

Journal of the Senate

FIRST REGULAR SESSION

SIXTY-FIFTH DAY—TUESDAY, MAY 5, 2009

The Senate met pursuant to adjournment.

Senator Stouffer in the Chair.

Reverend Carl Gauck offered the following prayer:

“Days are scrolls: write on them what you want to be remembered.” (Bahya ibn Pakuda)

Gracious God, we recognize the gift of each day and often the importance of it. Help us to use each day as if it were a day that would be recorded in history and what it says about us is what we want to be known and remembered by others. So help us use this day as is keeping with what is truly important to You and needed by others. 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.

Photographers from WDAF-TV and Fox 4 TV-Kansas City 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.

RESOLUTIONS

Senator Days offered Senate Resolution No. 1065, regarding Kara Colleen O'Malley, which was adopted.

Senator Crowell offered Senate Resolution No. 1066, regarding Kristian Paige Gilliland, Morley, which was adopted.

Senator Crowell offered Senate Resolution No. 1067, regarding Stacy Jo Wells, Morley, which was adopted.

Senator Crowell offered Senate Resolution No. 1068, regarding Alison Ayiht Yuen, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 1069, regarding Jessie Yvonne Hahn, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 1070, regarding Tyler D. James, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 1071, regarding Bret Alan Steffens, Farrar, which was adopted.

Senator Crowell offered Senate Resolution No. 1072, regarding Jarod Paul Koenig, Perryville, which was adopted.

Senator Crowell offered Senate Resolution No. 1073, regarding Christopher Martin Roth, Cape Girardeau, which was adopted.

CONCURRENT RESOLUTIONS

Senator Pearce moved that **SCR 13** be taken up for adoption, which motion prevailed.

On motion of Senator Pearce, **SCR 13** was adopted by the following vote:

YEAS—Senators

| | | | | | | | |
|----------|---------|----------|----------|----------|-----------------|---------|------------|
| Barnitz | Bartle | Bray | Callahan | Champion | Clemens | Crowell | Cunningham |
| Days | Dempsey | Engler | Goodman | Justus | Lager | Lembke | Mayer |
| McKenna | Nodler | Pearce | Ridgeway | Rupp | Schaefer | Scott | Shields |
| Shoemyer | Smith | Stouffer | Vogel | Wilson | Wright-Jones—30 | | |

NAYS—Senators—None

Absent—Senators

| | | |
|-------------|----------|-----------|
| Griesheimer | Purgason | Schmitt—3 |
|-------------|----------|-----------|

Absent with leave—Senator Green—1

Vacancies—None

HOUSE BILLS ON SECOND READING

The following Joint Resolution and Bill were read the 2nd time and referred to the Committees indicated:

HJR 37—General Laws.

HCS for HB 22—Appropriations.

THIRD READING OF SENATE BILLS

SB 540, introduced by Senator Schaefer, entitled:

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

Was taken up.

On motion of Senator Schaefer, **SB 540** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

Wright-Jones—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Green—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

| | | | | | | | |
|---------|---------|----------|-------------|----------|---------|------------|-----------------|
| Barnitz | Bartle | Bray | Callahan | Champion | Crowell | Cunningham | Days |
| Dempsey | Engler | Goodman | Griesheimer | Justus | Lager | Lembke | Mayer |
| McKenna | Nodler | Pearce | Purgason | Ridgeway | Rupp | Schaefer | Schmitt |
| Scott | Shields | Shoemyer | Smith | Stouffer | Vogel | Wilson | Wright-Jones—32 |

NAYS—Senators—None

Absent—Senator Clemens—1

Absent with leave—Senator Green—1

Vacancies—None

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

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

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

HOUSE BILLS ON THIRD READING

HCS for HB 17, with **SCS**, entitled:

An Act to appropriate money for capital improvement and other purposes for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds herein designated for the period beginning July 1, 2009 and ending June 30, 2011.

Was taken up by Senator Nodler.

SCS for HCS for HB 17, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 17**

An Act to appropriate money for capital improvement and other purposes for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds herein designated for the period beginning July 1, 2009 and ending June 30, 2011.

Was taken up.

Senator Nodler moved that **SCS for HCS for HB 17** be adopted, which motion prevailed.

On motion of Senator Nodler, **SCS for HCS for HB 17** was read the 3rd time and passed by the following vote:

YEAS—Senators

| | | | | | | | |
|---------|----------|----------|-------------|---------|----------|-----------------|---------|
| Barnitz | Bray | Callahan | Champion | Clemens | Crowell | Cunningham | Days |
| Dempsey | Engler | Goodman | Griesheimer | Justus | Lager | Mayer | McKenna |
| Nodler | Pearce | Purgason | Ridgeway | Rupp | Schaefer | Schmitt | Scott |
| Shields | Shoemyer | Smith | Stouffer | Vogel | Wilson | Wright-Jones—31 | |

NAYS—Senators

Bartle Lembke—2

Absent—Senators—None

Absent with leave—Senator Green—1

Vacancies—None

The President declared the bill passed.

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

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

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

PRIVILEGED MOTIONS

Senator Dempsey, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SS** for **SB 307**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

**CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE BILL NO. 307**

The Conference Committee appointed on House Committee Substitute for Senate Substitute for Senate Bill No. 307, with House Amendment Nos. 1 and 2, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Substitute for Senate Bill No. 307, as amended;
2. The Senate recede from its position on Senate Substitute for Senate Bill No. 307;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 307 be Third Read and Finally Passed.

FOR THE SENATE:

- /s/ Tom Dempsey
- /s/ Robert Mayer
- /s/ Jack A. L. Goodman
- /s/ Wes Shoemyer
- /s/ Jeff Smith

FOR THE HOUSE:

- /s/ Rob Schaaf
- /s/ Tim Jones
- /s/ Mark Bruns
- /s/ Jeanne Kirkton
- /s/ Michael Talboy

Was taken up.

Senator Dempsey moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

| | | | | | | | |
|---------|---------|----------|-------------|----------|---------|------------|-----------------|
| Barnitz | Bray | Callahan | Champion | Clemens | Crowell | Cunningham | Days |
| Dempsey | Engler | Goodman | Griesheimer | Justus | Lager | Lembke | Mayer |
| McKenna | Nodler | Pearce | Purgason | Ridgeway | Rupp | Schaefer | Schmitt |
| Scott | Shields | Shoemyer | Smith | Stouffer | Vogel | Wilson | Wright-Jones—32 |

NAYS—Senator Bartle—1

Absent—Senators—None

Absent with leave—Senator Green—1

Vacancies—None

On motion of Senator Dempsey, **CCS** for **HCS** for **SS** for **SB 307**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE BILL NO. 307

An Act to amend chapters 190, 205, 633, and 660, RSMo, by adding thereto twenty-six new sections relating to provider assessments, with an emergency clause for a certain section.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

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

Wright-Jones—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Green—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

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

Wright-Jones—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Green—1

Vacancies—None

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

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

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

Senator Goodman moved that **SB 217**, with **HA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

HA 1 was taken up.

Senator Goodman moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS—Senators

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

Wright-Jones—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Green—1

Vacancies—None

On motion of Senator Goodman, **SB 217**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

| | | | | | | | |
|---------|---------|----------|-------------|----------|---------|----------|-----------------|
| Barnitz | Bartle | Bray | Callahan | Champion | Clemens | Crowell | Cunningham |
| Days | Engler | Goodman | Griesheimer | Justus | Lager | Lembke | Mayer |
| McKenna | Nodler | Pearce | Purgason | Ridgeway | Rupp | Schaefer | Schmitt |
| Scott | Shields | Shoemyer | Smith | Stouffer | Vogel | Wilson | Wright-Jones—32 |

NAYS—Senators—None

Absent—Senator Dempsey—1

Absent with leave—Senator Green—1

Vacancies—None

The President declared the bill passed.

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

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

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

Bill ordered enrolled.

Senator Schmitt moved that **SCS** for **SB 157**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for SCS for SB 157, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 157

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

Was taken up.

Senator Schmitt moved that **HCS for SCS for SB 157**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

| | | | | | | | |
|---------|---------|----------|-------------|----------|---------|-----------------|------------|
| Barnitz | Bartle | Bray | Callahan | Champion | Clemens | Crowell | Cunningham |
| Days | Engler | Goodman | Griesheimer | Justus | Lager | Lembke | Mayer |
| McKenna | Nodler | Pearce | Purgason | Ridgeway | Rupp | Schaefer | Schmitt |
| Scott | Shields | Shoemyer | Stouffer | Vogel | Wilson | Wright-Jones—31 | |

NAYS—Senators—None

Absent—Senators

Dempsey Smith—2

Absent with leave—Senator Green—1

Vacancies—None

On motion of Senator Schmitt, **HCS for SCS for SB 157**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

| | | | | | | | |
|---------|---------|----------|-------------|----------|---------|------------|-----------------|
| Barnitz | Bray | Callahan | Champion | Clemens | Crowell | Cunningham | Days |
| Dempsey | Engler | Goodman | Griesheimer | Justus | Lager | Lembke | Mayer |
| McKenna | Nodler | Pearce | Purgason | Ridgeway | Rupp | Schaefer | Schmitt |
| Scott | Shields | Shoemyer | Smith | Stouffer | Vogel | Wilson | Wright-Jones—32 |

NAYS—Senators—None

Absent—Senator Bartle—1

Absent with leave—Senator Green—1

Vacancies—None

The President declared the bill passed.

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

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

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

Bill ordered enrolled.

On motion of Senator Engler, the Senate recessed until 3:00 p.m.

RECESS

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

RESOLUTIONS

Senator Crowell offered Senate Resolution No. 1074, regarding Jerica Anne Rogers, Zalma, which was adopted.

Senator Crowell offered Senate Resolution No. 1075, regarding Karen Elizabeth Holman, Sturdivant, which was adopted.

Senator Crowell offered Senate Resolution No. 1076, regarding Laura Felter, Benton, which was adopted.

Senator Crowell offered Senate Resolution No. 1077, regarding Brandon Hicks, Sikeston, which was adopted.

Senator Crowell offered Senate Resolution No. 1078, regarding Mr. and Mrs. Jason Todt, which was adopted.

Senator Engler offered Senate Resolution No. 1079, regarding Ashley M. Buford, Belleview, which was adopted.

Senator Engler offered Senate Resolution No. 1080, regarding Alaina J. Copeland, Belleview, which was adopted.

Senator Cunningham offered Senate Resolution No. 1081, regarding Zhimeng “Kristy” Yang, Chesterfield, which was adopted.

Senator Smith offered Senate Resolution No. 1082, regarding Jerry Cannon, Saint Louis, which was adopted.

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 **SCS** for **SJR 5**.

Joint Resolution ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to concur in **SA 1** to **HCS** for **HB 246** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS**, as amended, for **HCS** for **HB 154** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS**, as amended, for **HB 683** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon, and permit conferees to exceed the differences to the extent necessary to add language previously approved by the House Insurance Committee in proposed Section 302.341.

HOUSE BILLS ON THIRD READING

HCS for **HJR 32**, with **SCA 1**, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article III of the Constitution of Missouri, and adopting one new section relating to the fifth state building bond and interest fund.

Was taken up by Senator Schaefer.

SCA 1 was taken up.

Senator Schaefer moved that the above amendment be adopted.

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

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

Amend Senate Committee Amendment No. 1 to House Committee Substitute for House Joint Resolution No. 32, as it appears on Page 1325 of the Senate Journal for Thursday, April 30, 2009, Line 32 of said journal page, by striking all of said line and inserting in lieu thereof the following: "by striking the words "seven hundred million" and inserting in lieu thereof the following: "**two billion**"; and further amend line 4,".

Senator Purgason moved that the above amendment be adopted.

Senator Griesheimer assumed the Chair.

President Kinder assumed the Chair.

At the request of Senator Schaefer, **HCS** for **HJR 32**, with **SCA 1** and **SA 1** to **SCA 1** (pending), was placed on the Informal Calendar.

HB 218, introduced by Representative Ervin, entitled:

An Act to repeal section 376.966, RSMo, and to enact in lieu thereof one new section relating to Missouri high risk insurance pool.

Was taken up by Senator Dempsey.

On motion of Senator Dempsey, **HB 218** was read the 3rd time and passed by the following vote:

YEAS—Senators

| | | | | | | | |
|---------|---------|---------|----------|-------------|----------|------------|----------|
| Barnitz | Bartle | Bray | Callahan | Champion | 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—33

NAYS—Senators—None

Absent—Senator Clemens—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

HCS for HB 863, entitled:

An Act to amend chapter 491, RSMo, by adding thereto one new section relating to the child witness protection act.

Was taken up by Senator Cunningham.

Senator Bartle assumed the Chair.

Senator Engler assumed the Chair.

Senator Bartle assumed the Chair.

On motion of Senator Cunningham, **HCS for HB 863** was read the 3rd time and passed by the following vote:

YEAS—Senators

| | | | | | | | |
|---------|---------|----------|-------------|----------|---------|------------|-----------------|
| Barnitz | Bartle | Bray | Callahan | Champion | Clemens | Cunningham | 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—32 |

NAYS—Senators—None

Absent—Senators

Crowell Days—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

HCS for **HB 909** was placed on the Informal Calendar.

HCS for **HB 909**, entitled:

An Act to authorize the conveyance of property owned by the state in Cape Girardeau County.

Was called from the Informal Calendar and taken up by Senator Crowell.

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

SENATE AMENDMENT NO. 1

Amend House Committee Substitute for House Bill No. 909, Page 1, In the Title, Line 2 of the title, by striking the following: "in Cape Girardeau County"; and

Further amend said bill, Page 2, Section 1, Line 35, by inserting after all of said line the following:

"Section 2. 1. The governor is hereby authorized and empowered to sell, transfer, grant, and convey all interest in fee simple absolute in property owned by the state in St. Louis City to Harris-Stowe State University. The property to be conveyed is more particularly described as follows:

Lots 29, 30, 31, 32, 33 and part of Lots 27 and 28 in Block 2 of CHELTENHAM, Lots 21, 22, 23, and part of Lot 20 of WIBLE'S EASTERN ADDITION to CHELTENHAM, together with Western 36 feet of former January Avenue vacated under the provisions of Ordinance No. 52058, and in Blocks 4022 and 4023 of the City of St. Louis, more particularly described as follows: Beginning at a point in the North line of Wilson Avenue, 40 feet wide, at its intersection with a line 36 feet East of and parallel to the West line of former January Avenue 60 feet wide, as vacated under the provisions of Ordinance No. 52058; thence North 82 degrees 57 minutes 15 seconds West along said North line of Wilson Avenue a distance of 355.20 feet to a point; thence North 8 degrees 15 minutes 30 seconds East a distance of 472.56 feet to a point in the Southerly Right-of-Way line of Interstate Highway I-44; thence in an Easterly direction along said Right-of-Way line North 87 degrees 03 minutes 45 seconds East a distance of 25.59 feet to an angle point being located in the Eastern line of Lot 20 of Wible's Eastern Addition to Cheltenham, said point being 477 feet North along the Eastern line of said Wible's Addition from the Northern Line of Wilson Avenue, 40 feet wide; thence South 87 degrees 53 minutes 03 seconds East and along said I-44 Right-of-Way line 295.71 feet to a point in the West line of said former January Avenue vacated as aforesaid at a point being 502.42 feet North along said line from the Northern line of Wilson Avenue thence North 74 degrees 42 minutes 01 seconds East along the South Right-of-Way line of I-44 a distance of 39.27 feet to a point in a line 36 feet East of and parallel to said West line of former January Avenue; vacated as aforesaid; thence South 8 degrees 15 minutes 30 seconds West along said line 36 feet East of the West line of former January Avenue, vacated as aforesaid, a distance of 517.36 feet to the point of beginning.

2. The commissioner of administration shall set the terms and conditions for the conveyance as

the commissioner deems reasonable. Such terms and conditions may include, but are not limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve the form of the instrument of conveyance.”; and

Further amend the title and enacting clause accordingly.

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

Senator Wright-Jones offered SA 2:

SENATE AMENDMENT NO. 2

Amend House Committee Substitute for House Bill No. 909, Page 1, In the Title, Line 2 of the title, by striking the following: “in Cape Girardeau County”; and

Further amend said bill, Page 2, Section 1, Line 35, by inserting after all of said line the following:

“Section 2. 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim to the state highways and transportation commission all interest of the state of Missouri in real property located in part of City Block Number 239 and 240 in the city of St. Louis. The property to be conveyed is more particularly described as follows:

Commencing at the Northwest corner of City Block Number 239; thence South 18 degrees 13 minutes 13 seconds East for a distance of 62.14 feet to centerline Station 68+00.00; thence South 62 degrees 38 minutes 07 seconds West for a distance of 241.54 feet to centerline P.T. Station 65+58.46; BEGINNING AGAIN at centerline Station 68+00.00; on the centerline of Interstate Highway 70; thence North 62 degrees 38 minutes 07 seconds East for a distance of 239.19 feet to centerline P.C. Station 70+39.19; thence Northeasterly along the arc of a curve to the right having a radius of 1,892.60 for a distance of 81.74 feet to centerline Station 71+20.93; thence Southeasterly leaving the centerline of said Interstate Route 70 to a point 4.87 feet Southeasterly of and radial to said centerline Station 71+20.93, BEING THE POINT OF BEGINNING; thence Southerly to a point 73.35 feet Southeasterly of and radial to centerline Station 71+08.40; thence Southwesterly along the arc of a curve to the left having a radius of 1910 feet a distance of 76.83 feet to a point 74.77 feet Southeasterly of and at a right angle to centerline Station 70+31.57; thence Southwesterly to a point 66.72 feet Southeasterly of and at a right angle to centerline Station 68+99.79; thence southwesterly to a point 79.31 feet southeasterly of and at right angle to centerline Station 68+04.62; thence southwesterly to a point 79.83 feet southeasterly of and at right angle to centerline station 67+78.62; thence Northerly to a point 61.35 feet Northwesterly of and at a right angle to centerline Station 68+09.88; thence Easterly to the point of BEGINNING, and containing 32,682 square feet, more or less.

Also, all of abutter’s rights of direct access between the highway now known as Interstate Highway 70 and grantor’s abutting land in City Block Number 239 and 240, St. Louis City, Missouri.

2. The governor is also hereby authorized and empowered to give, grant, bargain, and convey a permanent transmission easement for construction and maintenance of utilities to the state highways and transportation commission, and any successors or assigns as designated by the commission, which is located in part of City Block Number 239 and 240 in the city of St. Louis, Missouri. The permanent transmission easement is more particularly described as follows:

Commencing at the Northwest corner of City Block Number 239; thence South 18 degrees 13 minutes 13 seconds East for a distance of 62.14 feet to centerline Station 68+00.00; thence South 62 degrees 38 minutes 07 seconds West for a distance of 241.54 feet to centerline P.T. Station 65+58.46; BEGINNING AGAIN at centerline Station 68+00.00 on the centerline of Interstate Highway 70; thence North 62 degrees 38 minutes 07 seconds East for a distance of 4.62 feet to centerline Station 68+04.62; thence Southeasterly to a point 79.31 feet Southeasterly of and at a right angle to said centerline Station 68+04.62, BEING THE POINT OF BEGINNING; thence Southerly to a point 265.03 feet Southeasterly of and at a right angle to centerline Station 67+63.71; thence Southerly to a point 703.22 feet Southeasterly of and at a right angle to centerline Station 66+15.05; thence continuing Southerly to a point 759.86 feet Southeasterly of and at a right angle to centerline Station 65+66.31; thence Northerly to a point 278.24 feet Southeasterly of and at a right angle to centerline Station 67+34.70; thence Northerly to a point 79.83 feet Southeasterly of and at a right angle to centerline Station 67+78.62; thence Northeasterly to the point of BEGINNING, and containing 17,333 square feet, more or less.

3. In addition, the instruments of conveyance noted in subsections 1 and 2 of this section shall contain such other restrictions, temporary easements, and any other conditions as are deemed necessary by the governor and the commission to construct a new Mississippi River bridge and necessary accompanying state highways.

4. Consideration for the conveyance shall be as negotiated by the commissioner of administration and the state highways and transportation commission.

5. The attorney general shall approve the form of the instrument of conveyance.”; and

Further amend the title and enacting clause accordingly.

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

On motion of Senator Crowell, **HCS for HB 909** was read the 3rd time and passed by the following vote:

YEAS—Senators

| | | | | | | | |
|---------|---------|----------|----------|-------------|---------|----------|-----------------|
| Barnitz | Bartle | Bray | Callahan | Champion | Clemens | Crowell | Cunningham |
| Dempsey | Engler | Goodman | Green | Griesheimer | Justus | Lager | Lembke |
| Mayer | McKenna | Nodler | Pearce | Ridgeway | Rupp | Schaefer | Schmitt |
| Scott | Shields | Shoemyer | Smith | Stouffer | Vogel | Wilson | Wright-Jones—32 |

NAYS—Senators—None

Absent—Senators

Days Purgason—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

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 Speaker has appointed the following conference committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 427**, as amended. Representatives: Day, Largent, Fisher (125), Norr and Kander.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 171**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 464**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 296**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SCS** for **SB 47** and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **SCS** for **HCS** for **HB 359**, as amended, and has taken up and passed **SS** for **SCS** for **HCS** for **HB 359**, as amended.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HBs 93** and **216**, as amended, and has taken up and passed **SCS** for **HCS** for **HBs 93** and **216**, as amended.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 111** and has taken up and passed **SCS** for **HCS** for **HB 111**.

Also,

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

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 752** and has taken up and passed **SCS** for **HCS** for **HB 752**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **HCS** for **HB 661**, as amended, and has taken up and passed **SS** for **HCS** for **HB 661**, as amended.

Emergency clause adopted.

Also,

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

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 272** and has taken up and passed **SCS** for **HCS** for **HB 272**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **SCS** for **HCS** for **HB 205** and has taken up and passed **SS** for **SCS** for **HCS** for **HB 205**.

PRIVILEGED MOTIONS

Senator Shields moved that the Senate refuse to recede from its position on **SS** for **HCS** for **HB 154**, as amended, and grant the House a conference thereon, which motion prevailed.

Senator Stouffer moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HB 683**, as amended, and grant the House a conference thereon; and further that the conferees be allowed to exceed the differences to enable the Macks Creek language to apply statewide rather than localized, which motion prevailed.

On motion of Senator Engler, the Senate recessed until 7:00 p.m.

RECESS

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

HOUSE BILLS ON THIRD READING

Senator Bartle moved that **HB 659**, with **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 1 was again taken up.

At the request of Senator Bartle, **HB 659**, with **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

Senator Dempsey assumed the Chair.

HCS for **HB 299**, entitled:

An Act to repeal section 143.183, RSMo, and to enact in lieu thereof one new section relating to appropriations to the Missouri Arts Council.

Was taken up by Senator Pearce.

Senator Ridgeway offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend House Committee Substitute for House Bill No. 299, Page 1, In the Title, Line 3, by striking all of said line and inserting in lieu thereof the following: “taxation.”; and

Further amend said bill, page 4, section 143.183, line 111, by inserting after all of said line the following:

“144.055. Beginning January 1, 2010, in addition to the exemptions granted under this chapter, there shall also be specifically exempted from state and local sales and use taxes defined, levied, or calculated under section 32.085, RSMo, sections 144.010 to 144.525, sections 144.600 to 144.761, or section 238.235, RSMo, all electrical energy, gas, water, and other utilities including telecommunication services, machinery, equipment, or computers used by data center and server farm facilities that are more than twenty thousand square feet of space.”; and

Further amend the title and enacting clause accordingly.

Senator Ridgeway moved that the above amendment be adopted.

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

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

On motion of Senator Pearce, **HCS** for **HB 299** was read the 3rd time and passed by the following vote:

YEAS—Senators

| | | | | | | | |
|---------|--------|----------|----------|-----------------|----------|---------|------------|
| Barnitz | Bartle | Bray | Callahan | Champion | Clemens | Crowell | Cunningham |
| Dempsey | Engler | Goodman | Justus | Lager | Lembke | Mayer | McKenna |
| Nodler | Pearce | Purgason | Ridgeway | Rupp | Schaefer | Schmitt | Scott |
| Shields | Smith | Vogel | Wilson | Wright-Jones—29 | | | |

NAYS—Senators—None

Absent—Senators

| | | | | |
|------|-------|-------------|----------|------------|
| Days | Green | Griesheimer | Shoemyer | Stouffer—5 |
|------|-------|-------------|----------|------------|

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

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 adopted **SCS** for **HB 866** and has taken up and passed **SCS** for **HB 866**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 237**, **HB 238** and **HB 482** and has taken up and passed **SCS** for **HCS** for **HB 237**, **HB 238** and **HB 482**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HBs 836** and **753** and has taken up and passed **SCS** for **HCS** for **HBs 836** and **753**.

Also,

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

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 667** and has taken up and passed **SCS** for **HCS** for **HB 667**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SA 1** and **SA 2** to **HB 644** and has taken up and passed **HB 644**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 326** and has taken up and passed **SCS** for **HB 326**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 236** and has taken up and passed **SCS** for **HCS** for **HB 236**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 506** and has taken up and passed **SCS** for **HB 506**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 922** and has taken up and passed **SCS** for **HB 922**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 257** and has taken up and passed **SCS** for **HB 257**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **SCS** for **HCS** for **HB 247** and has taken up and passed **SS** for **SCS** for **HCS** for **HB 247**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS** for **SB 171**, as amended. Representatives: Schlottach, Jones (89), Funderburk, Burnett and Brown (73).

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS** for **SCS** for **SB 47**. Representatives: Bruns, Jones (117), Flanigan, Norr and Walton Gray.

PRIVILEGED MOTIONS

Senator Cunningham moved that **SB 235**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 235**, as amended, entitled:

**HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 235**

An Act to repeal sections 137.016, 137.115, 362.105, 365.020, 365.200, 369.229, 370.300, 400.9-303, 400.9-311, 408.015, 408.052, 408.140, 408.233, 408.250, 408.300, 436.350, 441.005, 442.010, 513.010, 700.010, 700.100, 700.111, 700.320, 700.350, 700.360, 700.370, 700.375, 700.385, 700.525, 700.527, 700.529, 700.530, 700.531, 700.533, 700.535, 700.537, 700.539, and 700.630, RSMo, and to enact in lieu thereof thirty-seven new sections relating to manufactured homes, with penalty provisions.

Was taken up.

Senator Cunningham moved that **HCS** for **SB 235**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

| | | | | | | | |
|---------|--------|----------|----------|-----------------|----------|---------|------------|
| Barnitz | Bartle | Bray | Callahan | Champion | Clemens | Crowell | Cunningham |
| Dempsey | Engler | Goodman | Justus | Lager | Lembke | Mayer | McKenna |
| Nodler | Pearce | Purgason | Ridgeway | Rupp | Schaefer | Schmitt | Scott |
| Shields | Smith | Vogel | Wilson | Wright-Jones—29 | | | |

NAYS—Senators—None

Absent—Senators

Days Green Griesheimer Shoemyer Stouffer—5

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Cunningham, **HCS for SB 235**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

| | | | | | | | |
|---------|--------|----------|----------|-----------------|----------|---------|------------|
| Barnitz | Bartle | Bray | Callahan | Champion | Clemens | Crowell | Cunningham |
| Dempsey | Engler | Goodman | Justus | Lager | Lembke | Mayer | McKenna |
| Nodler | Pearce | Purgason | Ridgeway | Rupp | Schaefer | Schmitt | Scott |
| Shields | Smith | Vogel | Wilson | Wright-Jones—29 | | | |

NAYS—Senators—None

Absent—Senators

Days Green Griesheimer Shoemyer Stouffer—5

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

Bill ordered enrolled.

HOUSE BILLS ON THIRD READING

HCS for HB 577, with **SCS**, entitled:

An Act to repeal sections 379.1300, 379.1302, 379.1310, 379.1326, 379.1332, 379.1373, 379.1388, and 379.1412, RSMo, and to enact in lieu thereof nine new sections relating to captive insurance companies.

Was taken up by Senator Rupp.

SCS for HCS for HB 577, entitled:

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

An Act to repeal sections 143.441, 147.010, 148.370, 303.024, 374.456, 374.715, 374.740, 374.755,

375.020, 375.1025, 375.1028, 375.1030, 375.1032, 375.1035, 375.1037, 375.1040, 375.1042, 375.1045, 375.1047, 375.1050, 375.1052, 375.1057, 379.1300, 379.1302, 379.1310, 379.1326, 379.1332, 379.1373, 379.1388, 379.1412, 382.400, 382.402, 382.405, 382.407, 382.409, 384.025, 384.031, 384.043, 384.051, 384.057, and 384.062, RSMo, and to enact in lieu thereof forty-eight new sections relating to the regulation of insurance, with penalty provisions.

Was taken up.

Senator Rupp moved that **SCS** for **HCS** for **HB 577** be adopted.

Senator Rupp offered **SS** for **SCS** for **HCS** for **HB 577**, entitled:

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

An Act to repeal sections 143.441, 147.010, 148.370, 303.024, 374.456, 374.755, 375.020, 375.1025, 375.1028, 375.1030, 375.1032, 375.1035, 375.1037, 375.1040, 375.1042, 375.1045, 375.1047, 375.1050, 375.1052, 375.1057, 379.1300, 379.1302, 379.1310, 379.1326, 379.1332, 379.1373, 379.1388, 379.1412, 382.400, 382.402, 382.405, 382.407, 382.409, 384.025, 384.031, 384.043, 384.051, 384.057, and 384.062, RSMo, and to enact in lieu thereof forty-six new sections relating to the regulation of insurance, with penalty provisions.

Senator Rupp moved that **SS** for **SCS** for **HCS** for **HB 577** be adopted.

Senator Scott offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 577, Page 79, Section 376.502, Line 13 of said page, by inserting immediately after said line the following:

“376.789. 1. (1) This section applies to an individual or a group specified disease insurance policy issued to any person that contains the terms “actual charge” or “actual fee” without containing an express definition of the term.

(2) “Actual charge” or “actual fee” when used in an individual specified disease insurance policy in connection with the benefits payable for services rendered by a health care provider or other designated person or entity, means the amount the health care provider or other designated person or entity:

(a) Agrees to accept under a network or other participation agreement with the health insurer, third-party administrator, or other third-party payor, or other person, including the insured, as payment in full for the treatment, goods, or services provided to the insured; or

(b) Agrees, or as obligated by operation of law, to accept as payment in full for the treatment, goods, or services provided to the insured under a provider, participation, or supplier agreement under Medicare, Medicaid, or any other government administered health care program where the insured is covered or reimbursed by this program.

(3) “Payment in full” includes the actual charge or actual fee that was actually paid for the health

care provider's treatment, goods, or services on behalf of the insured by Medicare, Medicaid, any other government administered health care program, any other health insurer, third-party administrator, or other third-party payor and, where applicable, any remaining portion of the actual charge or actual fee that was applied or assessed against the insured by Medicare, Medicaid, any other government administered health care program, any other health insurer, third-party administrator, or other third-party payor for the applicable deductions, co-insurance requirements, or co-pay requirements.

(4) If paragraphs (a) and (b) of subdivision (2) of this subsection apply, the actual charge or actual fee shall be the lesser of the amounts determined under such paragraphs.

2. Notwithstanding any other provision of law, after August 28, 2009, an insurer or issuer of an individual or group specified disease insurance policy shall not pay a claim of benefit under the applicable policy in an amount in excess of the actual charge or actual fee as defined in this section.”; and

Further amend the title and enacting clause accordingly.

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

Senator Lembke offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 577, Page 78, Section 375.1057, Line 22, by inserting after all of said line the following:

“376.383. 1. For purposes of this section and section 376.384, the following terms shall mean:

(1) “Claimant”, any individual, corporation, association, partnership or other legal entity asserting a right to payment arising out of a contract or a contingency or loss covered under a health benefit plan as defined in section 376.1350;

(2) “Clean claim”, a claim that has no defect, impropriety, lack of any required substantiating documentation, or particular circumstance requiring special treatment that prevents timely payment;

(3) “Deny” or “denial”, when the health carrier refuses to reimburse all or part of the claim;

[(3)] (4) “Health carrier”, health carrier as defined in section 376.1350[,] and any self-insured health plan, to the extent allowed by federal law; except that health carrier shall not include a workers’ compensation carrier providing benefits to an employee pursuant to chapter 287, RSMo. For the purposes of this section and section 376.384, third-party contractors are health carriers;

[(4)] (5) “Health care provider”, health care provider as defined in section 376.1350;

[(5)] (6) “Health care services”, health care services as defined in section 376.1350;

[(6)] (7) “Processing days”, number of days the health carrier or any of its agents, subsidiaries, contractors, subcontractors, or third-party contractors has the claim in its possession. Processing days shall not include days in which the health carrier is waiting for a response to a request for additional information from the claimant;

[(7)] (8) “Request for additional information”, [when the health carrier requests information from the claimant to determine if all or part of the claim will be reimbursed] a health carrier’s electronic requests

for additional information from the claimant specifying all of the documentation or information necessary to process all or part of the claim, or all or part of the claims on a multi-claim form ,as clean claim for payment;

[(8) “Suspends the claim”, giving notice to the claimant specifying the reason the claim is not yet paid, including but not limited to grounds as listed in the contract between the claimant and the health carrier; and]

(9) “Third-party contractor”, a third party contracted with the health carrier to receive or process claims for reimbursement of health care services.

2. Within one working day after receipt of an electronically filed claim by a health carrier or a third-party contractor, a health carrier shall send an electronic acknowledgment of the date of receipt.

3. Within [ten working] **fifteen** days after receipt of a **filed** claim by a health carrier or a third-party contractor, a health carrier shall[:

(1) Send an acknowledgment of the date of receipt; or

(2)] send **an electronic** notice of the status of the claim that [includes] **notifies the claimant:**

(1) Whether the claim is a clean claim as defined under this section; or

(2) The claim requires additional information from the claimant.

If the claim is a clean claim, then the health carrier shall pay or deny the claim. If the claim requires additional information, the health carrier shall include in the notice a request for additional information. If a health carrier pays the claim, [subdivisions (1) and (2)] **this subsection** shall not apply.

[3.] **4.** Within fifteen days after receipt of additional information by a health carrier or a third-party contractor, a health carrier shall pay the claim or any undisputed part of the claim in accordance with this section or send [a] **an electronic** notice of receipt and status of the claim:

(1) That denies all or part of the claim and specifies each reason for denial; or

(2) That makes a final request for additional information.

[4.] **5.** Within fifteen days after the day on which the health carrier or a third-party contractor receives the additional requested information in response to a final request for information, it shall pay the claim or any undisputed part of the claim or deny [or suspend] the claim.

[5.] **6.** If the health carrier has not paid the claimant on or before the forty-fifth **processing** day from the date of receipt of the claim, the health carrier shall pay the claimant one percent interest per month **and a penalty in an amount equal to one-fifth of the claim per day**. The interest **and penalty** shall be calculated based upon the unpaid balance of the claim **as of the forty-fifth processing day**. The interest **and penalty** paid pursuant to this subsection shall be included in any late reimbursement without the necessity for the person that filed the original claim to make an additional claim for that interest **and penalty**. A health carrier may combine interest payments and make payment once the aggregate amount reaches [five] **one hundred** dollars. **Any claim which has been properly denied before the forty-fifth processing day under this section and section 376.384 shall not be subject to interest or penalties. Such interest and penalties shall cease to accrue on the day after a petition is filed in a court of competent jurisdiction to recover payment of such claim. Upon a finding by a court of competent jurisdiction that the health**

carrier failed to pay a claim, interest, or penalty without good cause, the court shall enter judgment for reasonable attorney fees for services necessary for recovery. Upon a finding that a health care provider filed suit without reasonable grounds to recover a claim, the court shall award the health carrier reasonable attorney fees necessary to the defense.

[6. If a health carrier fails to pay, deny or suspend the claim within forty processing days, and has received, on or after the fortieth day, notice from the health care provider that such claim has not been paid, denied or suspended, the health carrier shall, in addition to monthly interest due, pay to the claimant per day an amount of fifty percent of the claim but not to exceed twenty dollars for failure to pay all or part of a claim or interest due thereon or deny or suspend as required by this section. Such penalty shall not accrue for more than thirty days unless the claimant provides a second written or electronic notice on or after the thirty days to the health carrier that the claim remains unpaid and that penalties are claimed to be due pursuant to this section. Penalties shall cease if the health carrier pays, denies or suspends the claim. Said penalty shall also cease to accrue on the day after a petition is filed in a court of competent jurisdiction to recover payment of said claim. Upon a finding by a court of competent jurisdiction that the health carrier failed to pay a claim, interest or penalty without reasonable cause, the court shall enter judgment for reasonable attorney fees for services necessary for recovery. Upon a finding that a provider filed suit without reasonable grounds to recover a claim, the court shall award the health carrier reasonable attorney fees necessary to the defense.]

7. The department of insurance, financial institutions and professional registration shall monitor [suspensions] **denials** and determine whether the health carrier acted reasonably.

8. If a health carrier or third-party contractor has reasonable grounds to believe that a fraudulent claim is being made, the health carrier or third-party contractor shall notify the department of insurance, financial institutions and professional registration of the fraudulent claim pursuant to sections 375.991 to 375.994, RSMo.

9. Denial of a claim shall be communicated to the claimant and shall include the specific reason why the claim was denied. **Any claim for which the health carrier has not communicated a specific reason for the denial shall not be considered denied under this section or section 376.384.**

10. Requests for additional information shall specify [what] **all of the documentation and additional information that is necessary to process all of the claim, or all of the claims on a multi-claim form, as a clean claim** for payment. Information requested shall be reasonable and pertain **solely** to the health carrier's determination of liability. The health carrier shall acknowledge receipt of the requested additional information to the claimant within five working days or pay the claim."; and

Further amend the title and enacting clause accordingly.

Senator Lembke moved that the above amendment be adopted.

Senator Rupp raised the point of order that **SA 2** is out of order as it goes beyond the subject matter of the bill.

The point of order was referred to the President Pro Tem who ruled it not well taken.

SA 2 was again taken up.

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

Senator Goodman offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 577, Page 79, Section 376.502, Line 13, by inserting after all of said line the following:

“376.1745. 1. The provisions of this chapter relating to health insurance, health maintenance organizations, health benefit plans, group health services, and health carriers shall not apply to a plan that provides health care services to low income individuals on a prepaid basis and that meets the following conditions:

(1) Eligibility in the plan is limited to persons who earn less than two hundred percent of the federal poverty level and are not covered under any other group insurance arrangement;

(2) The plan is operated on a nonprofit basis under the sponsorship of a nonprofit organization that is qualified as exempt from federal taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended;

(3) Covered primary care services are provided to enrollees either by providers on staff of the sponsoring organization or by volunteers recruited from a local medical society who have, in both instances, agreed to provide their services for free or for nominal reimbursement for out-of-pocket expenses or expendable supplies directly related to, and incurred as a result of, the service provided to the enrollee;

(4) Payments to outside contractors for marketing, claims administration and similar services total no more than ten percent of the total charges;

(5) The plan has received the approval and endorsement of the local medical society in consultation with the Missouri State Medical Association; and

(6) The sponsoring nonprofit organization files an annual report with the secretary of state within ninety days of the close of the organization’s fiscal year that includes, at a minimum, the following information:

(a) The number of plan enrollees;

(b) Total services rendered under the plan;

(c) Plan financial statements;

(d) Administrative costs and salaries paid by the plan; and

(e) Other information that may be reasonably requested by the secretary of state.

2. A plan that meets the requirements of this section shall not be considered to be engaging in the business of insurance for purposes of this chapter or any provision of Title XXIV, RSMo, and shall not be subject to the jurisdiction of the director of the department of insurance, financial institutions and professional registration.”; and

Further amend said bill, page 117, section 384.062, line 24 by inserting after all of said line the following:

“538.315. 1. Any volunteer physician, dentist, optometrist, pharmacist, registered professional nurse or licensed practical nurse licensed to practice in this state under the provisions of chapter 332, 334, 335, 336, or 338, RSMo, or any volunteer retired physician, dentist, optometrist, pharmacist,

registered professional nurse or licensed practical nurse who provides medical treatment to a patient at a nonprofit faith-based community health center that provides health care services for a nominal fee and is qualified as exempt from federal taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, shall not be liable for any civil damages for acts or omissions unless the damages were occasioned by gross negligence or by willful or wanton acts or omissions by such health care provider under this section in rendering such treatment.

2. For purposes of this section, a “volunteer” is an individual rendering medical treatment who is not compensated for his or her services on a salary or prorated equivalent basis.

3. In order for a retired physician, dentist, optometrist, pharmacist, registered professional nurse or licensed practical nurse to receive the immunity from liability under this section, such health care provider shall have been in good standing with their respective governing professional board at the time of his or her retirement.”; and

Further amend the title and enacting clause accordingly.

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

Senator Lembke offered SA 4:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 577, Page 78, Section 375.1057, Line 22 of said page, by inserting after all of said line the following:

“376.391. A health benefit plan or health carrier, as defined in section 376.1350, including but not limited to preferred provider organizations, independent physicians associations, third-party administrators, or any entity that contracts with licensed health care providers shall not impose any co-payment that exceeds fifty percent of the total cost of providing any single health care service to its enrollees.”; and

Further amend the title and enacting clause accordingly.

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

Senator Goodman offered SA 5:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 577, Page 79, Section 376.502, Line 13 of said page, by inserting immediately after said line the following:

“376.1232. 1. Each health carrier or health benefit plan that offers or issues health benefit plans which are delivered, issued for delivery, continued, or renewed in this state on or after January 1, 2010, shall offer coverage for prosthetic devices and services, including original and replacement devices, as prescribed by a physician acting within the scope of his or her practice.

2. For the purposes of this section, “health carrier” and “health benefit plan” shall have the same meaning as defined in section 376.1350.

3. The amount of the benefit for prosthetic devices and services under this section shall be no less

than the annual and lifetime benefit maximums applicable to the basic health care services required to be provided under the health benefit plan. If the health benefit plan does not include any annual or lifetime maximums applicable to basic health care services, the amount of the benefit for prosthetic devices and services shall not be subject to an annual or lifetime maximum benefit level. Any copayment, coinsurance, deductible, and maximum out-of-pocket amount applied to the benefit for prosthetic devices and services shall be no more than the most common amounts applied to the basic health care services required to be provided under the health benefit plan.

4. The provisions of this section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, short-term major medical policies of six months or less duration, or any other supplemental policy as determined by the director of the department of insurance, financial institutions and professional registration.”; and

Further amend the title and enacting clause accordingly.

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

Senator Pearce assumed the Chair.

Senator Scott offered **SA 6:**

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 577, Page 79, Section 376.502, Line 13, by inserting immediately thereafter the following:

“376.1450. An enrollee, as defined in section 376.1350, may [waive his or her right to] receive documents and materials from a managed care entity in printed **or electronic** form so long as such documents and materials are readily accessible [electronically through the entity's Internet site. An enrollee may revoke such waiver at any time by notifying the managed care entity by phone or in writing or annually. Any enrollee who does not execute such a waiver and prospective enrollees shall have documents and materials from the managed care entity provided] in printed form **upon request**. For purposes of this section, “managed care entity” includes, but is not limited to, a health maintenance organization, preferred provider organization, point of service organization and any other managed health care delivery entity of any type or description.”; and

Further amend the title and enacting clause accordingly.

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

Senator Schmitt offered **SA 7:**

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 577, Page 8, Section 148.370, Line 3, by inserting immediately thereafter 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 offered SA 8:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 577, Page 8, Section 148.370, Line 3, by inserting after all of said line the following:

“191.1005. 1. For purposes of this section, the following terms shall mean:

(1) “Estimate of cost”, an estimate based on specific patient information or general assumptions about typical utilization and costs for medical services. Upon written request by a patient, a provider shall be required to provide the patient a timely estimate of cost for any elective or nonemergent health care service. Such requirement shall not apply to emergency health care services. Any estimate of cost may include a disclaimer noting the actual amount billed may be different from the estimate of cost;

(2) “Health care provider” or “provider”, as defined in section 376.1350, RSMo;

(3) “Insurer”, the same meaning as the term “health carrier” is defined in section 376.1350, RSMo, and includes the state of Missouri for purposes of the rendering of health care services by providers under a medical assistance program of the state.

2. Programs of insurers that publicly assess and compare the quality and cost efficiency of health care providers shall conform to the following criteria:

(1) The insurers shall retain, at their own expense, the services of a nationally-recognized independent health care quality standard-setting organization to review the plan’s programs for consumers that measure, report, and tier providers based on their performance. Such review shall include a comparison to national standards and a report detailing the measures and methodologies used by the health plan. The scope of the review shall encompass all elements described in this section and section 191.1008;

(2) The program measures shall provide performance information that reflects consumers’ health needs. Programs shall clearly describe the extent to which they encompass particular areas of care, including primary care and other areas of specialty care;

(3) Performance reporting for consumers shall include both quality and cost efficiency information. While quality information may be reported in the absence of cost-efficiency, cost-efficiency information shall not be reported without accompanying quality information;

(4) When any individual measures or groups of measures are combined, the individual scores, proportionate weighting, and any other formula used to develop composite scores shall be disclosed. Such disclosure shall be done both when quality measures are combined and when quality and cost efficiency are combined;

(5) Consumers or consumer organizations shall be solicited to provide input on the program, including methods used to determine performance strata;

(6) A clearly defined process for receiving and resolving consumer complaints shall be a component of any program;

(7) Performance information presented to consumers shall include context, discussion of data

limitations, and guidance on how to consider other factors in choosing a provider;

(8) Relevant providers and provider organizations shall be solicited to provide input on the program, including the methods used to determine performance strata;

(9) Providers shall be given reasonable prior notice before their individual performance information is publicly released;

(10) A clearly defined process for providers to request review of their own performance results and the opportunity to present information that supports what they believe to be inaccurate results, within a reasonable time frame, shall be a component of any program. Results determined to be inaccurate after the reconsideration process shall be corrected;

(11) Information about the comparative performance of providers shall be accessible and understandable to consumers and providers;

(12) Information about factors that might limit the usefulness of results shall be publicly disclosed;

(13) Measures used to assess provider performance and the methodology used to calculate scores or determine rankings shall be published and made readily available to the public. Some elements shall be assessed against national standards. Examples of measurement elements that shall be assessed against national standards include: risk and severity adjustment, minimum observations, and statistical standards utilized. Examples of other measurement elements that shall be fully disclosed include: data used, how providers' patients are identified, measure specifications and methodologies, known limitations of the data, and how episodes are defined;

(14) The rationale and methodologies supporting the unit of analysis reported shall be clearly articulated, including a group practice model versus the individual provider;

(15) Sponsors of provider measurement and reporting shall work collaboratively to aggregate data whenever feasible to enhance its consistency, accuracy, and use. Sponsors of provider measurement and reporting shall also work collaboratively to align and harmonize measures used to promote consistency and reduce the burden of collection. The nature and scope of such efforts shall be publicly reported;

(16) The program shall be regularly evaluated to assess its effectiveness and any unintended consequences;

(17) All quality measures shall be endorsed by the National Quality Forum (NQF), or its successor organization. Where NQF-endorsed measures do not exist, the next level of measures to be considered, until such measures are endorsed by the National Quality Forum (NQF), or its successor organization, shall be those endorsed by the Ambulatory Care Quality Alliance, the National Committee for Quality Assurance, or the Joint Commission on the Accreditation of Healthcare Organizations, Healthcare Effectiveness and Data Information Set (HEDIS);

(18) The public, including consumers and employers, shall be able to obtain information to assist them in comparing the cost and quality of health care services and health care providers. Health carriers shall have the ability to use data for such purpose which is collected from medical claims, health care providers, or other sources, including the federal Centers for Medicare and Medicaid Services (CMS) and other entities for such purpose. Health carriers may use claims and contracted rate data to report on cost, quality, and efficiency consistent with the patient charter or other

nationally recognized standards, such as those issued by the National Committee for Quality Assurance. No health carrier or any other entity shall use such information in a manner that violates any state or federal law, including antitrust law.

191.1008. 1. Any person who sells or otherwise distributes to the public health care quality and cost efficiency data for disclosure in comparative format to the public shall identify the measure source or evidence-based science behind the measure and the national consensus, multi-stakeholder, or other peer review process, if any, used to confirm the validity of the data and its analysis as an objective indicator of health care quality.

2. Articles or research studies on the topic of health care quality or cost efficiency that are published in peer-reviewed academic journals that do not receive funding from or is affiliated with a health care insurer or by state or local government shall be exempt from the requirements of subsection 1 of this section.

3. (1) Upon receipt of a complaint of an alleged violation of this section by a person or entity other than a health carrier, the department of health and senior services shall investigate the complaint and, upon finding that a violation has occurred, shall be authorized to impose a penalty in an amount not to exceed one thousand dollars. The department shall promulgate rules governing its processes for conducting such investigations and levying fines authorized by law.

(2) Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

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

Senator Rupp moved that **SS for SCS for HCS for HB 577**, as amended, be adopted, which motion prevailed.

Senator Rupp moved that **SS for SCS for HCS for HB 577**, as amended, be read the 3rd time and finally passed and was recognized to close.

President Pro Tem Shields referred **SS for SCS for HCS for HB 577**, as amended, to the Committee on Governmental Accountability and Fiscal Oversight.

HB 258, with **SCS**, introduced by Representative Jones (89), entitled:

An Act to repeal sections 290.502 and 290.512, RSMo, and to enact in lieu thereof three new sections relating to minimum wage law.

Was taken up by Senator Rupp.

SCS for HB 258, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 258

An Act to repeal sections 290.262, 290.502 and 290.512, RSMo, and to enact in lieu thereof four new

sections relating to wages.

Was taken up.

Senator Rupp moved that **SCS** for **HB 258** be adopted.

Senator Dempsey assumed the Chair.

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

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 258, Pages 1-3, Section 290.262, by striking said section;

And further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted.

At the request of Senator Rupp, **HB 258**, with **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

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 adopted **SCS** for **HB 544**, as amended, and has taken up and passed **SCS** for **HB 544**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 177** and **HCS** for **HB 622** and has taken up and passed **SCS** for **HCS** for **HB 177** and **HCS** for **HB 622**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 239**, as amended, and has taken up and passed **SCS** for **HB 239**, as amended.

Also,

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

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **HCS** for **HB 740** and has taken up and passed **SS** for **HCS** for **HB 740**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **HB 132** and has taken up and passed **SS** for **HB 132**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SS** for **HCS** for **HB 154**, as amended. Representatives: Ruestman, Emery, Nance, Meiners and Yaeger.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS** for **SB 464**, as amended. Representatives: Yates, Molendorp, Hobbs, Liese and Colona.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **HCS** for **SCS** for **SB 47**: Senators Scott, Mayer, Stouffer, McKenna and Barnitz.

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 171**, as amended: Senators Griesheimer, Dempsey, Schmitt, Callahan and Shoemyer.

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 296**, as amended: Senators Scott, Pearce, Cunningham, Days and Smith.

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **SS** for **HCS** for **HB 154**, as amended: Senators Shields, Stouffer, Griesheimer, Wilson and Wright-Jones.

President Pro Tem Shields assumed the Chair.

REPORTS OF STANDING COMMITTEES

On behalf of Senator Nodler, Chairman of the Committee on Appropriations, Senator Engler submitted the following report:

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 21**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

INTRODUCTIONS OF GUESTS

Senator Justus introduced to the Senate, the Physician of the Day, Dr. Ann Romaker, Kansas City.

Senator Goodman introduced to the Senate, Bryant Carnagey, Zakary Terp, Ashley Trotter, Josh Tebow, Forrest Meyers, Skylar Thompson, Maddie McCann, Madeline Roberts, Heizer Porter, James Hornback and Trevor Van Matre, fourth grade gifted students from Mt. Vernon Intermediate School.

Senator Bray introduced to the Senate, Diego Fernandez, Clint Christensen and thirty-eight fourth grade students from Flynn Park Elementary School, University City.

Senator Shields introduced to the Senate, former State Representative Fred Pouche, Platte County.

Senator Cunningham introduced to the Senate, Melissa Biehl, parents and students from Bellerive Elementary School, St. Louis.

Senator Pearce introduced to the Senate, Mary and Norma McConville, Doris Chester, Ellie Page and Lisa Cantrell, officers of the Holden VFW Post 5844 Ladies Auxiliary.

Senator Bray introduced to the Senate, former House Speaker Catherine Hanaway, teachers and fifth grade students from Community School, St. Louis.

Senator Ridgeway introduced to the Senate, Superintendent Jay Jackson, Linda Rogge and students, David Burres, Tabitha Swatosh and Linnea Nierman from Missouri City School.

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

SENATE CALENDAR

SIXTY-SIXTH DAY—WEDNESDAY, MAY 6, 2009

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SCS for SB 558-Mayer
(In Fiscal Oversight)

HOUSE BILLS ON THIRD READING

- | | |
|--|--|
| 1. HB 65-Wilson (119), et al (Pearce) (In Fiscal Oversight) | 6. HCS for HB 152 (Bartle) (In Fiscal Oversight) |
| 2. HCS for HBs 320, 39 & 662 (Mayer) (In Fiscal Oversight) | 7. HCS for HB 62, with SCS (Bartle) (In Fiscal Oversight) |
| 3. HB 86-Sutherland (Lager) (In Fiscal Oversight) | 8. HB 734-Ruzicka and Hobbs, with SCS (Lager) (In Fiscal Oversight) |
| 4. HCS for HB 580, with SCS (Dempsey) (In Fiscal Oversight) | 9. HB 30-Brandom, et al, with SCS (Goodman) (In Fiscal Oversight) |
| 5. HCS for HBs 46 & 434 (Mayer) (In Fiscal Oversight) | 10. HCS for HB 21, with SCS (Nodler) |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 7-Griesheimer, with SS (pending)
SB 18-Bray, et al, with SCS & SS for SCS
(pending)
SB 29-Stouffer
SBs 45, 212, 136, 278, 279, 285 &
288-Pearce and Smith, with SCS &
SS#3 for SCS (pending)
SB 57-Stouffer, with SCS & SA 1 (pending)
SB 72-Stouffer, with SCS
SB 94-Justus, et al, with SCS & SS for SCS
(pending)
SB 174-Griesheimer and Goodman, with
SCS, SS#2 for SCS & SA 2 (pending)
SCS for SB 189-Shields
SBs 223 & 226-Goodman and Nodler, with
SCS & SA 1 (pending)
SB 228-Scott, with SCS, SS for SCS, SA 12,
SSA 1 for SA 12 & SA 1 to SSA 1 for SA 12
(pending)

SB 236-Lembke
SB 254-Barnitz, with SS (pending)
SBs 261, 159, 180 & 181-Bartle and Goodman,
with SCS & SS#3 for SCS (pending)
SB 264-Mayer
SB 267-Mayer and Green, with SA 1 (pending)
SB 284-Lembke, et al, with SA 1 (pending)
SB 299-Griesheimer, with SCS & SS for SCS
(pending)
SB 321-Days, et al, with SCS (pending)
SB 364-Clemens and Schaefer
SB 409-Stouffer, with SCS (pending)
SB 477-Wright-Jones, with SS (pending)
SB 527-Nodler and Bray
SB 555-Lager, with SCS, SS for SCS & SA 2
(pending)
SB 569-Lembke, with SCS
SB 572-Dempsey and Justus
SJR 12-Scott, with SCS (pending)

HOUSE BILLS ON THIRD READING

HCS for HBs 128 & 340, with SA 1
(pending) (Scott)
HCS for HB 191, with SCS & SS for SCS
(pending) (Griesheimer)
HB 229-Ervin, with SCS, SS for SCS,
SA 8, SSA 1 for SA 8 & SA 1 to SSA 1
for SA 8 (pending) (Dempsey)
HB 258-Jones (89), et al, with SCS & SA 1
(pending) (Rupp)
HB 287-Day, et al, with SS (pending) (Mayer)
HCS for HB 481 (Lembke)
HB 488-Schad, et al, with SCS (pending)
(Pearce)

HCS for HB 495, with SCS, SS for SCS,
SA 1, SSA 2 for SA 1 & SA 1 to SSA 2
for SA 1 (pending) (Griesheimer)
SS for SCS for HCS for HB 577 (Rupp)
(In Fiscal Oversight)
HCS for HBs 658 & 706 (Clemens)
HB 659-Dusenberg, et al, with SCS & SA 1
(pending) (Bartle)
SCS for HB 745-Loehner, et al (Clemens)
(In Fiscal Oversight)
HCS for HJR 10, with SS (pending) (Lembke)
HCS for HJR 32, with SCA 1 &
SA 1 to SCA 1 (pending) (Schaefer)

CONSENT CALENDAR

House Bills

Reported 4/9

| | |
|--------------------------------|------------------------------------|
| HCS for HB 251 (Clemens) | HB 593-Viebrock (Crowell) |
| HB 210-Deeken (Crowell) | HB 678-Wasson (Goodman) |
| HB 400-Nasheed, et al (Pearce) | HB 537-Dixon, et al (Wright-Jones) |

Reported 4/14

| | |
|----------------------------------|-----------------------------------|
| HB 83-Wood, with SCS (Goodman) | HB 698-Zimmerman, et al (Schmitt) |
| HCS for HB 124 (McKenna) | HCS for HB 895 (Stouffer) |
| HB 282-Stevenson, et al (Nodler) | HB 918-Kelly (Schaefer) |
| HB 652-Pratt (Bartle) | HB 919-Ruestman, et al (Goodman) |

Reported 4/15

| | |
|------------------------------------|---------------------------------------|
| HCS for HB 525 (Schmitt) | HB 859-Dieckhaus, et al (Griesheimer) |
| HCS for HB 231 (Rupp) | HB 283-Wood, with SCS (Goodman) |
| HB 826-Brown (149), et al (Lembke) | HCS for HBs 234 & 493 (Shoemyer) |
| HCS for HB 685 (Goodman) | HB 289-Wallace (Mayer) |
| HB 811-Wasson (Scott) | HB 373-Wallace, with SCS (Mayer) |
| HCS for HB 273 (Scott) | HB 490-Schad, et al (Pearce) |
| HCS for HB 485 (Mayer) | HB 682-Swinger, et al (Mayer) |

SENATE BILLS WITH HOUSE AMENDMENTS

| | |
|---|---|
| SCS for SB 71-Stouffer, with HCS, as amended | SCS for SB 338-Rupp, with HCS |
| SB 147-Dempsey, with HCS | SB 435-Lembke, with HCS |
| SB 154-Goodman, with HCS | SB 526-Clemens, with HA 1, HA 2, HA 3 & HA 4 |
| SB 215-Shields, with HCS, as amended | SCS for SB 563-Smith, with HCS |

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

| | |
|-------------------------------|--|
| SCS for SB 47-Scott, with HCS | SB 171-Griesheimer, with HCS, as amended |
|-------------------------------|--|

SCS for SB 242-Pearce, with HCS,
as amended
SB 296-Scott, with HCS, as amended
SS for SB 307-Dempsey, with HCS,
as amended
(Senate adopted CCR and passed CCS)
SB 464-Stouffer, with HCS, as amended
SB 513-Dempsey, with HA 1, as amended
HCS for HB 2, with SS for SCS (Nodler)
HCS for HB 3, with SS for SCS (Nodler)
HCS for HB 4, with SCS (Nodler)
HCS for HB 5, with SCS (Nodler)
HCS for HB 6, with SCS (Nodler)
HCS for HB 7, with SCS (Nodler)
HCS for HB 8, with SCS (Nodler)
HCS for HB 9, with SCS (Nodler)
HCS for HB 10, with SCS (Nodler)
HCS for HB 11, with SCS (Nodler)

HCS for HB 12, with SCS (Nodler)
HB 13-Icet, with SCS (Nodler)
HB 91-Pollock, with SCS (Purgason)
HCS for HB 148, with SCS#2 (Griesheimer)
HCS for HB 154, with SS, as amended
(Shields)
HCS for HB 265, with SCS (Crowell)
HB 269-Parson, et al, with SCS, as amended
(Scott)
HB 395-Nance, et al, with SS for SCS,
as amended (Stouffer)
HCS for HB 397 & HCS for HB 947,
with SCS (Ridgeway)
HCS for HB 427, with SCS, as amended
(Pearce)
HB 683-Schieffer, et al, with SS for SCS,
as amended (Stouffer)

Requests to Recede or Grant Conference

HCS for HB 246, with SA 1 (Purgason)
(House requests Senate
recede or grant conference)

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
HCS for HCR 16 (Cunningham)

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