 13, 1982.]

[197.366. The provisions of subdivision (8) of section 197.305 to the contrary notwithstanding, after December 31, 2001, the term "health care facilities" in sections 197.300 to 197.366 shall mean:

(1) Facilities licensed under chapter 198, RSMo;

(2) Long-term care beds in a hospital as described in subdivision (3) of subsection 1 of section 198.012, RSMo;

(3) Long-term care hospitals or beds in a long-term care hospital meeting the requirements described in 42 CFR, section 412.23(e); and

(4) Construction of a new hospital as defined in chapter 197.]

[197.367. Upon application for renewal by any residential care facility I or II which on the effective date of this act has been licensed for more than five years, is licensed for more than fifty beds and fails to maintain for any calendar year its occupancy level above thirty percent of its then licensed beds, the division of aging shall license only fifty beds for such facility.]" and

Further amend the title and enacting clause accordingly.

Senator Sims moved that the above amendment be adopted.

Senator Caskey raised the point of order that **SA 1** is out of order as it goes beyond the scope and purpose of the bill.

Senator Klarich assumed the Chair.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Singleton offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 578, Page 2, Section 208.471, Line 38, by inserting after all of said line the following:

"4. Notwithstanding any law, statute or rule, hospital and clinics associated with a land grant university shall be reimbursed at no lower level than any other hospital in the state of Missouri."

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

Senator Goode moved that **SCS** for **SB 578**, as amended, be adopted, which motion prevailed.

On motion of Senator Goode, **SCS** for **SB 578**, as amended, was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Singleton, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which were referred **SS** for **SCS** for **SBs 551, 410, 539, 528** and **296**; **HB 808** and **HB 951**, with **SCS**; **HB 742**, with **SCS**; **HB 321**; and **HB 218**, begs leave to report that it has considered the same and recommends that the bills do pass.

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SCS** for **SBs 448** and **588** and **SCS** for **SB 505**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

CONCURRENT RESOLUTIONS

Senator Bland offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 32

WHEREAS, providing public education is the primary duty of the state after paying state debts, as provided pursuant to Article III, Section 36 of the Missouri Constitution; and

WHEREAS, the General Assembly has the primary responsibility to provide for public education by the passage of laws and appropriations; and

WHEREAS, the Kansas City Missouri School District has been involved in federal school desegregation litigation since 1977, and has been subject to federal court orders and federal court control since 1984; and

WHEREAS, the Kansas City Missouri School District was classified as unaccredited in May 2000 by the State Board of Education, only meeting three of the eleven Missouri School Improvement Program performance indicators required to achieve state accreditation; and

WHEREAS, the Kansas City Missouri School District has experienced a high rate of superintendent turnover and discord within the school board and between the school board and the superintendent; and

WHEREAS, various proposals have been offered and discussed during the First Regular Session of the Ninety-first General Assembly concerning the governance of the Kansas City Missouri School District and the possibility of state involvement in governance of the district;

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate, Ninety-first General Assembly, First Regular Session, the House of Representatives concurring therein, that a joint interim committee on the Kansas City Missouri School District be created to be composed of seven members of the Senate, to be appointed by the President Pro Tem of the Senate and to include the chair of the Senate Education committee, a former chair of the Senate Education Committee, at least three Senators representing a portion of the Kansas City Missouri School District and two Senators not representing any portion of the Kansas City Missouri School District and seven members of the House of Representatives, to be appointed by the Speaker of the House of Representatives and to include the chair of the House Elementary and Secondary Education Committee, a former chair of the House Elementary and Secondary Education Committee, three Representatives representing a portion of the Kansas City Missouri School District and two Representatives not representing any portion of the Kansas City Missouri School District; and

BE IT FURTHER RESOLVED that said committee shall research, review and evaluate options to improve the quality of education and improve student academic success in the Kansas City Missouri School District; and

BE IT FURTHER RESOLVED that said committee shall conduct a study of the history, development and patterns of urban education in the Kansas City Missouri School District and in other urban school districts across the nation over at least the last twenty years and shall review the history and performance of the Kansas City Missouri School District over at least the last twenty years to assess when educational deficiencies began in the school district and determine the current strengths and weaknesses of the school district's educational system; and

BE IT FURTHER RESOLVED that the committee shall work to develop options to establish a new process whereby the district may improve educational quality, improve student academic success and meet existing requirements applicable to school districts; and

BE IT FURTHER RESOLVED that the committee may make such findings as it deems appropriate and may make such recommendations to the State Board of Education as it deems appropriate;

BE IT FURTHER RESOLVED that said committee prepare a report for submission to the General Assembly prior to the commencement of the Second Regular Session of the Ninety-first General Assembly; and

BE IT FURTHER RESOLVED that said committee may solicit any input and information necessary to fulfill its obligations from the Missouri Department of Elementary and Secondary Education, the State Board of Education, the Department of Higher Education, the Coordinating Board for Higher Education, all school districts and other political subdivisions of this state, teachers and teacher groups, business and other commercial interests, community groups and any other interested persons; and

BE IT FURTHER RESOLVED that House Research, the Committee on Legislative Research, and Senate Research shall provide such legal, research, clerical, technical and bill drafting services as the committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of the committee, its members and any staff personnel assigned to the committee incurred in attending meetings of the committee or any subcommittee thereof shall be paid from the Joint Contingent Fund.

THIRD READING OF SENATE BILLS

SCS for SBs 247 and 330, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 247 and 330

An Act to repeal sections 226.540, 226.550 and 226.585, RSMo 2000, relating to highway beautification, and to enact in lieu thereof four new sections relating to the same subject, with an emergency clause.

Was taken up by Senator Westfall.

On motion of Senator Westfall, **SCS** for **SBs 247** and **330** was read the 3rd time and passed by the following vote:

YEAS—Senators

Cauthorn	Childers	DePasco	Foster
Gibbons	House	Johnson	Kenney
Klarich	Mathewson	Quick	Russell
Scott	Singleton	Staples	Steelman
Stoll	Westfall	Yeckel—19	

NAYS—Senators

Bentley	Caskey	Dougherty	Goode
Gross	Kinder	Klindt	Loudon
Rohrbach	Schneider	Sims	Wiggins—12

Absent—Senators

Bland Jacob—2

Absent with leave—Senator Carter—1

The President declared the bill passed.

The emergency clause failed to receive the necessary two-thirds majority by the following vote:

YEAS—Senators

Cauthorn	Childers	Foster	Gibbons
House	Johnson	Kenney	Mathewson
Quick	Russell	Staples	Stoll
Westfall	Yeckel—14		

NAYS—Senators

Caskey	DePasco	Dougherty	Goode
Gross	Kinder	Klarich	Klindt
Loudon	Rohrbach	Schneider	Scott
Sims	Singleton	Steelman	Wiggins—16

Absent—Senators

Bentley Bland Jacob—3

Absent with leave—Senator Carter—1

On motion of Senator Westfall, title to the bill was agreed to.

Senator Westfall moved that the vote by which the bill passed be reconsidered.

Senator Sims moved that motion lay on the table, which motion prevailed.

SS for **SCS** for **SBs 551, 410, 539, 528** and **296**, introduced by Senator Sims, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 551, 410, 539, 528 and
296

An Act to repeal sections 208.029, 210.170, 210.536 and 453.073, RSMo 2000, relating to children and families, and to enact in lieu thereof four new sections relating to the same subject.

Was taken up.

On motion of Senator Sims, **SS** for **SCS** for **SBs 551, 410, 539, 528** and **296** was read the 3rd time and passed by the following vote:

YEAS—Senators

Caskey	Cauthorn	Childers	DePasco
Dougherty	Foster	Gibbons	Goode
Gross	House	Johnson	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel—29			

NAYS—Senator Rohrbach—1

Absent—Senators

Bentley Bland Jacob—3

Absent with leave—Senator Carter—1

The President declared the bill passed.

On motion of Senator Sims, title to the bill was agreed to.

Senator Sims moved that the vote by which the bill passed be reconsidered.

Senator Schneider moved that motion lay on the table, which motion prevailed.

SS for **SCS** for **SJR**s **1** and **4**, introduced by Senator Schneider, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE JOINT RESOLUTIONS NOS. 1 and 4

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section

8 of article III of the Constitution of Missouri relating to term limits, and adopting two new sections in lieu thereof relating to the same subject.

Was taken up.

Senator Gross assumed the Chair.

Senator Gibbons assumed the Chair.

On motion of Senator Schneider, **SS** for **SCS** for **SJR**s **1** and **4** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bland	DePasco	Dougherty	Goode
Jacob	Johnson	Kenney	Klarich
Mathewson	Quick	Rohrbach	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel—19	

NAYS—Senators

Caskey	Cauthorn	Childers	Foster
Gibbons	Gross	House	Kinder
Klindt	Loudon	Russell	Stelman
Stoll—13			

Absent—Senator Bentley—1

Absent with leave—Senator Carter—1

The President declared the bill passed.

On motion of Senator Schneider, title to the bill was agreed to.

Senator Schneider moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SS for **SCS** for **SB 369**, introduced by Senator Steelman, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 369

An Act to amend chapter 67, RSMo, by adding thereto nine new sections relating to utility access to public rights-of-way, with an emergency clause.

Was taken up.

Senator Rohrbach assumed the Chair.

On motion of Senator Steelman, **SS** for **SCS** for **SB 369** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bland	Cauthorn	Dougherty	Gibbons
Gross	House	Kenney	Kinder
Klarich	Klindt	Loudon	Rohrbach
Scott	Sims	Staples	Stelman
Stoll	Yeckel—18		

NAYS—Senators

Caskey	Childers	DePasco	Foster
Goode	Jacob	Johnson	Mathewson
Quick	Russell	Schneider	Singleton
Westfall	Wiggins—14		

Absent—Senator Bentley—1

Absent with leave—Senator Carter—1

The President declared the bill passed.

The emergency clause failed to receive the necessary two-thirds majority by the following vote:

YEAS—Senators

Bland	Cauthorn	Gibbons	House
Kenney	Kinder	Klarich	Klindt
Loudon	Rohrbach	Staples	Stelman
Stoll	Yeckel—14		

NAYS—Senators

Caskey	Childers	DePasco	Dougherty
Foster	Goode	Gross	Jacob
Johnson	Mathewson	Quick	Russell
Schneider	Scott	Singleton	Westfall
Wiggins—17			

Absent—Senators

Bentley Sims—2

Absent with leave—Senator Carter—1

On motion of Senator Steelman, title to the bill was agreed to.

Senator Steelman moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

REFERRALS

President Pro Tem Kinder referred **SS** for **SCS** for **SBs 448** and **588** and **SCS** for **SB 505** to the Committee on State Budget Control.

President Pro Tem Kinder assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Singleton, Chairman of the Committee on Public Health and Welfare, submitted the following report:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **HB 544**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Westfall, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **HCS** for **HBs 302** and **38**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Westfall, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HB 80**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Klarich, Chairman of the Committee on Judiciary, submitted the following reports:

Mr. President: Your Committee on Judiciary, to which was referred **HB 157**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Judiciary, to which was referred **HCS** for **HBs 144** and **46**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Bentley, Chairman of the Committee on Education, Senator Childers submitted the following report:

Mr. President: Your Committee on Education, to which was referred **HJR 5**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Senator Sims, Chairman of the Committee on Aging, Families and Mental Health, submitted the following reports:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **HB 949**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **HS** for **HCS** for **HB 762**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Childers, Chairman of the Committee on Local Government and Economic Development, submitted the following report:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HS** for **HJR 11**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HCS** for **HB 567**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Steelman, Chairman of the Committee on Commerce and Environment, submitted the following reports:

Mr. President: Your Committee on Commerce

and Environment, to which was referred **HB 575**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Commerce and Environment, to which was referred **HS** for **HB 381**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Gibbons, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **HB 444**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 444, Page 1, Section 513.605, Line 1, by inserting an opening bracket “[” before the numeral “513.645” and further amend said line by inserting after the numeral “513.645” the following: “[**513.653**”; and

Further amend said bill, page 2, section 513.605, line 13, by inserting an opening bracket “[” before the numeral “513.645” and further amend said line by inserting after the numeral “513.645” the following: “[**513.653**”; and

Further amend said bill, Page 3, Section 513.605, Line 48, by deleting all of said line and inserting in lieu thereof the following: **“subdivision of this state; except that seizing agency does not include a federal task force supervised by a federal agency comprised of federal and state or local law enforcement agents operating pursuant to a written agreement signed by the supervising federal agency and the local law enforcement agency, limited to federal task forces operating and seizures only at an international airport within a municipality with a population of at least two hundred fifty thousand;”**; and

Further amend said bill, page 3, section 513.607, line 15, by inserting an opening bracket

“[” before the numeral “3” and further amend said line by inserting after the numeral “3” the following “[**4**”; and

Further amend said bill, Page 5, Section 513.647, Line 5, by deleting all of said line and inserting in lieu thereof the following: **“seizing agency; except that seizing agency does not include a federal task force supervised by a federal agency comprised of federal and state or local law enforcement agents operating pursuant to a written agreement signed by the supervising federal agency and the local law enforcement agency, limited to federal task forces operating and seizures only at an international airport within a municipality with a population of at least two hundred fifty thousand.** The prosecuting attorney and the circuit judge shall not approve any transfer”; and

Further amend the title and enacting clause accordingly.

Senator Gross, Chairman of the Committee on Pensions and General Laws, submitted the following reports:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **HS** for **HB 421**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Pensions and General Laws, to which was referred **HB 385**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Foster, Chairman of the Committee on Agriculture, Conservation, Parks and Tourism, submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **HCS** for **HBs 205, 323 and 549**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Loudon, Chairman of the Committee on Labor and Industrial Relations,

Senator Kenney submitted the following report:

Mr. President: Your Committee on Labor and Industrial Relations, to which was referred **HB 662**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SCS** for **SBs 510, 512 and 133; SCS No. 2** for **SB 66; SS** for **SCS** for **SB 525; and SS** for **SCS** for **SB 226**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Kinder referred **SCR 31** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

RESOLUTIONS

Senator Gross offered Senate Resolution No. 640, regarding Shirley Sisco, St. Charles, which was adopted.

Senator Bentley offered Senate Resolution No. 641, regarding Otto Jonathan Reinhart Fajen, Columbia, which was adopted.

Senator Kenney offered Senate Resolution No. 642, regarding Kenneth J. "Kenny" Sickman, Grain Valley, which was adopted.

Senator Kenney offered Senate Resolution No. 643, regarding Chris Ambrose, Blue Springs, which was adopted.

Senator Kenney offered Senate Resolution No. 644, regarding Jacob Benjamin "Ben" Gray, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 645, regarding Brent Cook, Blue Springs, which was adopted.

Senator Caskey offered Senate Resolution No.

646, regarding the 2000-2001 Central Missouri State University Debate Team, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Gross introduced to the Senate, Dale Finke, Lake St. Louis.

Senator House introduced to the Senate, Rhett Hurless, Eric Rogers and Douglas Einck, Dallas, Texas.

Senator Singleton introduced to the Senate, Thelma Neff and Pachyderms from Springfield.

Senator Kenney introduced to the Senate, former Lieutenant Governor Bill Phelps, Blue Springs.

Senator Jacob introduced to the Senate, the Physician of the Day, Dr. Richard Burns, M.D., Columbia.

Senator Childers introduced to the Senate, George Parker, founder of Pachyderms.

Senator Stoll introduced to the Senate, sixty fourth grade students and parents from Antonia Elementary School, Jefferson County.

Senator Sims introduced to the Senate, forty-six fifth grade students from Oak Hill School, St. Louis; and Art Zeis, Danny O'Neil, Maggie Epstein and Corinn Griesedieck were made honorary pages.

Senator Mathewson introduced to the Senate, Rich Cole, Audrey Warman, Noble Bellis and Tiffany Rodriguez, Lexington; and Audrey, Noble and Tiffany were made honorary pages.

Senator Bentley introduced to the Senate, twenty-two eighth grade students from St. Agnes School, Springfield; and Alex Cadle, Luke Gray, Kathleen Kelly and Paulina Tuell were made honorary pages.

Senator Klindt introduced to the Senate, Brandi Carder and Jill Wilkinson, Gallatin.

On behalf of Senator Cauthorn, the President introduced to the Senate, Harriet Beard, Kirksville.

Senator Johnson introduced to the Senate, Missouri's 2001-2002 National Distinguished

Principal, Michael Otto, Principal, Graden Elementary School, Park Hill; his wife, Lou and their sons, Andrew and Alex; his parents Ralph and Angie Otto and his sister, Stacy Nanneman, Jefferson City.

Senator Wiggins introduced to the Senate, Robert J. Young, Houston, Texas.

Senator Rohrbach introduced to the Senate, Jim and Caitlin Deeken, Abby Spieler and Kayla Elliott, California.

Senator Bentley introduced to the Senate, representatives of the Southwest Missouri State University Lady Bears Basketball Organization: Coaches Cheryl Burnett, Karen Rapier, Scott Norris and Lannett Robinson; and Players Jackie Stiles, Tara Mitchem, Carly Deer, Erica Vicence, Erika Rante, Ann Cavey, Kinga Kiss, Stephanie Buabey, Morgan Wohenberger, Melody Campbell, Tiny McMorris and Dzenata Kaolic.

Senator Schneider introduced to the Senate, Bill Rowe, Athletic Director and the architect behind the Fabulous Lady Bears.

Senator Rohrbach introduced to the Senate, Steve Ahlers, Jeff Ahlers, Sharon McQueen, Amy Yoakum, Anne Wilde and Scouts from Immaculate Conception Catholic School, Jefferson City; and Conner, Koehly and Casey Ahlers, Brian McQueen, Devin and Ian Yoakum, Seth Rackers and Cody and Brennan Wilde were made honorary pages.

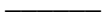
Senator Bland introduced to the Senate, Dr. Bernard Taylor, Mrs. Judy Morgan and Mrs. Helen Ragsdale, Kansas City.

Senator Childers introduced to the Senate, his wife, Sue, Reeds Spring; and Albert Linhardt, Jefferson City.

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

Journal

SENATE CALENDAR



SIXTY-SECOND DAY-THURSDAY, APRIL 26, 2001



FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SBs 69 & 458-Gross
(In Budget Control)
SCS for SBs 52 & 91-Childers
(In Budget Control)
SS for SCS for SBs 448 &
588-Sims (In Budget Control)
SCS for SB 505-Loudon
(In Budget Control)

SS for SCS for SBs 510,
512 & 133-Kenney
SCS#2 for SB 66-Gibbons
SS for SCS for SB 525-
Cauthorn
SS for SCS for SB 226-
Goode

SENATE BILLS FOR PERFECTION

- | | |
|---------------------------------------|--|
| 1. SB 242-Kenney | 11. SB 337-House and Kinder |
| 2. SB 225-Mathewson,
with SCS | 12. SB 593-Klindt, with SCS |
| 3. SB 180-Klarich | 13. SB 509-Cauthorn and Klindt |
| 4. SB 583-Yeckel | 14. SBs 42 & 108-Kenney,
with SCS |
| 5. SB 488-Klindt, et al,
with SCS | 15. SB 565-Staples |
| 6. SB 387-Goode, et al,
with SCS | 16. SB 596-Loudon |
| 7. SB 455-Kinder, et al,
with SCS | 17. SB 597-Singleton |
| 8. SBs 334 & 228-Kinder,
with SCS | 18. SB 268-Schneider,
with SCS |
| 9. SB 469-Gross, et al | 19. SBs 249 & 523-Wiggins,
with SCS |
| 10. SB 546-Kenney, et al,
with SCS | 20. SBs 508 & 468-
Cauthorn and Klindt,
with SCS |

HOUSE BILLS ON THIRD READING

- | | |
|--|--|
| 1. HCS for HB 207, with
SCA 1 (Childers)
(In Budget Control) | 12. HB 949-Barry, with
SCS (Sims) |
| 2. HB 954-Hosmer (Westfall) | 13. HS for HCS for HB 762-
Barry, with SCS |
| 3. HCS for HB 13, with SCS
(Russell) | 14. HS for HJR 11-Gambaro
(Goode) |
| 4. HCS for HB 18, with SCS
(Russell) | 15. HCS for HB 567, with
SCS (Klarich) |
| 5. HCS for HB 19, with SCS
(Russell) | 16. HB 575-O'Connor, et al,
with SCS (Kenney) |
| 6. HB 544-Holand and
Treadway, with SCS | 17. HS for HB 381-Hoppe,
with SCS |
| 7. HCS for HBs 302 & 38,
with SCS (Westfall) | 18. HB 444-Kreider, et al,
with SCA 1 |
| 8. HB 80-Ross, with SCS
(Kenney) | 19. HS for HB 421-Hoppe,
with SCS |
| 9. HB 157-Hosmer, with
SCS (Bentley) | 20. HB 385-Franklin, with SCS |
| 10. HCS for HBs 144 & 46,
with SCS | 21. HCS for HBs 205, 323
& 549, with SCS (Childers) |
| 11. HJR 5-Barry, et al (Yeckel) | 22. HB 662-Green (73) and
St. Onge, with SCS |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 27-Johnson and Westfall, with SCS, SS for SCS & SA 1 (pending)	SB 331-DePasco, et al, with SCS & SS for SCS (pending)
SB 65-Gibbons, with SCS	SB 373-Gibbons and Yeckel, with SCS
SBs 67 & 40-Gross, with SCS	SBs 391 & 395-Rohrbach, with SCS & SS for SCS (pending)
SB 68-Gross and House	SB 438-Bentley and Stoll, with SS, SS for SS & SA 1 (pending)
SB 99-Sims, with SCS	SB 445-Singleton, with SCS & SS for SCS (pending)
SB 114-Loudon, with SCS, SS for SCS & SA 1 (pending)	SB 454-Kinder, with SCS
SB 184-Johnson, et al, with SS#2 (pending)	SBs 459, 305, 396 & 450-Westfall, with SCS & SS for SCS (pending)
SB 222-Caskey, with SA 3 & SSA 1 for SA 3 (pending)	SB 535-Rohrbach, with SCS, SS for SCS & point of order (pending)
SBs 238 & 250-Staples, et al, with SCS (pending)	SJR 11-Yeckel
SB 239-Stoll, with SCS & SA 11 (pending)	
SB 251-Kinder	
SBs 253 & 260-Gross, with SCS (pending)	

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 143-Childers

Reported 2/19

SB 315-Childers, with SCS

Reported 3/5

SB 354-Johnson and Scott, with SCS

Reported 3/12

SB 526-Dougherty, with SCS

House Bills

Reported 4/10

HB 218-Farnen, et al
(Kenney)

Reported 4/11

HB 537-Ostmann, et al
(Klarich)HB 603-Hilgemann, et al,
with SCS (Sims)HB 212-Ward, with SCS
(Rohrbach)HB 644-Burton, with SCS
(Jacob)HB 459-Liese, et al, with
SCS (Rohrbach)

HB 732-Hosmer (Staples)

HB 693-Smith and Carnahan,
with SCS (Klarich)HB 955-Green (73), with
SCA 1 (Goode)

HB 933-Reid (Gibbons)

HB 816-Kennedy and
Gambaro (Gibbons)

HB 825-Kennedy (Klarich)

HB 321-Skaggs, et al
(Wiggins)

HB 590-Graham (Gibbons)

HBs 808 & 951-Gratz and
Vogel, with SCS (Rohrbach)HB 742-Harding, et al,
with SCS (Johnson)HB 922-Gaskill and
Bartelsmeyer (Childers)

HB 909-Davis (Mathewson)

HB 779-Barnett (Klindt)

HB 600-Hosmer and Marsh
(Bentley)HB 596-Kennedy and
Gambaro (Scott)

HB 502-Ward (Staples)

HB 410-Holt, et al (House)

HB 409-Surface
(Singleton)HB 408-Kelley (47)
(Kenney)

HB 84-Richardson (Childers)

HB 788-O'Connor (Gross)

Reported 4/12

HB 78-Kennedy and
Richardson (Klarich)HB 607-Treadway, et al,
with SCS (Sims)HB 796-Hosmer, with SCS
(Singleton)

HB 111-Ladd Baker (Gross)

HCS for HB 106 (Bland)

HB 431-Barry (Singleton)
HB 52-Ward and Crump,
with SCAs 1 & 2 (Staples)
HB 945-Hosmer, with SCS
(Bentley)
HB 420-Williams, et al
(Westfall)
HB 458-Lawson, et al
(Klindt)
HB 470-Shields and
Hegeman (Johnson)
HBs 648, 477 & 805-
Ostmann, et al, with
SCS (Westfall)
HB 691-Barnett, et al,
with SCS (Klindt)
HB 897-Kreider, et al
(Klindt)
HB 45-Farnen (Bentley)
HB 309-McKenna, et al
(Stoll)

HB 865-Davis (Caskey)
HB 725-Britt (Foster)
HB 881-Scott, et al, with
SCS (Rohrbach)
HB 606-Kennedy, et al,
with SCS (Yeckel)
HB 202-Rizzo, with SCS
(Kenney)
HB 242-Smith, with SCS
(House)
HB 361-Shoemyer, with SCS
(Goode)
HB 498-Wagner and McKenna,
with SCS (Stoll)
HB 679-Boykins (Sims)
HB 473-Robirds, with SCS
(Foster)
HB 904-Merideth, et al,
with SCS (Foster)

SENATE BILLS WITH HOUSE AMENDMENTS

SB 441-Caskey, with HCS

SB 521-Mathewson, with
HCS

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

HCS for HB 2, with SCS
(Russell)
HCS for HB 3, with SCS
(Russell)
HCS for HB 4, with SCS
(Russell)
HCS for HB 5, with SCS
(Russell)

HCS for HB 6, with SCS,
as amended (Russell)
HCS for HB 7, with SCS
(Russell)
HCS for HB 8, with SCS
(Russell)
HCS for HB 9, with SCS
(Russell)

HCS for HB 10, with SCS,
as amended (Russell)
HCS for HB 11, with SCS,
as amended (Russell)

HCS for HB 12, with SCS
(Russell)

RESOLUTIONS

SR 345-Quick, et al

SR 346-Kinder, with SA 3
& SSA 1 for SA 3
(pending)

Unofficial
To be Referred

SCR 32-Bland

Reported from Committee

SCR 8-Caskey, with SA 2
(pending)
SCR 17-Steelman, et al
HCR 16-Green and Holt
(House)
SR 495-Klarich, with SCS

HCR 5-Mays (Goode)
HS for HCR 6-Myers
(Kenney)
HCR 10-Holand (Bentley)
HCR 24-Boucher, with SCS
(Yeckel)

Requests to Recede or Grant Conference

SS for SCR 2-Singleton,
with HCS
(Senate requests House
recede or grant conference)

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