

Journal of the Senate

FIRST REGULAR SESSION

FORTY-FIFTH DAY—WEDNESDAY, APRIL 1, 2009

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“I call upon you, for you will answer me, O God; incline your ear to me, hear my words.” (Psalm 17:6)

This is a challenging period for our country and state and our people look to us to provide solutions that will improve working opportunities and reduce their concerns. Heavenly Father, it is good to know that You hear us and we are thankful that we can call upon You at any time and You answer us with wisdom and help us to deal with the difficulties we are now facing, so we pray, continue to do so O Lord. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

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

The Journal of the previous day was read and approved.

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

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

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

President Pro Tem Shields assumed the Chair.

RESOLUTIONS

Senator Vogel offered the following resolution:

SENATE RESOLUTION NO. 654

WHEREAS, the General Assembly deems it worthy to support and encourage any of those programs which exist to provide Missouri's senior citizens with an opportunity to utilize their experience and knowledge in a positive and meaningful way; and

WHEREAS, the General Assembly also deems it worthy to support those programs which are designed to provide participants with opportunities to develop better citizenship and leadership qualities; and

WHEREAS, the Silver Haired Legislature is a program which helps to ensure that senior citizens have a voice in state government while giving its participants a unique insight into the legislative process; and

WHEREAS, the General Assembly has a long tradition of granting the use of its Chambers to such programs:

NOW, THEREFORE, BE IT RESOLVED that the Missouri Senate hereby grant the participants of the Silver Haired Legislature permission to use the Senate Chamber for the purpose of their regular session from 8:00 a.m. to 4:30 p.m. on October 8, 2009 and from 8:00 a.m. to 12 noon on October 9, 2009.

Senator Vogel requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 654** up for adoption, which request was granted.

On motion of Senator Vogel, **SR 654** was adopted.

Senator Vogel offered the following resolution:

SENATE RESOLUTION NO. 655

WHEREAS, the General Assembly fully recognizes the importance of preparing our youth to become active and productive citizens through worthwhile governmental or citizenship projects; and

WHEREAS, the General Assembly has a long tradition of rendering assistance to those organizations who sponsor these projects in the interest of our young people; and

WHEREAS, one clear example of such an organization is the Missouri YMCA, which has become widely recognized for its sponsorship of the Youth in Government program; and

WHEREAS, the Missouri YMCA Youth in Government program provides its participants with a unique insight into the day to day operation of our state government;

NOW, THEREFORE, BE IT RESOLVED by the Missouri Senate that the Missouri YMCA be hereby granted permission to use the Senate Chamber and Hearing rooms for the purposes of its Youth in Government program on November 12, 2009 through November 14, 2009 and December 3, 2009 through December 5, 2009.

Senator Vogel requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 655** up for adoption, which request was granted.

On motion of Senator Vogel, **SR 655** was adopted.

Senator Crowell offered Senate Resolution No. 656, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. A.C. James, Sr., Sikeston, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Wright-Jones moved that **SB 477** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Wright-Jones offered **SS** for **SB 477**, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 477

An Act to repeal sections 238.202, 238.208, 238.220, 238.225, 238.232, and 238.236, RSMo, and to enact in lieu thereof six new sections relating to transportation development districts.

Senator Wright-Jones moved that **SS** for **SB 477** be adopted.

Senator Wright-Jones offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 477, Pages 10-12, Section 238.232, by striking said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Wright-Jones moved that the above amendment be adopted, which motion prevailed.

Senator Dempsey assumed the Chair.

Senator Rupp offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 477, Page 1, Section A, Line 5 of said page, by inserting immediately after said line the following:

“105.145. 1. The following definitions shall be applied to the terms used in this section:

(1) “Governing body”, the board, body, or persons in which the powers of a political subdivision as a body corporate, or otherwise, are vested;

(2) “Political subdivision”, any agency or unit of this state, except counties and school districts, which now is, or hereafter shall be, authorized to levy taxes or empowered to cause taxes to be levied.

2. The governing body of each political subdivision in the state shall cause to be prepared an annual report of the financial transactions of the political subdivision in such summary form as the state auditor shall prescribe by rule, except that the annual report of political subdivisions whose cash receipts for the reporting period are ten thousand dollars or less shall only be required to contain the cash balance at the beginning of the reporting period, a summary of cash receipts, a summary of cash disbursements and the cash balance at the end of the reporting period.

3. Within such time following the end of the fiscal year as the state auditor shall prescribe by rule, the governing body of each political subdivision shall cause a copy of the annual financial report to be remitted to the state auditor.

4. The state auditor shall immediately on receipt of each financial report acknowledge the receipt of the report.

5. In any fiscal year no member of the governing body of any political subdivision of the state shall receive any compensation or payment of expenses after the end of the time within which the financial statement of the political subdivision is required to be filed with the state auditor and until such time as the notice from the state auditor of the filing of the annual financial report for the fiscal year has been received.

6. The state auditor shall prepare sample forms for financial reports and shall mail the same to the

political subdivisions of the state. Failure of the auditor to supply such forms shall not in any way excuse any person from the performance of any duty imposed by this section.

7. All reports or financial statements hereinabove mentioned shall be considered to be public records.

8. The provisions of this section apply to the board of directors of every transportation development district organized under sections 238.200 to 238.275, RSMo. Any transportation development district that fails to timely submit a copy of the annual financial statement to the state auditor shall be subject to a fine not to exceed five hundred dollars per day.”; and

Further amend said bill, page 3, section 238.202, line 9 of said page, by inserting immediately after said line the following:

“238.207. 1. Whenever the creation of a district is desired, not less than fifty registered voters from each county partially or totally within the proposed district may file a petition requesting the creation of a district. However, if no persons eligible to be registered voters reside within the district, the owners of record of all of the real property, except public streets, located within the proposed district may file a petition requesting the creation of a district. The petition shall be filed in the circuit court of any county partially or totally within the proposed district.

2. Alternatively, the governing body of any local transportation authority within any county in which a proposed project may be located may file a petition in the circuit court of that county, requesting the creation of a district.

3. The proposed district area shall be contiguous and may contain all or any portion of one or more municipalities and counties; provided:

(1) Property separated only by public streets, easements or rights-of-way shall be considered contiguous;

(2) In the case of a district formed pursuant to a petition filed by the owners of record of all of the real property located within the proposed district, the proposed district area need not contain contiguous properties if:

(a) The petition provides that the only funding method for project costs will be a sales tax;

(b) The court finds that all of the real property located within the proposed district will benefit by the projects to be undertaken by the district; and

(c) Each parcel within the district is within five miles of every other parcel; and

(3) In the case of a district created pursuant to subsection 5 of this section, property separated only by public streets, easements, or rights-of-way or connected by a single public street, easement, or right-of-way shall be considered contiguous.

4. The petition shall set forth:

(1) The name, voting residence and county of residence of each individual petitioner, or, if no persons eligible to be registered voters reside within the proposed district, the name and address of each owner of record of real property located within the proposed district, or shall recite that the petitioner is the governing body of a local transportation authority acting in its official capacity;

(2) The name and address of each respondent. Respondents must include the commission and each affected local transportation authority within the proposed district, except a petitioning local transportation

authority;

(3) A specific description of the proposed district boundaries including a map illustrating such boundaries;

(4) A general description of each project proposed to be undertaken by that district, including a description of the approximate location of each project;

(5) The estimated project costs and the anticipated revenues to be collected from the project;

(6) The name of the proposed district;

(7) The number of members of the board of directors of the proposed district, which shall be not less than five or more than fifteen;

(8) A statement that the terms of office of initial board members shall be staggered in approximately equal numbers to expire in one, two or three years;

(9) If the petition was filed by registered voters or by a governing body, a request that the question be submitted to the qualified voters within the limits of the proposed district whether they will establish a transportation development district to develop a specified project or projects;

(10) A proposal for funding the district initially, pursuant to the authority granted in sections 238.200 to 238.275, together with a request that the funding proposal be submitted to the qualified voters within the limits of the proposed district; provided, however, the funding method of special assessments may also be approved as provided in subsection 1 of section 238.230; [and]

(11) A statement that the proposed district shall not be an undue burden on any owner of property within the district and is not unjust or unreasonable; **and**

(12) Details of the budgeted expenditures, including estimated expenditures for real physical improvements, estimated land acquisition expenses, estimated expenses for professional services and estimated interest charges.

5. (1) As an alternative to the methods described in subsections 1 and 2 of this section, if two or more local transportation authorities have adopted resolutions calling for the joint establishment of a district, the governing body of any one such local transportation authority may file a petition in the circuit court of any county in which the proposed project is located requesting the creation of a district; or, if not less than fifty registered voters from each of two or more counties sign a petition calling for the joint establishment of a district for the purpose of developing a project that lies in whole or in part within those same counties, the petition may be filed in the circuit court of any of those counties in which not less than fifty registered voters have signed the petition.

(2) The proposed district area shall be contiguous and may contain all or any portion of one or more municipalities and counties. Property separated only by public streets, easements, or rights-of-way or connected by a single public street, easement, or right-of-way shall be considered contiguous.

(3) The petition shall set forth:

(a) That the petitioner is the governing body of a local transportation authority acting in its official capacity; or, if the petition was filed by obtaining the signatures of not less than fifty registered voters in each of two or more counties, it shall set forth the name, voting residence, and county of residence of each individual petitioner;

(b) The name of each local transportation authority within the proposed district. The resolution of the governing body of each local transportation authority calling for the joint establishment of the district shall be attached to the petition;

(c) The name and address of each respondent. Respondents must include the commission and each affected local transportation authority within the proposed district, except a petitioning local transportation authority;

(d) A specific description of the proposed district boundaries including a map illustrating such boundaries;

(e) A general description of each project proposed to be undertaken by the district, including a description of the approximate location of each project;

(f) The name of the proposed district;

(g) The number of members of the board of directors of the proposed district;

(h) A request that the question be submitted to the qualified voters within the limits of the proposed district whether they will establish a transportation development district to develop the projects described in the petition;

(i) A proposal for funding the district initially, pursuant to the authority granted in sections 238.200 to 238.275, together with a request that the imposition of the funding proposal be submitted to the qualified voters residing within the limits of the proposed district; provided, however, the funding method of special assessments may also be approved as provided in subsection 1 of section 238.230; and

(j) A statement that the proposed district shall not be an undue burden on any owner of property within the district and is not unjust or unreasonable.”; and

Further amend said bill, Page 4, Section 238.208, Line 10 of said page, by inserting after all of said line the following:

“238.212. 1. If the petition was filed by registered voters or by a governing body, the circuit clerk in whose office the petition was filed shall give notice to the public by causing one or more newspapers of general circulation serving the counties or portions thereof contained in the proposed district to publish once a week for four consecutive weeks a notice substantially in the following form:

NOTICE OF PETITION TO SUBMIT TO A
POPULAR VOTE THE CREATION AND
FUNDING OF A TRANSPORTATION
DEVELOPMENT DISTRICT

Notice is hereby given to all persons residing or owning property in (here specifically describe the proposed district boundaries), within the state of Missouri, that a petition has been filed asking that upon voter approval, a transportation development district by the name of “..... Transportation Development District” be formed for the purpose of developing the following transportation project: (here summarize the proposed transportation project or projects). The petition also requests voter approval of the following method(s) of funding the district, which (may) (shall not) increase the total taxes imposed within the proposed district: (describe the proposed funding methods). A copy of this petition is on file and available at the office of the clerk of the circuit court of County, located at, Missouri. You are notified to join in or file your own petition supporting or answer opposing the creation of the

transportation development district and requesting a declaratory judgment, as required by law, no later than the day of, 20.. . You may show cause, if any there be, why such petition is defective or proposed transportation development district or its funding method, as set forth in the petition, is illegal or unconstitutional and should not be submitted for voter approval at a general, primary or special election as directed by this court.

..... Clerk of the
Circuit Court of County

2. The circuit court may also order a public hearing on the question of the creation and funding of the proposed district, if it deems such appropriate, under such terms and conditions as it deems appropriate. **The circuit court shall order at least one public hearing on the creation and funding of the proposed district, if the petition for creating such district was filed by the owners of record of all real property within the proposed district.** If a public hearing is ordered, notice of the time, date and place of the hearing shall also be given in the notice specified in subsection 1 of this section.”; and

Further amend said bill, page 12, section 238.232, line 5 of said page, by inserting immediately after said line the following:

“238.235. 1. (1) Any transportation development district may by resolution impose a transportation development district sales tax on all retail sales made in such transportation development district which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525, RSMo, except such transportation development district sales tax shall not apply to the sale or use of motor vehicles, trailers, boats or outboard motors nor to all sales of electricity or electrical current, water and gas, natural or artificial, nor to sales of service to telephone subscribers, either local or long distance. Such transportation development district sales tax may be imposed for any transportation development purpose designated by the transportation development district in its ballot of submission to its qualified voters, except that no resolution enacted pursuant to the authority granted by this section shall be effective unless:

(a) The board of directors of the transportation development district submits to the qualified voters of the transportation development district a proposal to authorize the board of directors of the transportation development district to impose or increase the levy of an existing tax pursuant to the provisions of this section; or

(b) The voters approved the question certified by the petition filed pursuant to subsection 5 of section 238.207.

(2) If the transportation district submits to the qualified voters of the transportation development district a proposal to authorize the board of directors of the transportation development district to impose or increase the levy of an existing tax pursuant to the provisions of paragraph (a) of subdivision (1) of this subsection, the ballot of submission shall contain, but need not be limited to, the following language:

Shall the transportation development district of (transportation development district's name) impose a transportation development district-wide sales tax at the rate of (insert amount) for a period of (insert number) years from the date on which such tax is first imposed for the purpose of (insert transportation development purpose)?

YES

NO

If you are in favor of the question, place an “X” in the box opposite “YES”. If you are opposed to the

question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the resolution and any amendments thereto shall be in effect. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the board of directors of the transportation development district shall have no power to impose the sales tax authorized by this section unless and until the board of directors of the transportation development district shall again have submitted another proposal to authorize it to impose the sales tax pursuant to the provisions of this section and such proposal is approved by a majority of the qualified voters voting thereon.

(3) The sales tax authorized by this section shall become effective on the first day of the month following adoption of the tax by the qualified voters.

(4) In each transportation development district in which a sales tax has been imposed in the manner provided by this section, every retailer shall add the tax imposed by the transportation development district pursuant to this section to the retailer's sale price, and when so added such tax shall constitute a part of the price, shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price.

(5) In order to permit sellers required to collect and report the sales tax authorized by this section to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting tax or to serve as a levy of the tax, and in order to avoid fractions of pennies, the transportation development district may establish appropriate brackets which shall be used in the district imposing a tax pursuant to this section in lieu of those brackets provided in section 144.285, RSMo.

(6) All revenue received by a transportation development district from the tax authorized by this section which has been designated for a certain transportation development purpose shall be deposited in a special trust fund and shall be used solely for such designated purpose. Upon the expiration of the period of years approved by the qualified voters pursuant to subdivision (2) of this subsection or if the tax authorized by this section is repealed pursuant to subsection 6 of this section, all funds remaining in the special trust fund shall continue to be used solely for such designated transportation development purpose. Any funds in such special trust fund which are not needed for current expenditures may be invested by the board of directors in accordance with applicable laws relating to the investment of other transportation development district funds.

(7) The sales tax may be imposed in increments of one-eighth of one percent, up to a maximum of one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within the transportation development district adopting such tax, if such property and services are subject to taxation by the state of Missouri pursuant to the provisions of sections 144.010 to 144.525, RSMo, except such transportation development district sales tax shall not apply to the sale or use of motor vehicles, trailers, boats or outboard motors nor to public utilities. Any transportation development district sales tax imposed pursuant to this section shall be imposed at a rate that shall be uniform throughout the district.

2. The resolution imposing the sales tax pursuant to this section shall impose upon all sellers a tax for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail to the extent and in the manner provided in sections 144.010 to 144.525, RSMo, and the rules and regulations of the director of revenue issued pursuant thereto; except that the rate of the tax shall be the rate imposed by the resolution as the sales tax and the tax shall be reported and returned to and collected by the transportation development district.

3. On and after the effective date of any tax imposed pursuant to this section, the [transportation development district] **director of revenue** shall perform all functions incident to the administration, collection, enforcement, and operation of the tax, **and the director of revenue shall collect, in addition to all other sales taxes imposed by law, the additional tax authorized pursuant to this section.** The tax imposed pursuant to this section **and the taxes imposed pursuant to all other laws of the state of Missouri** shall be collected **together** and reported upon such forms and [under] **pursuant to** such administrative rules and regulations as may be prescribed by the [transportation development district] **director of revenue.**

4. (1) All applicable provisions contained in sections 144.010 to 144.525, RSMo, governing the state sales tax, sections 32.085 and 32.087, RSMo, and section 32.057, RSMo, the uniform confidentiality provision, shall apply to the collection of the tax imposed by this section, except as modified in this section.

(2) All exemptions granted to agencies of government, organizations, persons and to the sale of certain articles and items of tangible personal property and taxable services pursuant to the provisions of sections 144.010 to 144.525, RSMo, are hereby made applicable to the imposition and collection of the tax imposed by this section.

(3) The same sales tax permit, exemption certificate and retail certificate required by sections 144.010 to 144.525, RSMo, for the administration and collection of the state sales tax shall satisfy the requirements of this section, and no additional permit or exemption certificate or retail certificate shall be required; except that the transportation development district may prescribe a form of exemption certificate for an exemption from the tax imposed by this section.

(4) All discounts allowed the retailer pursuant to the provisions of the state sales tax laws for the collection of and for payment of taxes pursuant to such laws are hereby allowed and made applicable to any taxes collected pursuant to the provisions of this section.

(5) The penalties provided in section 32.057, RSMo, and sections 144.010 to 144.525, RSMo, for violation of those sections are hereby made applicable to violations of this section.

(6) For the purpose of a sales tax imposed by a resolution pursuant to this section, all retail sales except retail sales of motor vehicles shall be deemed to be consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or the retailer's agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. In the event a retailer has more than one place of business in this state which participates in the sale, the sale shall be deemed to be consummated at the place of business of the retailer where the initial order for the tangible personal property is taken, even though the order must be forwarded elsewhere for acceptance, approval of credit, shipment or billing. A sale by a retailer's employee shall be deemed to be consummated at the place of business from which the employee works.

5. All sales taxes [collected] **received** by the transportation development district shall be deposited by the [transportation development district] **director of revenue** in a special fund to be expended for the purposes authorized in this section. The [transportation development district] **director of revenue** shall keep accurate records of the amount of money which was collected pursuant to this section, and the records shall be open to the inspection of officers of each transportation development district and the general public.

6. (1) No transportation development district imposing a sales tax pursuant to this section may repeal or amend such sales tax unless such repeal or amendment will not impair the district's ability to repay any

liabilities which it has incurred, money which it has borrowed or revenue bonds, notes or other obligations which it has issued or which have been issued by the commission or any local transportation authority to finance any project or projects.

(2) Whenever the board of directors of any transportation development district in which a transportation development sales tax has been imposed in the manner provided by this section receives a petition, signed by ten percent of the qualified voters calling for an election to repeal such transportation development sales tax, the board of directors shall, if such repeal will not impair the district's ability to repay any liabilities which it has incurred, money which it has borrowed or revenue bonds, notes or other obligations which it has issued or which have been issued by the commission or any local transportation authority to finance any project or projects, submit to the qualified voters of such transportation development district a proposal to repeal the transportation development sales tax imposed pursuant to the provisions of this section. If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal to repeal the transportation development sales tax, then the resolution imposing the transportation development sales tax, along with any amendments thereto, is repealed. If a majority of the votes cast by the qualified voters voting thereon are opposed to the proposal to repeal the transportation development sales tax, then the ordinance or resolution imposing the transportation development sales tax, along with any amendments thereto, shall remain in effect.”; and

Further amend the title and enacting clause accordingly.

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

At the request of Senator Wright-Jones, **SB 477**, with **SS**, as amended (pending), was placed on the Informal Calendar.

Senator Mayer moved that **SB 267** be taken up for perfection, which motion prevailed.

Senator Callahan offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 267, Page 6, Section 429.210, Lines 1 to 8, by deleting all of said lines; and
Further amend said bill, Pages 6 and 7, Section 429.230, Lines 1 to 7, by deleting all of said lines; and
Further amend said bill, Pages 7 to 9, Section 429.231, Lines 1 to 93, by deleting said section; and
Further amend said title, enacting clause and intersectional references accordingly.

Senator Callahan moved that the above amendment be adopted.

At the request of Senator Mayer, **SB 267**, with **SA 1** (pending), was placed on the Informal Calendar.

At the request of Senator Rupp, **SB 335** and **SB 16**, with **SCS**, was placed on the Informal Calendar.

Senator Rupp moved that **SB 207** and **SB 245**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 207** and **245**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 207 and 245

An Act to amend chapter 407, RSMo, by adding thereto one new section relating to data security

breaches.

Was taken up.

Senator Rupp moved that **SCS** for **SBs 207** and **245** be adopted, which motion prevailed.

Senator Pearce assumed the Chair.

On motion of Senator Rupp, **SCS** for **SBs 207** and **245** was declared perfected and ordered printed.

SB 172 was placed on the Informal Calendar.

Senator Scott moved that **SB 406**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 406**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 406

An Act to repeal sections 195.070, 195.100, 334.104, and 334.735, RSMo, and to enact in lieu thereof five new sections relating to prescription authority for certain healthcare professions.

Was taken up.

Senator Scott moved that **SCS** for **SB 406** be adopted.

Senator Scott offered **SS** for **SCS** for **SB 406**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 406

An Act to repeal sections 195.070, 195.100, 334.104, and 334.735, RSMo, and to enact in lieu thereof five new sections relating to prescription authority for certain healthcare professions.

Senator Scott moved that **SS** for **SCS** for **SB 406** be adopted, which motion prevailed.

On motion of Senator Scott, **SS** for **SCS** for **SB 406** was declared perfected and ordered printed.

Senator Wright-Jones moved that **SB 477**, with **SS**, as amended (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for **SB 477**, as amended, was again taken up.

At the request of Senator Wright-Jones, **SB 477**, with **SS**, as amended (pending), was placed on the Informal Calendar.

Senator Nodler moved that **SB 378** be taken up for perfection, which motion prevailed.

On motion of Senator Nodler, **SB 378** was declared perfected and ordered printed.

MESSAGES FROM THE GOVERNOR

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

GOVERNOR OF MISSOURI
 Jefferson City
 65102
 March 31, 2009

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

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

Lee A. Bascom, 2317 Parkridge Avenue, Saint Louis, Saint Louis County, Missouri 63144, as a member of the Missouri Commission on Autism Spectrum Disorders, for a term ending September 03, 2012, and until her successor is duly appointed and qualified; vice, Julie Keathley, withdrawn.

Respectfully submitted,
 Jeremiah W. (Jay) Nixon
 Governor

Also,

GOVERNOR OF MISSOURI
 Jefferson City
 65102
 March 31, 2009

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

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

Susan N. Levy, 21 Clermont Lane, Saint Louis, Saint Louis County, Missouri 63124, as a member of the Missouri Consolidated Health Care Plan Board of Trustees, for a term ending December 31, 2011, and until her successor is duly appointed and qualified; vice, David Siscel, withdrawn.

Respectfully submitted,
 Jeremiah W. (Jay) Nixon
 Governor

Also,

GOVERNOR OF MISSOURI
 Jefferson City
 65102
 March 31, 2009

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

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

Elizabeth Magee, 1017 LaGrange Court, Columbia, Boone County, Missouri 65203, as a member of the Child Abuse and Neglect Review Board, for a term ending April 07, 2011, and until her successor is duly appointed and qualified; vice, Richard B. Hicks, term expired.

Respectfully submitted,
 Jeremiah W. (Jay) Nixon
 Governor

Also,

GOVERNOR OF MISSOURI
 Jefferson City
 65102
 March 31, 2009

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

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

Randy J. Rodgers, 5531 Waterfront Drive North, Columbia, Boone County, Missouri 65202, as a member of the Missouri Quality Home

Care Council, for a term ending March 01, 2010, and until his successor is duly appointed and qualified; vice, RSMo 208.856.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City
65102

March 31, 2009

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

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

D. Kimberly Whittle, 8000 Crescent Drive, Clayton, Saint Louis County, Missouri 63105, as a member of the Child Abuse and Neglect Review Board, for a term ending April 04, 2010, and until her successor is duly appointed and qualified; vice, Sharon Laningham Silver, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City
65102

March 31, 2009

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

The following addendum should be made to the appointment of Paul E. Connors to the Missouri Veterans Commission, submitted on March 18, 2009. Line 3 should be amended as follows:

“November 2, 2012, and until his successor is duly appointed and qualified; vice, Carson”

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City
65102

March 31, 2009

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

The following addendum should be made to the appointment of Patrick A. McInerney to the Kansas City Board of Police Commissioners, submitted on March 18, 2009. Line 3 should be amended as follows:

“Commissioners, for a term ending March 07, 2013 and until his successor is duly”

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

March 31, 2009

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

The following addendum should be made to the appointment of Nancy M. Nelson to the Missouri Veterans Commission, submitted on March 18, 2009. Line 2 should be amended as follows:

“as a member of the Missouri Veterans Commission, for a term ending November 2, 2012,”

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

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

On motion of Senator Engler, the Senate recessed until 4:00 p.m.

RECESS

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

RESOLUTIONS

Senator Cunningham offered Senate Resolution No. 657, regarding Pfizer, Incorporated, Chesterfield, which was adopted.

Senator Shoemyer offered Senate Resolution No. 658, regarding the One Hundredth Anniversary of Clover Road Christian Church, Hannibal, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 659, regarding Alexandria Francine Trussler, St. Peters, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 660, regarding Allison Jean Krebsbach, Ballwin, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 661, regarding Megan Elise Gilbertson, Chesterfield, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 662, regarding Brittany Elizabeth Shoemaker, Imperial, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 663, regarding Christina Marie Rasch, St. Charles, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 664, regarding Jacquelyn Michele Ballard, St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 665, regarding Erin Marie Doyle, St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 666, regarding Rachel Louise Robin, Hazelwood, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 667, regarding Sharoyah Monique Davis, Brooklyn, New York, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 668, regarding Brittany Anna Jensen, Fenton, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 669, regarding Lauren Margaret Capuano, St. Charles, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 670, regarding Madison Shari Burke, Chesterfield, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 671, regarding Rebecca M. LaChance, Chesterfield, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 672, regarding Kathleen Louise Siebuhr, St. Charles, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 673, regarding Alison Renee Berndt, Hazelwood, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 674, regarding Madison Lynn Conklin, Chesterfield, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 675, regarding Emma Howard, St. Charles, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 676, regarding Maureen Marie Mahon, Sunset Hills, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 677, regarding Melissa Marie Maciorowski, Chesterfield, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 678, regarding Rebecca Ruthanne Schloemann, St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 679, regarding Stephanie Danielle Boyce, St. Peters, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 680, regarding Paige Champaign, Imperial, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 681, regarding Katie Lena Ensign, Fenton, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 682, regarding Megan R. McKenzie, Wildwood, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 683, regarding Kristin Elizabeth Knoop, Wildwood, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 684, regarding Amber Capri McCreary, St. Peters, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 685, regarding Michelle Ouhl, Festus, which was

adopted.

Senator Wright-Jones offered Senate Resolution No. 686, regarding Ashley Marie Mitchell, St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 687, regarding Morgan E. Geile, Wildwood, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 688, regarding Margaret Mary Dillon, Clayton, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 689, regarding Grace Anna Dubrowski, Lake St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 690, regarding Jennifer Leigh Townsend, St. Peters, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 691, regarding Alyssa Lavonne Uro, St. Peters, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 692, regarding Stephanie Marie Efthim, St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 693, regarding Jessica Lee Haberstock, Chesterfield, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 694, regarding Amanda Davis, St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 695, regarding Hannah Williams, St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 696, regarding Judy Lynn Bafaro, St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 697, regarding Emily Ann Walk, Wentzville, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 698, regarding Margaret Elizabeth "Emmie" Altepeter, Chesterfield, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 699, regarding Joy Renae Nasalroad, Florissant, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 700, regarding Shelby Taylor Gregory, St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 701, regarding Jennifer Lynn Meyers, St. Charles, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 702, regarding Elizabeth Louise Lawless, Chesterfield, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 703, regarding Taylor Lee Ann Nixon, Barnhart, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 704, regarding Blaire Elizabeth Nixon, Barnhart, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 705, regarding Casey Brandt, Washington, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 706, regarding Angela Rose Garcia, St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 707, regarding Samantha Nichole Sullivan, Washington, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 708, regarding Kristen M. Hug, St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 709, regarding Karen L. Dick, Florissant, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 710, regarding Kathryn E. Notch, Chesterfield, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 711, regarding Julia Rose Millburg, St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 712, regarding Christina B. Robinson, Wildwood, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 713, regarding Emily J. Murphy, St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 714, regarding Emily Timon Hagar, Arnold, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 715, regarding Sarah Elizabeth Ashmore, Cedar Hill, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 716, regarding Colleen Renee Hunter, Fenton, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 717, regarding Kathryn Lyn Ervin, Festus, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 718, regarding Heather Marie Cochran, St. Charles, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 719, regarding Robyn Elizabeth Boltz, Lake St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 720, regarding Michelle Anne Boyer, St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 721, regarding Abby Sabrina Mae Rose, Lonedell, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 722, regarding Sarah Elise Godbold, Ellisville, which was adopted.

Senator Dempsey offered Senate Resolution No. 723, regarding Theodore Kneemiller, St. Charles, which was adopted.

Senator Clemens offered Senate Resolution No. 724, regarding Fair Grove School District, which was adopted.

Senator Dempsey offered Senate Resolution No. 725, regarding Thomas J. Foley, II, St. Peters, which was adopted.

HOUSE BILLS ON SECOND READING

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

HB 229—Health, Mental Health, Seniors and Families.

HCS for HB 427—Veterans' Affairs, Pensions and Urban Affairs.

HCS for HB 661—Agriculture, Food Production and Outdoor Resources.

HB 248—Ways and Means.

HCS for HB 540—Commerce, Consumer Protection, Energy and the Environment.

HCS for HBs 320, 39 and 662—Ways and Means.

HCS for HB 382—Financial and Governmental Organizations and Elections.

HCS for HB 281—Commerce, Consumer Protection, Energy and the Environment.

HB 537—Transportation.

HB 544—General Laws.

HB 811—Financial and Governmental Organizations and Elections.

HB 812—Financial and Governmental Organizations and Elections.

HCS for HB 358—Transportation.

HB 278—Commerce, Consumer Protection, Energy and the Environment.

HB 644—Commerce, Consumer Protection, Energy and the Environment.

HB 326—Progress and Development.

HCS for HB 265—Veterans' Affairs, Pensions and Urban Affairs.

HB 253—Transportation.

HB 282—General Laws.

HB 373—Education.

HB 210—Veterans' Affairs, Pensions and Urban Affairs.

HCS for HBs 234 and 493—Jobs, Economic Development and Local Government.

HB 283—Jobs, Economic Development and Local Government.

HB 132—Commerce, Consumer Protection, Energy and the Environment.

HB 257—Jobs, Economic Development and Local Government.

HB 751—Commerce, Consumer Protection, Energy and the Environment.

HCS for HB 231—Health, Mental Health, Seniors and Families.

REPORTS OF STANDING COMMITTEES

Senator Engler, 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 **SB 378**; **SS** for **SCS** for **SB 406**; and **SCS** for **SBs 207** and **245**, 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 Shields referred **SCS** for **SBs 207** and **245** to the Committee on Governmental Accountability and Fiscal Oversight.

SENATE BILLS FOR PERFECTION

Senator Dempsey moved that **SB 306**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 306**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 306

An Act to amend chapter 208, RSMo, by adding thereto fourteen new sections relating to the show-me health coverage plan.

Was taken up.

Senator Dempsey moved that **SCS** for **SB 306** be adopted.

Senator Dempsey offered **SS** for **SCS** for **SB 306**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 306

An Act to amend chapter 208, RSMo, by adding thereto fourteen new sections relating to the show-me health coverage plan.

Senator Dempsey moved that **SS** for **SCS** for **SB 306** be adopted.

Senator Dempsey offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 306, Page 5, Section 208.1318, Line 17 of said page, by striking “or” and inserting in lieu thereof the following: “**of**”.

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

Senator Crowell offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 306, Page 1, Section A, Line 5 of said page, by inserting after all of said line the following:

“208.215. 1. MO HealthNet is payer of last resort unless otherwise specified by law. When any person, corporation, institution, public agency or private agency is liable, either pursuant to contract or otherwise, to a participant receiving public assistance on account of personal injury to or disability or disease or benefits arising from a health insurance plan to which the participant may be entitled, payments made by the department of social services or MO HealthNet division shall be a debt due the state and recoverable from the liable party or participant for all payments made [in] **on** behalf of the participant and the debt due the state shall not exceed the payments made from MO HealthNet benefits provided under sections 208.151 to 208.158 and section 208.162 and section 208.204 on behalf of the participant, minor or estate for payments on account of the injury, disease, or disability or benefits arising from a health insurance program to which the participant may be entitled. **Any health benefit plan as defined in section 376.1350, RSMo, third party administrator, administrative service organization, and pharmacy benefits manager, shall process and pay all properly submitted medical assistance subrogation claims or MO HealthNet subrogation claims:**

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

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

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

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

4. Every applicant or participant by application assigns his right to the department of social services or MO HealthNet division of any funds recovered or expected to be recovered to the extent provided for in this section. All applicants and participants, including a person authorized by the probate code, shall cooperate with the department of social services, MO HealthNet division in identifying and providing information to assist the state in pursuing any third party who may be liable to pay for care and services available under the state's plan for MO HealthNet benefits as provided in sections 208.151 to 208.159 and sections 208.162 and 208.204. All applicants and participants shall cooperate with the agency in obtaining third-party resources due to the applicant, participant, or child for whom assistance is claimed. Failure to cooperate without good cause as determined by the department of social services, MO HealthNet division in

accordance with federally prescribed standards shall render the applicant or participant ineligible for MO HealthNet benefits under sections 208.151 to 208.159 and sections 208.162 and 208.204. A [recipient] **participant** who has notice or who has actual knowledge of the department's rights to third-party benefits who receives any third-party benefit or proceeds for a covered illness or injury is either required to pay the division within sixty days after receipt of settlement proceeds the full amount of the third-party benefits up to the total MO HealthNet benefits provided or to place the full amount of the third-party benefits in a trust account for the benefit of the division pending judicial or administrative determination of the division's right to third-party benefits.

5. Every person, corporation or partnership who acts for or on behalf of a person who is or was eligible for MO HealthNet benefits under sections 208.151 to 208.159 and sections 208.162 and 208.204 for purposes of pursuing the applicant's or participant's claim which accrued as a result of a nonoccupational or nonwork-related incident or occurrence resulting in the payment of MO HealthNet benefits shall notify the MO HealthNet division upon agreeing to assist such person and further shall notify the MO HealthNet division of any institution of a proceeding, settlement or the results of the pursuit of the claim and give thirty days' notice before any judgment, award, or settlement may be satisfied in any action or any claim by the applicant or participant to recover damages for such injuries, disease, or disability, or benefits arising from a health insurance program to which the participant may be entitled.

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

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

8. The department of social services or MO HealthNet division shall have a lien upon any moneys to be paid by any insurance company or similar business enterprise, person, corporation, institution, public agency or private agency in settlement or satisfaction of a judgment on any claim for injuries or disability or disease benefits arising from a health insurance program to which the participant may be entitled which resulted in medical expenses for which the department or MO HealthNet division made payment. This lien shall also be applicable to any moneys which may come into the possession of any attorney who is handling the claim for injuries, or disability or disease or benefits arising from a health insurance plan to which the participant may be entitled which resulted in payments made by the department or MO HealthNet division.

In each case, a lien notice shall be served by certified mail or registered mail, upon the party or parties against whom the applicant or participant has a claim, demand or cause of action. The lien shall claim the charge and describe the interest the department or MO HealthNet division has in the claim, demand or cause of action. The lien shall attach to any verdict or judgment entered and to any money or property which may be recovered on account of such claim, demand, cause of action or suit from and after the time of the service of the notice.

9. On petition filed by the department, or by the participant, or by the defendant, the court, on written notice of all interested parties, may adjudicate the rights of the parties and enforce the charge. The court may approve the settlement of any claim, demand or cause of action either before or after a verdict, and nothing in this section shall be construed as requiring the actual trial or final adjudication of any claim, demand or cause of action upon which the department has charge. The court may determine what portion of the recovery shall be paid to the department against the recovery. In making this determination the court shall conduct an evidentiary hearing and shall consider competent evidence pertaining to the following matters:

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

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

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

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

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

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

10. The burden of producing evidence sufficient to support the exercise by the court of its discretion to reduce the amount of a proven charge sought to be enforced against the recovery shall rest with the party seeking such reduction.

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

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

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

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

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

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

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

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

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

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

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

(a) The spouse of such individual;

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

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

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

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

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

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

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

state for the entire cost of the medical care provided on behalf of the dependent child or spouse to whom the duty of support is owed.

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

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

(2) Total funds available for settlement; and

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

Further amend said bill, page 17, section 208.1345, line 2 of said page, by inserting after all of said line the following:

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

(1) “Provider”, any individual, corporation, public or private entity that has entered into an agreement with the state to provide any service set out in section 208.152, RSMo, and subsequent amendments;

(2) “Person eligible for public assistance”, any individual who is or was eligible for medical assistance under the laws of this state.

2. Payments made **by the department** to or on behalf of a person eligible for public assistance as the result of any compensable injury, occupational disease or disability as defined by this chapter **shall be presumed to be benefits incorrectly paid for purposes of 42 U.S.C. 1396p**, shall be a debt due the state, and recovery of same shall be a recognized action pursuant to this chapter. **Any settlement approved or judgment issued by the administrative law judge shall constitute a judgment of a court on account of benefits incorrectly paid under 42 U.S.C. 1396p.**

3. The state shall have a lien upon any funds owed by any employer that are or might be due under any insurance agreement or self-insurance authority in effect at the time the medical expense or any portion thereof was paid by the department of social services or its designated division.

4. **Any settlement approved or judgment issued by the administrative law judge shall require full repayment of all moneys paid by the department to or on behalf of a person eligible for public assistance as the result of any compensable injury, occupational disease, or disability as defined by this chapter. All moneys repaid to the department shall be allocated as medical expenses in the settlement or judgment.** The state shall have a right of subrogation to any funds **for medical expenses** owed to or received by the employee or any person, corporation, public agency or private agency acting on his behalf notwithstanding any other provisions of this chapter. **The amount of medical expenses authorized by the administrative law judge shall be greater than or equal to the debt due the state. In no case shall the debt due the state be reduced.**

5. The department [of social services] or its designated division may maintain an appropriate action to recover funds due under this section pursuant to the workers' compensation law or the second injury fund, which includes the exercise of all appeal rights afforded by the laws of this state.

6. The department shall have a right to recover the full amount of its payments when payments are made to a provider under this chapter if the payments were made on behalf of a person eligible for public assistance for an injury, occupational disease, or disability which is compensable under this chapter **notwithstanding the injured employee's selection of a provider or direction of care.**

7. This debt due the state shall be subordinate only to the fee rights of the injured employee's attorney pursuant to this chapter, and the state shall not be required to pay any portion of the fees or costs incurred by the employee or the employer.

8. Application for and acceptance of public assistance made to or on behalf of the injured employee shall constitute an assignment of rights to the department of social services for reimbursement of funds expended by the department of social services in the treatment of a compensable injury.

9. **The employer and attorney for an injured worker who is eligible for and receives public assistance as provided by sections 208.151 to 208.159, RSMo, and section 208.162, RSMo, as the result of an occupational or work-related incident shall give the department of social services thirty days notice of any institution of a proceeding, settlement, or judgment. No settlement or judgment may be approved or issued by the administrative law judge without the filing of a release from the MO HealthNet division evidencing full repayment of all moneys paid by the department to or on behalf of a person eligible for public assistance as the result of any compensable injury, occupational disease, or disability as defined by this chapter.** [The] Any attorney for the injured worker shall also notify the department of social services upon representation of each client who was eligible for public assistance as provided by sections 208.151 to 208.159, RSMo, and section 208.162, RSMo, prior to, during or subsequent to the date of injury, that the attorney was retained to pursue the client's legal rights related to the compensable injury.

10. The administrative law judge, pursuant to authority granted under section 287.610, shall apportion the debt due the state between the injured worker and the injured worker's employer or their designated representatives **in accordance with state and federal law** when an agreement cannot be reached regarding the respective liability for money expended by the department of social services on behalf of the injured employee, but in no case shall the debt due the state be reduced.”; and

Further amend the title and enacting clause accordingly.

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

Senator Engler assumed the Chair.

Senator Stouffer offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 306, Page 1, In the Title, Lines 3-4, by striking “the show-me health coverage plan” and inserting in lieu thereof the following: “health care services”; and

Further amend said bill and page, Section A, line 5 of said page, by inserting immediately after said line the following:

“191.1127. 1. The MO HealthNet program and the health care for uninsured children program under sections 208.631 to 208.659, RSMo, in consultation with statewide organizations focused on premature infant health care, shall:

(1) Examine and improve hospital discharge and follow-up care procedures for premature infants born earlier than thirty-seven weeks gestational age to ensure standardized and coordinated processes are followed as premature infants leave the hospital from either a well-baby nursery, step down or transitional nursery, or neonatal intensive care unit and transition to follow-up care by a health care provider in the community;

(2) Urge hospitals serving infants eligible for medical assistance under the MO HealthNet and health care for uninsured children programs to report to the state the causes and incidence of all re-hospitalizations of infants born premature at earlier than thirty-seven weeks gestational age within their first six months of life; and

(3) Use guidance from the Centers for Medicare and Medicaid Services' Neonatal Outcomes Improvement Project to implement programs to improve newborn outcomes, reduce newborn health costs, and establish ongoing quality improvement for newborns.

191.1130. 1. The department of health and senior services shall, by December 31, 2009, prepare written educational publications containing information about the possible complications, proper care and support associated with newborn infants who are born premature at earlier than thirty-seven weeks gestational age. The written information, at a minimum, shall include the following:

(1) The unique health issues affecting infants born premature, such as:

(a) Increased risk of developmental problems;

(b) Nutritional challenges;

(c) Infection;

(d) Chronic lung disease (bronchopulmonary dysplasia);

(e) Vision and hearing impairment;

(d) Breathing problems;

(f) Fine motor skills;

(g) Feeding;

(h) Maintaining body temperature;

(i) Jaundice;

(j) Hyperactivity;

(k) Infant mortality as well as long-term complications associated with growth and nutrition;

(l) Respiratory; and

(m) Reading, writing, mathematics, and speaking;

(2) The proper care needs of premature infants, developmental screenings and monitoring and health care services available to premature infants through the MO HealthNet program and other public or private health programs;

(3) Methods, vaccines, and other preventative measures to protect premature infants from infectious diseases, including viral respiratory infections;

(4) The emotional and financial burdens and other challenges that parents and family members of premature infants experience and information about community resources available to support them.

2. The publications shall be written in clear language to educate parents of premature infants across a variety of socioeconomic statuses. The department may consult with community organizations that focus on premature infants or pediatric health care. The department shall update the publications every two years.

3. The department shall distribute these publications to children's health providers, maternal care providers, hospitals, public health departments, and medical organizations and encourage those organizations to provide the publications to parents or guardians of premature infants.”; and

Further amend the title and enacting clause accordingly.

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

Senator Schmitt offered SA 4:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 306, Page 1, Section A, Line 5, by inserting after all of said line the following:

“208.192. 1. By August 28, 2010, the director of the MO HealthNet division shall implement a program under which the director shall make available through its Internet web site nonaggregated information on individuals collected under the federal Medicaid Statistical Information System described in the Social Security Act, Section 1903(r)(1)(F), insofar as such information has been de-identified in accordance with regulations promulgated under the Health Insurance Portability and Accountability Act of 1996, as amended. In implementing such program, the director shall ensure that:

(1) The information made so available is in a format that is easily accessible, useable, and understandable to the public, including individuals interested in improving the quality of care provided to individuals eligible for programs and services under the MO HealthNet program, researchers, health care providers, and individuals interested in reducing the prevalence of waste and fraud under the program;

(2) The information made so available is as current as deemed practical by the director and shall be updated at least once per calendar quarter;

(3) To the extent feasible, all health care providers, as such term is defined in subdivision (20) of section 376.1350, RSMo, included in such information are identifiable by name to individuals who access the information through such program; and

(4) The director periodically solicits comments from a sampling of individuals who access the information through such program on how to best improve the utility of the program.

2. For purposes of implementing the program under this section and ensuring the information made available through such program is periodically updated, the director may select and enter into a contract with a public or private entity meeting such criteria and qualifications as the director determines appropriate.

3. By August 28, 2011, and annually thereafter, the director shall submit to the general assembly

and the MO HealthNet oversight committee, a report on the progress of the program under subsection 1 of this section, including the extent to which information made available through the program is accessed and the extent to which comments received under subdivision (4) of subsection 1 of this section were used during the year involved to improve the utility of the program.

4. By August 28, 2011, the director shall submit to the general assembly and the MO HealthNet oversight committee a report on the feasibility, potential costs, and potential benefits of making publicly available through an Internet-based program de-identified payment and patient encounter information for items and services furnished under Title XXI of the Social Security Act which would not otherwise be included in the information collected under the federal Medicaid Statistical Information System described in Section 1903(r)(1)(F) of such act and made available under Section 1942 of such act, as added by Section 5008.

5. Pursuant to section 23.253, RSMo, of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset six years after the effective date of this section unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.”; and

Further amend the title and enacting clause accordingly.

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

Senator Dempsey moved that **SS** for **SCS** for **SB 306**, as amended, be adopted, which motion prevailed.

On motion of Senator Dempsey, **SS** for **SCS** for **SB 306**, as amended, was declared perfected and ordered printed.

Senator Scott assumed the Chair.

RE-REFERRALS

President Pro Tem Shields re-referred **HB 751** to the Committee on Financial and Governmental Organizations and Elections.

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 **HB 238**, entitled:

An Act to repeal section 477.600, RSMo, and to enact in lieu thereof one new section relating to annual judicial reports.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 255**, entitled:

An Act to repeal sections 37.320 and 109.250, RSMo, and to enact in lieu thereof two new sections relating to the state records commission.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 482**, entitled:

An Act to repeal section 479.260, RSMo, and to enact in lieu thereof one new section relating to the use of municipal court fees.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 802**, entitled:

An Act to repeal section 32.105, RSMo, and to enact in lieu thereof one new section relating to neighborhood assistance act.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

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 HBs 128 and 340**, entitled:

An Act to repeal section 9.020, RSMo, and to enact in lieu thereof two new sections relating to holidays.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

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 HB 237**, entitled:

An Act to repeal section 517.041, RSMo, and to enact in lieu thereof one new section relating to service of summons.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

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 **HB 272**, entitled:

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to the Alzheimer's state plan task force.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

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 **HB 214**, entitled:

An Act to repeal sections 70.655, 70.695, 70.710, 70.720, and 70.730, RSMo, and to enact in lieu thereof five new sections relating to the Missouri local government employees' retirement system.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

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 **HB 397**, entitled:

An Act to repeal sections 86.200, 86.237, 86.257, 86.260, 86.263, 86.270, 86.1170, and 86.1240, RSMo, and to enact in lieu thereof eight new sections relating to police retirement, with an emergency clause for a certain section.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 546**, entitled:

An Act to repeal sections 478.003 and 487.020, RSMo, and to enact in lieu thereof two new sections relating to drug court commissioners also being appointed as family court commissioners.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 709**, entitled:

An Act to repeal section 115.163, RSMo, and to enact in lieu thereof one new section relating to voter identification.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

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 **HB 667**, entitled:

An Act to repeal section 57.010, RSMo, and to enact in lieu thereof one new section relating to qualifications of sheriffs.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 859**, entitled:

An Act to repeal section 67.280, RSMo, and to enact in lieu thereof one new section relating to community codes.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

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 **HB 914**, entitled:

An Act to repeal section 361.340, RSMo, and to enact in lieu thereof one new section relating to the powers of the director of finance, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 928**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of a memorial highway.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

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 **HB 177**, entitled:

An Act to repeal section 566.226, RSMo, and to enact in lieu thereof one new section relating to court records for sexual offenses.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 171**, entitled:

An Act to amend chapter 441, RSMo, by adding thereto one new section relating to payment of rent when a leased residence is destroyed.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 919**, entitled:

An Act to repeal section 376.421, RSMo, and to enact in lieu thereof one new section relating to group health insurance.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

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 HB 306**, entitled:

An Act to repeal section 67.1177, RSMo, and to enact in lieu thereof one new section relating to certain hotel and motel taxes.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 861**, entitled:

An Act to repeal section 41.150, RSMo, and to enact in lieu thereof one new section relating to assistant adjutants general.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 593**, entitled:

An Act to repeal sections 86.107 and 86.590, RSMo, and to enact in lieu thereof two new sections relating to investments by the board of trustees of police and firemen's pension systems.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 745**, entitled:

An Act to repeal section 34.070, RSMo, and to enact in lieu thereof one new section relating to state purchasing.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 918**, entitled:

An Act to authorize the conveyance of certain state property, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

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 HB 485**, entitled:

An Act to repeal section 44.227, RSMo, and to enact in lieu thereof one new section relating to the seismic safety commission.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

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 HB 685**, entitled:

An Act to repeal section 43.200, RSMo, and to enact in lieu thereof one new section relating to serving search warrants for certain traffic-related offenses.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

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 HB 273**, entitled:

An Act to repeal section 473.543, RSMo, and to enact in lieu thereof one new section relating to supportive documentation for disbursements in excess of seventy-five dollars.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

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 **HB 736**, entitled:

An Act to amend chapter 392, RSMo, by adding thereto one new section relating to caller location information.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 866**, entitled:

An Act to repeal sections 334.098 and 337.649, RSMo, and to enact in lieu thereof two new sections relating to complaints against licensed professionals by sexual violent predators.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 867**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of a memorial highway.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 659**, entitled:

An Act to amend chapter 162, RSMo, by adding thereto one new section relating to the transition of school governance.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

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 **HB 525**, entitled:

An Act to amend chapter 633, RSMo, by adding thereto one new section relating to autism as addressed by the division of developmental disabilities.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 826**, entitled:

An Act to repeal sections 630.110, 632.489, and 632.495, RSMo, and to enact in lieu thereof three new sections relating to sexually violent predators.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 807**, entitled:

An Act to amend chapter 10, RSMo, by adding thereto one new section relating to the designation of the official state waterway.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

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 HB 844**, entitled:

An Act to repeal section 41.1000, RSMo, and to enact in lieu thereof one new section relating to the civil air patrol.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 103**, entitled:

An Act to repeal section 44.090, RSMo, and to enact in lieu thereof one new section relating to mutual-aid agreements and the Missouri mutual aid system.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

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 HB 294**, entitled:

An Act to repeal section 535.020, RSMo, and to enact in lieu thereof one new section relating to nonpayment of rent cases.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 698**, entitled:

An Act to repeal section 407.485, RSMo, and to enact in lieu thereof one new section relating to donation receptacles.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 842**, entitled:

An Act to repeal section 339.710, RSMo, and to enact in lieu thereof one new section relating to real estate brokers and agents.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

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 HB 89**, entitled:

An Act to repeal section 300.390 and 577.060, RSMo, and to enact in lieu thereof two new sections relating to traffic violations, with a penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 747**, entitled:

An Act to repeal section 566.145, RSMo, and to enact in lieu thereof one new section relating to sexual contact with a prisoner or offender, with a penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

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 HBs 836 and 753**, entitled:

An Act to repeal section 534.030, RSMo, and to enact in lieu thereof one new section relating to notice that a foreclosure sale has occurred.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

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 **HB 752**, entitled:

An Act to repeal sections 21.795 and 226.030, RSMo, and to enact in lieu thereof two new sections relating to transportation appointees.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

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 **HB 947**, entitled:

An Act to repeal sections 86.200, 86.237, 86.257, 86.260, 86.263, 86.270, 86.1170, and 86.1240, RSMo, and to enact in lieu thereof eight new sections relating to police retirement, with an emergency clause, for a certain section.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

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 **HB 895**, entitled:

An Act to authorize the conveyance of an easement for right of access over property owned by the state in Macon County.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 683**, entitled:

An Act to repeal section 301.140, RSMo, and to enact in lieu thereof one new section relating to temporary license plates.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

INTRODUCTIONS OF GUESTS

Senator Engler introduced to the Senate, Chris Schillinger, Wendy Laird and Paige Savage, Ironton.

Senator Cunningham introduced to the Senate, Teresa Bommarito and Kim Segasture, St. Louis County.

Senator Bartle introduced to the Senate, Elena Huston and Beverly Williams, representatives of Hospice.

On behalf of Senator Shields, the President introduced to the Senate, Jim Pierce, Kari Maag, Laura Bodicky and Sandra McGuire, St. Joseph; Jane Moore, Jefferson City; and hospice volunteers from around the state.

Senator Schmitt introduced to the Senate, Julie Roscoe, Rebecca Fehlig and Becky Blackwell, representatives of Autism Awareness Month, Webster Groves.

Senator McKenna introduced to the Senate, Dennis and Carolyn Tessereau, Herculaneum.

Senator Nodler introduced to the Senate, Rhonda Gorhan and Courtney Cott, Boys and Girls Club of Southwest Missouri.

Senator Nodler introduced to the Senate, Paige Parker, Joplin.

Senator Scott introduced to the Senate, his aunt, Philina Scott, Lowry City; and representatives of Twin Lakes Hospice.

Senator Scott introduced to the Senate, the Physician of the Day, Dr. Wayne Morton, M.D., Osceola.

Senator Rupp introduced to the Senate, adults and sixteen fifth grade students from Messiah Lutheran School, St. Charles.

Senator Purgason introduced to the Senate, Phil Phillips, Osage Beach; Lovey Leuwerke, Camdenton; and Chase Phillips, Springfield.

Senator Mayer introduced to the Senate, Margi Thompson, Roger Hogg, Abbey Redford, Mona Lee and Teniece Jefferson, Poplar Bluff.

Senator Bartle introduced to the Senate, Katie Wright and students from Oak Grove High School.

Senator Schmitt introduced to the Senate, representatives of St. John's Mercy Hospice: Helen Cassidy, Webster Groves; Maxine Reisenleiter, Brentwood; and Louisa Gregory and Ellen Papas, St. Louis.

Senator Barnitz introduced to the Senate, parents, teachers and sixty fourth grade students from Maries County R-2 School, Belle.

Senator Smith introduced to the Senate, representatives of Big Brothers/Big Sisters, St. Louis.

On behalf of Senator Days and herself, Senator Bray introduced to the Senate, Missouri Teacher of the Year Margaret Williams and eleventh grade students from University City High School.

Senator Rupp introduced to the Senate, representatives of Boys and Girls Club of Missouri, St. Charles County.

Senator Champion introduced to the Senate, Dawn Hiles, Dan Scott, Bill Magers and Russ Marquart, Springfield.

Senator Lager introduced to the Senate, Larry O'Riley and his grandson, Garrett O'Riley, Maryville; and Garrett was made an honorary page.

Senator Schmitt introduced to the Senate, Alderman Steve Drake, Valley Park.

On behalf of Senator Pearce, the President introduced to the Senate, Stormy Taylor, Mrs. Moore and representatives of Big Brothers/Big Sisters, Johnson County.

Senator Justus introduced to the Senate, her father, Judge James K. Justus, Taney County.

On behalf of Senator Pearce, the President introduced to the Senate, Jean Othic, Warrensburg.

On behalf of Senator Wilson and herself, Senator Justus introduced to the Senate, members of the South Kansas City Chamber of Commerce Leadership Class.

Senator Scott introduced to the Senate, Jake and Nancy Peaster, Cole Camp; and students from Oak Ridge School, Stover.

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

SENATE CALENDAR

FORTY-SIXTH DAY—THURSDAY, APRIL 2, 2009

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 238-Jones (89), et al	HCS for HB 485
HB 255-Scharnhorst	HCS for HB 685
HB 482-Jones (189), et al	HCS for HB 273
HB 802-Tracy, et al	HCS for HB 736
HCS for HBs 128 & 340	HB 866-Wells, et al
HCS for HB 237	HB 867-Guest
HCS for HB 272	HB 659-Dusenberg, et al
HCS for HB 214	HCS for HB 525
HCS for HB 397	HB 826-Brown (149), et al
HB 546-Smith (150), et al	HB 807-Wilson (130), et al
HB 709-Dusenberg, et al	HCS for HB 844
HCS for HB 667	HB 103-Wildberger, et al
HB 859-Dieckhaus, et al	HCS for HB 294
HCS for HB 914	HB 698-Zimmerman, et al
HB 928-Dieckhaus	HB 842-Wood
HCS for HB 177	HCS for HB 89
HB 171-Cox, et al	HB 747-Witte
HB 919-Ruestman, et al	HCS for HBs 836 & 753
HCS for HB 306	HCS for HB 752
HB 861-Day	HCS for HB 947
HB 593-Viebrock	HCS for HB 895
HB 745-Loehner, et al	HB 683-Schieffer, et al
HB 918-Kelly	

THIRD READING OF SENATE BILLS

1. SS for SCS for SB 167-Rupp (In Fiscal Oversight)

2. SS for SB 291-Shields (In Fiscal Oversight)

- | | |
|--|---|
| 3. SS for SJR 3-Crowell | 8. SS for SCS for SB 141-Smith |
| 4. SS for SB 307-Dempsey | 9. SB 378-Nodler |
| 5. SS for SCS for SB 539-Schaefer
(In Fiscal Oversight) | 10. SS for SCS for SB 406-Scott |
| 6. SCS for SB 216-Scott | 11. SCS for SBs 207 & 245-Rupp
(In Fiscal Oversight) |
| 7. SCS for SB 117-Green
(In Fiscal Oversight) | |

SENATE BILLS FOR PERFECTION

- | | |
|-------------------------------|-------------------------------|
| SB 558-Mayer, et al, with SCS | SB 555-Lager, with SCS |
| SJR 12-Scott, with SCS | SB 228-Scott, et al, with SCS |

HOUSE BILLS ON THIRD READING

- HCS for HB 191, with SCS
(Griesheimer) (In Fiscal Oversight)

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

- SS#2 for SCS for SB 5-Griesheimer

SENATE BILLS FOR PERFECTION

- | | |
|---|---|
| SB 7-Griesheimer, with SS (pending) | SB 236-Lembke |
| SB 18-Bray, et al, with SCS & SS for SCS
(pending) | SBs 261, 159, 180 & 181-Bartle and
Goodman, with SCS & SS#3 for SCS
(pending) |
| SB 29-Stouffer | SB 264-Mayer |
| SBs 45, 212, 136, 278, 279, 285 &
288-Pearce and Smith, with SCS &
SS#3 for SCS (pending) | SB 267-Mayer and Green, with SA 1
(pending) |
| SB 57-Stouffer, with SCS | SB 284-Lembke, et al |
| SB 72-Stouffer, with SCS | SB 321-Days, et al, with SCS (pending) |
| SB 94-Justus, et al, with SCS & SS for
SCS (pending) | SBs 335 & 16-Rupp, with SCS |
| SB 172-Green and Cunningham | SB 363-Griesheimer, with SCS, SS for SCS
and SA 2 (pending) |
| SB 174-Griesheimer and Goodman, with
SCS, SS#2 for SCS & SA 2 (pending) | SB 364-Clemens and Schaefer |
| SCS for SB 189-Shields | SB 409-Stouffer, with SCS (pending) |
| SBs 223 & 226-Goodman and Nodler, with
SCS (pending) | SB 477-Wright-Jones, with SS (pending) |
| | SB 527-Nodler and Bray |

RESOLUTIONS

Reported from Committee

SR 141-Engler, with point of order
(pending)

SCR 7-Pearce

SR 207-Lembke and Smith, with SCS & SS
for SCS (pending)

SCR 11-Bartle, et al

SCR 14-Schmitt

SCR 21-Clemens

SCR 10-Rupp

SCR 18-Bartle and Rupp

SCR 23-Schmitt

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