

Journal of the Senate

SECOND REGULAR SESSION

SIXTY-SEVENTH DAY—FRIDAY, MAY 5, 2000

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl Gauck offered the following prayer:

Benjamin Franklin said: "I am in perpetual anxiety lest...an accidental Quarrel, a personal Insult, an imprudent Order...make a Breach that can never afterward be healed." (October 6, 1774)

Gracious Lord, we pray in the closing day of this week, that we would always be known for who and what we are for and not who and what we are against. May we trust You who sees beyond today and who has promised to guide our steps when we fully trust in You that we will clearly be known for the love we convey and the efforts we take to make real that love in the lives of those we serve and serve with. Grant us patience and love to willingly protect the reputation and interest of others as we seek to do Your will. And "...watch our going out and coming in." In Your 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 the Associated Press and the Senate were given permission to take pictures in the Senate Chamber today.

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

Present—Senators

Bentley	Bland	Carter	Caskey
Childers	DePasco	Ehlmann	Flotron

Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel—33			

Absent with leave—Senator Clay—1

The Lieutenant Governor was present.

REFERRALS

President Pro Tem Quick referred **HS** for **HBs 1489, 1488 and 1650**, with **SCS**; and **HS** for **HB 1728**, with **SCS**, to the Committee on State Budget Control.

REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HS** for **HCS** for **HB 1305**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

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

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HS** for **HCS** for **HB 1254**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do

pass.

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

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SCR 43**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SCR 41**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

SENATE COMMITTEE SUBSTITUTE FOR
SENATE CONCURRENT RESOLUTION NO. 41

WHEREAS, for many years St. Louis has been known as the Gateway to the West; and

WHEREAS, in a city more than two hundred years old, there is a new spirit of revitalization that is focused on its historic core in Downtown; and

WHEREAS, this spirit of renewal is evident from the Gateway Arch with its Museum of Westbound Expansion through Laclede's Landing, to Union Station, Soulard and along Washington Avenue; and

WHEREAS, Downtown St. Louis is the largest employment center in the State of Missouri and the heart of the St. Louis Metropolitan Area; and

WHEREAS, Downtown St. Louis has gone through a period of decline with the loss of businesses, jobs and deteriorating buildings and public facilities, and is having to face the growth of many shopping centers in the surrounding areas; and

WHEREAS, over the years numerous plans have been offered to rejuvenate Downtown St. Louis:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate, Ninetieth General Assembly, Second Regular Session, the House of Representatives concurring therein, establish the Joint Interim Committee on the Revitalization of the City of St. Louis. The members shall consist of five state senators appointed by the President Pro Tem of the Senate and five state representatives appointed by the Speaker of the House of Representatives; and

BE IT FURTHER RESOLVED that the Committee may solicit input from governmental and business leaders of the City of St. Louis; and

BE IT FURTHER RESOLVED that the Committee shall review and evaluate reports, studies and other information with

respect to the revitalization of Downtown St. Louis; and

BE IT FURTHER RESOLVED that the Committee shall make an in-depth study and evaluation of the alternatives to finance the revitalization of Downtown St. Louis; and

BE IT FURTHER RESOLVED that the Committee shall prepare a report, together with its recommendations for any legislative action it deems necessary for submission to the Governor and General Assembly by January 1, 2001; and

BE IT FURTHER RESOLVED that the expenses of legislative members and legislative staff shall be paid from the Joint Contingent Fund; and

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

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SCR 42**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Concurrent Resolution No. 42, Page 865 of the Senate Journal for Monday, May 1, 2000, Column 1, Line 35 of said column, by striking "non-point" and inserting in lieu thereof the following: "point".

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **HCR 22**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **HCR 27**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **HCR 4**, begs leave to report that it has considered

the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **HCR 29**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **HCR 10**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Concurrent Resolution No. 10, Page 294 of the Senate Journal for Tuesday, February 22, 2000, Column 2, Line 46 of said column, by striking “polices” and inserting in lieu thereof the following: “policies”.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SCR 26**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Senator Wiggins assumed the Chair.

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 re-appointed the following Conference Committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 1110**, as amended: Representatives Franklin, Williams 121, Riback Wilson 25, Shields and Patek.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 944**, entitled:

An Act to repeal sections 475.060 and 475.070, RSMo 1994, and sections 160.261, 160.522, 165.011, 165.016, 167.020, 167.115, 167.117, 167.171 and 170.250, RSMo Supp. 1999, relating to school safety, and to enact in lieu thereof fourteen new sections relating to the same subject, with penalty provisions.

With House Amendments Nos. 1, 2, 3, 4, 5, 6, House Substitute Amendment No. 1 for House Amendment No. 7, House Amendments Nos. 8, 9, 11, 13, 14 and 15.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 944, Page 6, Section 160.522, Line 9 on said page, by inserting immediately after the word “**suspensions**” the following:

“**of ten days or longer**”; and

Further amend said bill, Page 16, Section 167.020, Line 47, by deleting the words “forty-eight hours” and by inserting in lieu thereof the words “**two business days**”.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 944, Page 18, Section 167.115, Line 38, by deleting the words: “**The superintendent or the designee of**”; and,

Further amend said bill, Page 18, Section 167.115, Lines 39 through 41, by deleting all of said lines; and

Further amend said bill, Page 18, Section 167.115, Line 56, by inserting immediately at the end of said line the following:

“**8. The superintendent or the designee of the superintendent or other school employee who, in good faith, reports information in accordance with the terms of this section and section 160.261, RSMo, shall not be civilly liable for providing such information.**”.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Bill No. 944, Page 27, Section 569.155, Line 11, by inserting immediately after said line the following:

“571.030. 1. A person commits the crime of unlawful use of weapons if he **or she** knowingly:

(1) Carries concealed upon or about his **or her** person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use; or

(2) Sets a spring gun; or

(3) Discharges or shoots a firearm into a dwelling house, a railroad train, boat, aircraft, or motor vehicle as defined in section 302.010, RSMo, or any building or structure used for the assembling of people; or

(4) Exhibits, in the presence of one or more persons, any weapon readily capable of lethal use in an angry or threatening manner; or

(5) Possesses or discharges a firearm or projectile weapon while intoxicated; or

(6) Discharges a firearm within one hundred yards of any occupied school house, courthouse, or church building; or

(7) Discharges or shoots a firearm at a mark, at any object, or at random, on, along or across a public highway or discharges or shoots a firearm into any outbuilding; or

(8) Carries a firearm or any other weapon readily capable of lethal use into any church or place where people have assembled for worship, [or into any school,] or into any election precinct on any election day, or into any building owned or occupied by any agency of the federal government, state government, or political subdivision thereof, or into any public assemblage of persons met for any lawful purpose; [or]

(9) Discharges or shoots a firearm at or from a motor vehicle, as defined in section 301.010, RSMo, while within any city, town, or village, and discharges or shoots a firearm at any person, or at any other motor vehicle, or at any building or habitable structure, unless the person was lawfully acting in self-defense; **or**

(10) Carries a firearm, whether loaded or unloaded, or any other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any function or activity sponsored or sanctioned by school

officials or the district school board, unless the person is participating in a school-sanctioned firearm-related event.

2. Subdivisions (1), (3), (4), (6), (7), (8) [and] , (9) **and (10)** of subsection 1 of this section shall not apply to or affect any of the following:

(1) All state, county and municipal law enforcement officers possessing the duty and power of arrest for violation of the general criminal laws of the state or for violation of ordinances of counties or municipalities of the state, or any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;

(3) Members of the armed forces or national guard while performing their official duty;

(4) Those persons vested by article V, section 1 of the Constitution of Missouri with the judicial power of the state and those persons vested by article III of the Constitution of the United States with the judicial power of the United States, the members of the federal judiciary;

(5) Any person whose bona fide duty is to execute process, civil or criminal;

(6) Any federal probation officer;

(7) Any state probation or parole officer, including supervisors and members of the board of probation and parole; and

(8) Any corporate security advisor meeting the definition and fulfilling the requirements of the regulations established by the board of police commissioners under section 84.340, RSMo.

3. Subdivisions (1), (5) [and] , (8) **and (10)** of subsection 1 of this section do not apply when the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Subdivision (1) of subsection 1 of this section does not apply when the actor is also in possession of an exposed

firearm or projectile weapon for the lawful pursuit of game, or is in his dwelling unit or upon business premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through this state.

Subdivision (10) of subsection 1 of this section does not apply if the firearm is otherwise lawfully possessed by a person while traversing school premises for the purposes of transporting a student to or from school.

4. Unlawful use of weapons is a class D felony unless committed [under] **pursuant to** subdivision (5), (6), (7) or (8) of subsection 1 of this section, in which cases it is a class B misdemeanor, **or subdivision (10) of subsection 1 of this section, in which case it is a class A misdemeanor if the firearm is unloaded and a class D felony if the firearm is loaded,** or subdivision (9) of subsection 1 of this section, in which case it is a class B felony, except that if the violation of subdivision (9) of subsection 1 of this section results in injury or death to another person, it is a class A felony.

5. Violations of subdivision (9) of subsection 1 of this section shall be punished as follows:

(1) For the first violation a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony;

(2) For any violation by a prior offender as defined in section 558.016, RSMo, a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony without the possibility of parole, probation or conditional release for a term of ten years;

(3) For any violation by a persistent offender as defined in section 558.016, RSMo, a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony without the possibility of parole, probation, or conditional release;

(4) For any violation which results in injury or death to another person, a person shall be sentenced to an authorized disposition for a class A felony.

6. Any person knowingly aiding or abetting any other person in the violation of subdivision (9) of subsection 1 of this section shall be subject to

the same penalty as that prescribed by this section for violations by other persons.”; and

Further amend the title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Bill No. 944, Page 15, Section 167.020, Line 12, by inserting after the word “parent” the following: “, **military guardian pursuant to a military-issued guardianship**”; and

Further amend said bill, Page 16, Section 167.020, Line 34, by inserting after the word “parent” the following: “, **military guardian**”; and

Further amend said bill, Page 16, Section 167.020, Line 35, by inserting after the word “parent” the following: “, **military guardian**”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Bill No. 944, Page 17, Section 167.020, Line 75, by inserting after all of said line the following:

“167.023. Prior to admission to any public school, a school board may require the parent, guardian, or other person having control or charge of a child of school age to provide, upon enrollment, a sworn statement or affirmation indicating whether the student has been expelled from school attendance at any school, **public or private**, in this state or in any other state for an offense in violation of school board policies relating to weapons, alcohol or drugs, or for the willful infliction of injury to another person. Any person making a materially false statement or affirmation shall be guilty upon conviction of a class B misdemeanor. The registration document shall be maintained as a part of the student’s scholastic record.”; and

Further amend said bill, Page 20, Section 167.171, Line 29, by inserting after the following: “167.161]” the following: “**regardless of whether or not such act was committed at a public school or at a private school in this state,**

provided that such act shall have resulted in the suspension or expulsion of such pupil in the case of a private school,”; and

Further amend said bill, Page 20, Section 167.171, Line 33, by inserting after the word “that” the following: **“school or”**; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Bill No. 944, Page 28, Line 15, by inserting after all of said line the following:

“Section 1. 1. Beginning July 1, 2001, the department of elementary and secondary education shall provide a four-year competitive grant program to fund, or defray the cost of, establishment or expansion of student suicide prevention programs. Such programs may also include teacher and administrator training in suicide prevention programs. Such programs may be operated at the district or building level and, if operated, shall be operated at a public elementary or secondary school of this state.

2. Prior to July 1, 2001, the department of elementary and secondary education shall promulgate rules including but not limited to eligibility criteria, how applicant priority is established, the manner in which grant funds may or may not be used, proposed methods and documents of cooperation with the host school or school district in the case of nonschool applicants pursuant to subsection 3 of this section, and the form of grant applications.

3. Grants for the establishment or expansion of student suicide prevention programs may be applied for by either public schools, school districts, political subdivisions, corporations registered pursuant to the laws of this state, partnerships registered pursuant to the laws of this state or not for profit corporations as that term is defined in section 501(c)(3) of the Internal Revenue Code of 1986, as amended. In the case of applicants other than schools or school districts, such applicants shall accompany the grant application with a

document of cooperation, approved by the department and signed by either the principal of a public school or by the superintendent of a school district, stating that the school or district shall furnish space and time for such program and stating the manner in which such program will be made available to its students.

4. In its grant application the school, school district, political subdivision, corporation, partnership or not for profit corporation shall describe any current or any proposed suicide prevention program, show a need for an improved suicide prevention program in the case of an existing program, and explain how it proposes to implement or improve its program with grant funds.

5. The grantee pursuant to this section shall make a report on its suicide prevention program after the second year of the grant to receive funds for years three and four. As part of the mid-grant progress report, the grantee shall report the progress of the program's development, as evidenced by the program's compliance with the original stated goals of the program. The department shall develop rules to determine compliance pursuant to this subsection, allowing for flexibility in application to varying grant projects but supplying rigorous standards so that compliance is measurable and meaningful in the context of the individual grant project.

6. Grants are renewable for an additional four-year term, based in part upon the results of the first grant.

7. Grants shall be distributed in equal amounts within geographic areas established proportionately based upon student population; provided that, funds may be reallocated by the department if an area has insufficient applications or insufficient eligible applications to obligate all funds for the area.

8. No rule or portion of a rule promulgated pursuant to this section shall take effect unless such rule has been promulgated pursuant to chapter 536, RSMo.”; and

Further amend said title, enacting clause and

intersectional references accordingly.

HOUSE SUBSTITUTE AMENDMENT NO. 1
FOR HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Bill No. 944, Page 28, Section 574.150, Line 15, by inserting immediately after said line the following:

“Section 1. All public schools shall have a criminal background check and child abuse registry check conducted for each noncertified employee of the public school before the hiring of the employee through the Family Care Safety Registry. All public schools may conduct these checks on their existing school employees through the Family Care Safety Registry. The costs of these checks conducted after August 28, 2000 shall be funded through the Department of Elementary and Secondary Education.”; and

Further amend by amending the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Bill No. 944, Page 28, Section 574.150, Line 15, by inserting immediately at the end of said section and line, the following:

“Section 1. Charter, private and parochial schools shall not be civilly liable for providing to other schools any information required to be provided pursuant to this act.”; and

Further amend the title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 9

Amend House Committee Substitute for Senate Bill No. 944, Page 2, Section 160.261, Line 43, by inserting immediately after said line the following:

“(20) First degree child molestation under 566.067;

(21) Deviate sexual assault under 566.070;

(22) Sexual misconduct involving a child under 566.083;

(23) Sexual abuse under 566.100; and

Further amend said section by renumbering the paragraphs accordingly; and

Further amend said bill, Page 18, Section 167.115, Line 24, by inserting immediately after said line the following:

“(19) First degree child molestation under 566.067;

(20) Deviate sexual assault under 566.070;

(21) Sexual misconduct involving a child under 566.083;

(22) Sexual abuse under 566.100;”; and

Further amend said section by renumbering the paragraphs accordingly.

HOUSE AMENDMENT NO. 11

Amend House Committee Substitute for Senate Bill No. 944, Page 21, Section 167.171, Line 80, by adding after all of said line the following:

“168.142. 1. If an employee or school board member has direct knowledge that a certificate holder has committed an act that would be a sexual offense pursuant to chapter 566, RSMo, a drug offense pursuant to chapter 195, RSMo, or child abuse pursuant to section 568.060, RSMo, that employee or school board member shall report such act of such certificate holder to the district superintendent and to the appropriate local law enforcement agency as soon as is reasonably practical. Upon receiving a report of such act the superintendent shall notify the department of elementary and secondary education of such act.

2. If a local board of education has a written policy that substantially complies with the provisions of subsection 1 of this section, then any employee or school board member who follows that written policy shall be deemed to have complied with the provisions of subsection 1 of this section.

3. Any employee or school board member acting in conformity with either the provisions of subsection 1 of this section or any substantially complying policy pursuant to subsection 2 of this section shall not be civilly liable for any such conforming action.

4. Any employee, school board member or

superintendent who fails to report any of the offenses listed in subsection 1 of this section to the appropriate local law enforcement agency shall be guilty of a class A misdemeanor.”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 13

Amend House Committee Substitute for Senate Bill No. 944, Page 7, Section 160.660, Line 11, by inserting after all of said line the following:

“161.650. 1. The department of elementary and secondary education shall identify and[, if necessary,] adopt an existing program or programs of educational instruction regarding violence prevention to be administered by public school districts pursuant to subsection 2 of this section, and which shall include, **but shall not be limited to**, instructing students of the negative consequences, both to the individual and to society at large, of membership in or association with criminal street gangs or participation in criminal street gang activity, as those phrases are defined in section 578.421, RSMo, and shall include related training for school district employees directly responsible for the education of students concerning violence prevention and early identification of and intervention in violent behavior. The state board of education shall adopt such program or programs by rule as approved for use in Missouri public schools. The program or programs of instruction shall encourage nonviolent conflict resolution of problems facing youth; present alternative constructive activities for the students; encourage community participation in program instruction, including but not limited to parents and law enforcement officials; and shall be administered as appropriate for different grade levels and shall not be offered for academic credit.

2. [Beginning no later than the 1998-99 school year and each school year thereafter,] All public school districts within this state with the approval of the district's board of education may administer the program or programs of student instruction adopted pursuant to subsection 1 of this section to students within the district starting at the kindergarten level and every year thereafter through

the twelfth grade level.

3. Any district adopting and providing a program of instruction pursuant to this section shall be entitled to receive state aid pursuant to section 163.031, RSMo. If such aid is determined by the department to be insufficient to implement any program or programs adopted by a district pursuant to this section:

(1) The department may fund the program or programs adopted pursuant to this section or pursuant to subsection 2 of section 160.530, RSMo, or both, after securing any funding available from alternative sources[.]; **and**

(2) School districts may fund the program or programs from funds received pursuant to subsection 1 of section 160.530, RSMo, and section 166.260, RSMo.

4. No rule or portion of a rule promulgated [under the authority of] **pursuant to** this section shall become effective unless it has been promulgated pursuant to [the provisions of section 536.024] **chapter 536**, RSMo.

163.031. 1. School districts which meet the requirements of section 163.021 shall be entitled to an amount computed as follows: an amount determined by multiplying the number of eligible pupils by the lesser of the district's equalized operating levy for school purposes as defined in section 163.011 or two dollars and seventy-five cents per one hundred dollars assessed valuation multiplied by the guaranteed tax base per eligible pupil times the proration factor plus an amount determined by multiplying the number of eligible pupils by the greater of zero or the district's equalized operating levy for school purposes as defined in section 163.011 minus two dollars and seventy-five cents per one hundred dollars assessed valuation multiplied by the guaranteed tax base per eligible pupil times the proration factor. For the purposes of this section, the proration factor shall be equal to the sum of the total appropriation for distribution under subsections 1 and 2 of this section; and the state total of the deductions as calculated in subsection 2 of this section which do not exceed the district entitlements as adjusted by the same proration factor; divided by the amount of

the state total of district entitlements before proration as calculated pursuant to this subsection; provided that, if the proration factor so calculated is greater than one, the proration factor for line 1(b) shall be the greater of one or the proration factor for line 1(a) minus five hundredths, and provided that if the proration factor so calculated is less than one, the proration factor for line 1(a) shall be the lesser of one or the proration factor for line 1(b) plus five hundredths.

2. From the district entitlement for each district there shall be deducted the following amounts: an amount determined by multiplying the district equalized assessed valuation by the district's equalized operating levy for school purposes times the district income factor plus ninety percent of any payment received the current year of protested taxes due in prior years no earlier than the 1997 tax year minus the amount of any protested taxes due in the current year and for which notice of protest was received during the current year; one hundred percent of the amount received the previous year for school purposes from intangible taxes, fines, forfeitures and escheats, payments in lieu of taxes and receipts from state assessed railroad and utility tax, except that any penalty paid after July 1, 1995, by a concentrated animal feeding operation as defined by the department of natural resources rule shall not be included; one hundred percent of the amounts received the previous year for school purposes from federal properties pursuant to sections 12.070 and 12.080, RSMo; federal impact aid received the previous year for school purposes pursuant to P.L. 81-874 less fifty thousand dollars multiplied by ninety percent or the maximum percentage allowed by federal regulation if that percentage is less than ninety; fifty percent, or the percentage otherwise provided in section 163.087, of Proposition C revenues received the previous year for school purposes from the school district trust fund pursuant to section 163.087; one hundred percent of the amount received the previous year for school purposes from the fair share fund pursuant to section 149.015, RSMo; and one hundred percent of the amount received the previous year for school purposes from the free textbook fund, pursuant to section 148.360, RSMo.

3. School districts which meet the requirements of section 163.021 shall receive categorical add-on revenue as provided in this subsection. There shall be individual proration factors for each categorical entitlement provided for in this subsection, and each proration factor shall be determined by annual appropriations, but no categorical proration factor shall exceed the entitlement proration factor established pursuant to subsection 1 of this section, except that the vocational education entitlement proration factor established pursuant to line 16 of subsection 6 of this section and the educational and screening program entitlements proration factor established pursuant to line 17 of subsection 6 of this section may exceed the entitlement proration factor established pursuant to subsection 1 of this section. The categorical add-on for the district shall be the sum of: **seventy-five percent of the costs of adopting and providing a violence prevention program pursuant to section 161.650, RSMo, multiplied by the proration factor;** seventy-five percent of the district allowable transportation costs pursuant to section 163.161 multiplied by the proration factor; the special education approved or allowed cost entitlement for the district, provided for by section 162.975, RSMo, multiplied by the proration factor; seventy-five percent of the district gifted education approved or allowable cost entitlement as determined pursuant to section 162.975, RSMo, multiplied by the proration factor; the free and reduced lunch eligible pupil count for the district, as defined in section 163.011, multiplied by twenty percent, for a district with an operating levy in excess of two dollars and seventy-five cents per one hundred dollars assessed valuation, or twenty-two percent, otherwise times the guaranteed tax base per eligible pupil times two dollars and seventy-five cents per one hundred dollars assessed valuation times the proration factor plus the free and reduced lunch eligible pupil count for the district, as defined in section 163.011, times thirty percent times the guaranteed tax base per eligible pupil times the following quantity: ((the greater of zero or the district's operating levy for school purposes minus two dollars and seventy-five cents per one hundred dollars assessed valuation) times one or, beginning in the fifth year following

the effective date of this section, the quotient of the district's fiscal instructional ratio of efficiency for the prior year divided by the fiscal year 1998 statewide average fiscal instructional ratio of efficiency, if the district's prior year fiscal instructional ratio of efficiency is at least five percent below the fiscal year 1998 statewide average) times the proration factor, minus court-ordered state desegregation aid received by the district for operating purposes; the career ladder entitlement for the district, as provided for in sections 168.500 to 168.515, RSMo, multiplied by the proration factor; the vocational education entitlement for the district, as provided for in section 167.332, RSMo, multiplied by the proration factor and the district educational and screening program entitlements as provided for in sections 178.691 to 178.699, RSMo, times the proration factor.

4. Each district's apportionment shall be the prorated categorical add-ons plus the greater of the district's prorated entitlement minus the total deductions for the district or zero.

5. (1) In the 1993-94 school year and all subsequent school years, pursuant to section 10(c) of article X of the state constitution, a school district shall adjust upward its operating levy for school purposes to the extent necessary for the district to at least maintain the current operating expenditures per pupil received by the district from all sources in the 1992-93 school year, except that its operating levy for school purposes shall not exceed the highest tax rate in effect subsequent to the 1980 tax year, or the minimum rate required by subsection 2 of section 163.021, whichever is less.

(2) The revenue per eligible pupil received by a district from the following sources: line 1 minus line 10, or zero if line 1 minus line 10 is less than zero, plus line 14 of subsection 6 of this section, shall not be less than the revenue per eligible pupil received by a district in the 1992-93 school year from the foundation formula entitlement payment amount plus the amount of line 14 per eligible pupil that exceeds the line 14 per pupil amount from the 1997-98 school year, or the revenue per eligible pupil received by a district in the 1992-93 school year from the foundation formula

entitlement payment amount plus the amount of line 14(a) per eligible pupil times the quotient of line 1 minus line 10, divided by the number of eligible pupils, or zero if line 1 minus line 10 is less than zero, divided by the revenue per eligible pupil received by the district in the 1992-93 school year from the foundation formula entitlement payment amount, whichever is greater. The department of elementary and secondary education shall make an addition in the payment amount of line 19 of subsection 6 of this section to assure compliance with the provisions contained in this section.

(3) For any school district which meets the eligibility criteria for state aid as established in section 163.021, but which under subsections 1 to 4 of this section, receives no state aid for two successive school years, other than categorical add-ons, by August first following the second such school year, the commissioner of education shall present a plan to the superintendent of the school district for the waiver of rules and the duration of said waivers, in order to promote flexibility in the operations of the district and to enhance and encourage efficiency in the delivery of instructional services. The provisions of other law to the contrary notwithstanding, the plan presented to the superintendent shall provide a summary waiver, with no conditions, for the pupil testing requirements pursuant to section 160.257, RSMo. Further, the provisions of other law to the contrary notwithstanding, the plan shall detail a means for the waiver of requirements otherwise imposed on the school district related to the authority of the state board of education to classify school districts pursuant to section 161.092, RSMo, and such other rules as determined by the commissioner of education, except that such waivers shall not include the provisions established pursuant to sections 160.514 and 160.518, RSMo.

(4) In the 1993-94 school year and each school year thereafter for two years, those districts which are entitled to receive state aid under subsections 1 to 4 of this section, shall receive state aid in an amount per eligible pupil as provided in this subsection. For the 1993-94 school year, the amount per eligible pupil shall be twenty-five percent of the amount of state aid per eligible pupil

calculated for the district for the 1993-94 school year pursuant to subsections 1 to 4 of this section plus seventy-five percent of the total amount of state aid received by the district from all sources for the 1992-93 school year for which the district is entitled and which are distributed in the 1993-94 school year pursuant to subsections 1 to 4 of this section. For the 1994-95 school year, the amount per eligible pupil shall be fifty percent of the amount of state aid per eligible pupil calculated for the district for the 1994-95 school year pursuant to subsections 1 to 4 of this section plus fifty percent of the total amount of state aid received by the district from all sources for the 1992-93 school year for which the district is entitled and which are distributed in the 1994-95 school year pursuant to subsections 1 to 4 of this section. For the 1995-96 school year, the amount of state aid per eligible pupil shall be seventy-five percent of the amount of state aid per eligible pupil calculated for the district for the 1995-96 school year pursuant to subsections 1 to 4 of this section plus twenty-five percent of the total amount of state aid received by the district from all sources for the 1992-93 school year for which the district is entitled and which are distributed in the 1995-96 school year pursuant to subsections 1 to 4 of this section. Nothing in this subdivision shall be construed to limit the authority of a school district to raise its district operating levy pursuant to subdivision (1) of this subsection.

(5) If the total of state aid apportionments to all districts pursuant to subdivision (3) of this subsection is less than the total of state aid apportionments calculated pursuant to subsections 1 to 4 of this section, then the difference shall be deposited in the outstanding schools trust fund. If the total of state aid apportionments to all districts pursuant to subdivision (1) of this subsection is greater than the total of state aid apportionments calculated pursuant to subsections 1 to 4 of this section, then funds shall be transferred from the outstanding schools trust fund to the state school moneys fund to the extent necessary to fund the district entitlements as modified by subdivision (4) of this subsection for that school year with a district entitlement proration factor no less than one and such transfer shall be given priority over all other uses for the outstanding schools trust fund as

otherwise provided by law.

6. State aid shall be determined as follows:

District Entitlement

1(a). Number of eligible pupils x (lesser of district's equalized operating levy for school purposes or two dollars and seventy-five cents per one hundred dollars assessed valuation) x (proration x GTB per EP). \$..... .

1(b). Number of eligible pupils x (greater of: 0, or district's equalized operating levy for school purposes minus two dollars and seventy-five cents per one hundred dollars assessed valuation) x (proration x GTB per EP)..... \$.....

Deductions 2. District equalized assessed valuation x district income factor x district's equalized operating levy for school purposes plus ninety percent of any payment received the current year of protested taxes due in prior years no earlier than the 1997 tax year minus the amount of any protested taxes due in the current year and for which notice of protest was received during the current year..... \$.....

3. Intangible taxes, fines, forfeitures, escheats, payments in lieu of taxes, etc. (100% of the amount received the previous year for school purposes)..... \$.....

4. Receipts from state assessed railroad and utility tax (100% of the amount received the previous year for school purposes)..... \$.....

5. Receipts from federal properties pursuant to sections 12.070 and 12.080, RSMo (100% of the amount received the previous year for school purposes)..... \$.....

6. (Federal impact aid received the previous year for school purposes pursuant to P.L. 81-874 less \$50,000) x 90% or the maximum percentage allowed by federal regulations if less than 90%..... \$.....

- 7. Fifty percent or the percentage otherwise provided in section 163.087 of Proposition C receipts from the school district trust fund received the previous year for school purposes pursuant to section 163.087.. \$.....
- 8. One hundred percent of the amount received the previous year for school purposes from the fair share fund pursuant to section 149.015, RSMo \$.....
- 9. One hundred percent of the amount received the previous year for school purposes from the free textbook fund pursuant to section 148.360, RSMo..... \$.....
- 10. Total deductions (sum of lines2-9)..... \$.....
- Categorical Add-ons
- 11. The amount distributed pursuant to section 163.161 x proration \$.....
- 12. Special education approved or allowed cost entitlement for the district pursuant to section 162.975, RSMo, x proration \$.....
- 13. Seventy-five percent of the gifted education approved or allowable cost entitlement as determined pursuant to section 162.975, RSMo, x proration..... \$.....
- 14(a). Free and reduced lunch eligible pupilcount for the district, as defined in section 163.011, x .20, if operating levy in excess of \$2.75, or .22, otherwise x GTB per EP x \$2.75 per \$100 AV x proration..... \$.....
- 14(b). Free and reduced lunch eligible pupil count for the district, as defined in section 163.011 x .30 x GTB x ((the greater of zero or the district's adjusted operating levy minus \$2.75 per \$100 AV) x (1.0 or, beginning in the fifth year following the effective date of this section, the district's FIRE for the prior year/statewide average FIRE for FY 1998, if the district's prior year FIRE is at least five percent below the FY 1998 statewide average FIRE) x proration)-court-ordered state desegregation aid received by the district for operating purposes..... \$.....

- 15. Career ladder entitlement for the district as provided for in sections 168.500 to 168.515, RSMo, x proration \$.....
- 16. Vocational education entitlements for the district as provided in section 167.332, RSMo, x proration..... \$.....
- 17. Educational and screening program entitlements for the district as provided in sections 178.691 to 178.699, RSMo, x proration \$.....
- 18. Sum of categorical add-ons for the district (sum of lines 11-17) \$.....
- 19. District apportionment (line 18 plus the greater of line 1 minus line 10 or zero) \$.....

7. Revenue received for school purposes by each school district pursuant to this section shall be placed in each of the incidental and teachers' funds based on the ratio of the property tax rate in the district for that fund to the total tax rate in the district for the two funds.

8. In addition to the penalty for line 14 described in subsection 6 of this section, beginning in school year 2004-05, any increase in a school district's funds received pursuant to line 14 of subsection 6 of this section over the 1997-98 school year shall be reduced by one percent for each full percentage point the percentage of the district's pupils scoring at or above five percent below the statewide average level on either mathematics or reading is less than sixty-five percent.

9. If a school district's annual audit discloses that students were inappropriately identified as eligible for free or reduced-price lunch and the district does not resolve the audit finding, the department of elementary and secondary education shall require that the amount of line 14 aid paid on the inappropriately identified pupils be repaid by the district in the next school year and shall additionally impose a penalty of one hundred percent of the line 14 aid paid on such pupils, which penalty shall also be paid within the next school year. Such amounts may be repaid by the

district through the withholding of the amount of state aid.”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 14

Amend House Committee Substitute for Senate Bill No. 944, Page 18, Section 167.115.3, Line 38, by inserting before the word “pupil” the words “public school”.

HOUSE AMENDMENT NO. 15

Amend House Committee Substitute for Senate Bill No. 944, Page 28, Section 574.150, Line 15, by inserting after all of said lines the following:

“Section 1. Any program providing child care to preschool or school age children that is located and operated on elementary or secondary public school property shall comply with the child care licensure provisions in chapter 210, RSMo; except that, for safety, health and fire purposes, any such program shall comply with the safety, health and fire provisions required of school districts in this state in lieu of the safety, health and fire provisions of chapter 210, RSMo. This section shall not apply to any extended day child care program pursuant to sections 167.290 to 167.310, RSMo, or any head start programs pursuant to sections 660.650 to 660.657, RSMo.”; and

Further amend said title, enacting clause and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

HOUSE BILLS ON THIRD READING

HB 1396, with **SCS**, introduced by Representative Farnen, entitled:

An Act to repeal sections 174.620 and 175.021, RSMo 1994, and sections 172.037, 174.610 and 175.020, RSMo Supp. 1999, relating to certain representatives on college and university boards, and to enact in lieu thereof eight new sections relating to the same subject.

Was called from the Consent Calendar and

taken up by Senator Johnson.

SCS for **HB 1396**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1396

An Act to repeal sections 172.360, 174.620 and 175.021, RSMo 1994, and sections 172.020, 172.037, 174.610 and 175.020, RSMo Supp. 1999, relating to public schools, and to enact in lieu thereof fifteen new sections relating to the same subject.

Was taken up.

Senator Johnson moved that **SCS** for **HB 1396** be adopted, which motion prevailed.

Senator Johnson was recognized to close on the third reading and final passage of the bill.

President Pro Tem Quick referred **SCS** for **HB 1396** to the Committee on State Budget Control.

HB 1363, introduced by Representative Bray, et al, entitled:

An Act to repeal section 680.175, RSMo 1994, relating to transportation services, and to enact in lieu thereof one new section relating to the same subject.

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

On motion of Senator Quick, **HB 1363** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bland	Carter	Caskey	Childers
DePasco	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel—30		

NAYS—Senators—None

Absent—Senators

Ehlmann	Schneider—2
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Absent with leave—Senators

Bentley	Clay—2
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The President declared the bill passed.

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

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

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

HB 1948, with **SCS**, introduced by Representative Gratz, et al, entitled:

An Act to repeal section 304.180, RSMo 1994, and sections 301.010 and 304.200, RSMo Supp. 1999, relating to traffic regulations, and to enact in lieu thereof three new sections relating to the same subject.

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

SCS for **HB 1948**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1948

An Act to repeal section 304.180, RSMo 1994, and sections 301.010, 303.025, 303.409, 304.170 and 304.200, RSMo Supp. 1999, relating to the regulation of the operation of motor vehicles, and to enact in lieu thereof six new sections relating to the same subject.

Was taken up.

President Wilson assumed the Chair.

Senator Staples moved that **SCS** for **HB 1948** be adopted, which motion prevailed.

On motion of Senator Staples, **SCS** for **HB 1948** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bland	Carter	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel—31	

NAYS—Senators—None

Absent—Senator Schneider—1

Absent with leave—Senators

Bentley Clay—2

The President declared the bill passed.

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

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

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

HB 1706, with **SCS**, was placed on the Informal Calendar.

HS for **HCS** for **HB 1076**, with **SCS**, was placed on the Informal Calendar.

HS for **HB 1603**, with **SCS**, was placed on the Informal Calendar.

HB 1292, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 1434**, with **SCA 1**, entitled:

An Act to repeal sections 316.203 and 316.209, RSMo Supp. 1999, relating to regulation of amusement rides, and to enact in lieu thereof five new sections relating to the same subject, with an effective date.

Was taken up by Senator Quick.

SCA 1 was taken up.

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

On motion of Senator Quick, **HCS** for **HB 1434**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Bland	Carter	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel—30		

NAYS—Senators—None

Absent—Senators

Howard Schneider—2

Absent with leave—Senators

Bentley Clay—2

The President declared the bill passed.

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

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

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

HCS for HB 1967, with SCA 1, entitled:

An Act to repeal sections 72.409 and 72.416, RSMo 1994, sections 72.400, 72.401, 72.402, 72.403, 72.405, 72.407, 72.408, 72.410, 72.412, 72.418 and 72.422, RSMo Supp. 1998, and sections 72.400, 72.401, 72.402, 72.403, 72.405, 72.407, 72.408, 72.409, 72.412, 72.416, 72.418, 72.422 and 72.423, RSMo Supp. 1999, relating to boundary commissions in certain counties, and to enact in lieu thereof thirteen new sections relating to the same subject, with an emergency clause.

Was taken up by Senator Scott.

SCA 1 was taken up.

Senator Scott moved that the above amendment be adopted.

Senator Scott offered **SA 1 to SCA 1:**

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

Amend Senate Committee Amendment No. 1 to House Committee Substitute for House Bill No. 1967, Page 1, Line 13, by striking “72.723” and inserting in lieu thereof the following: “72.423”.

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

SCA 1, as amended, was again taken up.

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

Senator Flotron offered **SA 1:**

SENATE AMENDMENT NO. 1

Amend House Committee Substitute for House Bill No. 1967, Page 16, Section 72.423, Line 36, by inserting immediately after said line the following:

“321.223. 1. Notwithstanding any other provision of law to the contrary, any fire protection district within a county of the first classification with a charter form of government with a population of at least nine hundred thousand may contract with any municipality or village that does not operate their own fire department to provide fire protection services for a fee to any area of the municipality or village that does not belong to the fire protection district. In such event, the municipality and the fire protection district shall, by ordinance duly enacted by the governing board of each, agree upon the terms which such fire protection shall be furnished. The agreement may provide for the payment of a stated sum per year upon any method of compensation for such fire protection that is agreed upon by the fire district and the municipality entering into such contract; provided that any contract for a period longer than five years shall have no binding force until ratified by a majority of the voters in the fire district and the municipality entering into such a contract.

2. If the fire protection district is authorized to provide ambulance service within its district, the fire protection district may also provide ambulance service to the municipality, upon such terms as the fire district and the municipality may agree, which are not inconsistent with any requirement of subsection 1 of this section.”; and

Further amend the title and enacting clause accordingly.

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

On motion of Senator Scott, **HCS for HB 1967**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Bland	Carter	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel—31	

NAYS—Senators—None

Absent—Senator Schneider—1

Absent with leave—Senators

Bentley Clay—2

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Bland	Carter	Caskey	Childers
DePasco	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel—29			

NAYS—Senators—None

Absent—Senators

Ehlmann Flotron Schneider—3

Absent with leave—Senators

Bentley Clay—2

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

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

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

HB 1292, with **SCS**, introduced by Representative Auer, entitled:

An Act to amend chapter 376, RSMo, relating to health insurance by adding thereto one new

section relating to the same subject.

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

SCS for **HB 1292**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1292

An Act to repeal sections 375.017, 375.126, 375.1168, 375.1176, 375.1182 and 384.043, RSMo 1994, and sections 317.001, 375.1220, 376.1361 and 461.051, RSMo Supp. 1999, and to enact in lieu thereof thirteen new sections relating to insurance.

Was taken up.

Senator Jacob moved that **SCS** for **HB 1292** be adopted.

Senator Howard offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 1292, Page 20, Section 461.051, Line 20, by inserting immediately at the end of said line the following:

“Section 1. For the purposes of this section, health care provider or provider shall mean a licensed health care professional as defined by section 376.1350, RSMo. Any health carrier as defined by section 376.1350, RSMo, shall:

(1) Reimburse health care providers equally for the same or similar services performed within their scope of practice; and

(2) Not discriminate against any health care provider or group of providers based on licensure, or limit or restrict the diagnosis, treatment or management of the same or similar condition, injury, complaint, disorder or ailment while acting within their scope of practice.”; and

Further amend the title and enacting clause accordingly.

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

Senator Stoll assumed the Chair.

Senator Rohrbach offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Bill No. 1292, Page 6, Section 375.1168, Line 6, by striking the words “or to” and inserting in lieu thereof the following: “**nor shall**”; and further amend line 7, by inserting immediately after the word “receiving” the following: “**substantial**”; and further amend line 8, by inserting immediately after the word “assets” the following: “**be related within the second degree by blood or by marriage to the rehabilitator or special deputy rehabilitator**”; and further amend line 9, by inserting immediately after the word “rehabilitation” the following: “**unless the court determines that such dual appointment will contribute to conserving the assets of the insurer**”; and

Further amend said bill, Page 7, Section 375.1168, Lines 34-36, by striking all of said lines and inserting in lieu thereof the following: “**may prescribe, the court shall consider anticipated costs and benefits. The court may impose**”; and further amend lines 38-39, by striking all of said lines and inserting in lieu thereof the following: “**the conservation of the insurer's assets.**”; and further amend line 43, by inserting immediately after the word “rehabilitation” the following: “**unless an extended period for filing the plan is approved by the court**”; and

Further amend said bill, Page 8, Section 375.1168, Lines 62-65, by striking all of said lines and inserting in lieu thereof the following:

“**7. Any appeal by the rehabilitator to the court of appeals or the supreme court of a lower court opinion or order releasing the company in rehabilitation from that rehabilitation may be taken only if the rehabilitator and the attorney general both agree, after consultation, that an appeal is appropriate.**”; and

Further amend said bill, Page 9, Section 375.1176, Line 20, by striking the word “and” and inserting in lieu thereof the following: “. **The special deputy**”; and further amend line 21, by inserting immediately after the word “insurer” the following: “**unless the court determines that such appointment will contribute to conserving the**

assets of the insurer”; and

Further amend said bill, Page 11, Section 375.1182, Line 6, by striking the word “or to” and inserting in lieu thereof the following: “**nor shall**”; and further amend line 7, by inserting immediately after the word “receiving” the following: “**substantial**”; and further amend said line, by inserting immediately after the word “assets” the following: “**be related to within the second degree by blood or by marriage to the liquidator**”; and

Further amend said bill, Page 15, Section 375.1182, Lines 148-151, by striking all of said lines and inserting in lieu thereof the following:

“**7. Any appeal by the liquidator to the court of appeals or the supreme court of a lower court's refusal to approve a petition to liquidate the company may be taken only if the liquidator and the attorney general both agree, after consultation, that an appeal is appropriate.**”.

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

Senator Singleton offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Bill No. 1292, Page 1, Section A, Line 5, by inserting after all of said line the following:

“190.142. 1. The department shall, within a reasonable time after receipt of an application, cause such investigation as it deems necessary to be made of the applicant for an emergency medical technician's license. The director may authorize investigations into criminal records in other states for any applicant.

2. The department shall issue a license to all levels of emergency medical technicians, for a period of five years, if the applicant meets the requirements established pursuant to sections 190.001 to 190.245 and the rules adopted by the department pursuant to sections 190.001 to 190.245. The department may promulgate rules relating to the requirements for an emergency medical technician including but not limited to:

(1) Age requirements;

(2) Education and training requirements based on respective national curricula of the United States Department of Transportation and any modification to such curricula specified by the department through rules adopted pursuant to sections 190.001 to 190.245;

(3) Initial licensure testing requirements;

(4) Continuing education and relicensure requirements; and

(5) Ability to speak, read and write the English language.

3. Application for all levels of emergency medical technician license shall be made upon such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to 190.245. The application form shall contain such information as the department deems necessary to make a determination as to whether the emergency medical technician meets all the requirements of sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245.

4. All levels of emergency medical technicians may perform only that patient care which is:

(1) Consistent with the training, education and experience of the particular emergency medical technician; [and]

(2) Ordered by a physician or set forth in protocols approved by the medical director; **and**

(3) In an emergency situation providing pre-hospital care, during emergency care in an emergency department of a health care facility, or inter-hospital and non-emergency transports notwithstanding other provisions of law.

5. No person shall hold themselves out as an emergency medical technician or provide the services of an emergency medical technician unless such person is licensed by the department.

6. All patients transported in a supine position in a vehicle other than an ambulance shall receive an appropriate level of care. The department shall promulgate rules regarding the provisions of this section. This subsection shall only apply to vehicles transporting patients for a fee.”; and

Further amend the title and enacting clause

accordingly.

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

President Wilson assumed the Chair.

Senator House offered **SA 4:**

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Bill No. 1292, Page 20, Section 461.051, Line 20, by inserting after all of said line the following:

“Section 1. There shall be a faculty representative to the board of curators or the board of regents in each educational campus referred to in section 172.010, RSMo, section 174.020, RSMo, section 174.601, RSMo and section 175.010, RSMo, to be appointed and serve in the same manner as provided in sections 172.035 and 172.037, RSMo, except that the provisions of subsections 2, 5, 7 and 8 of section 172.035, RSMo, shall not apply to faculty representatives, and shall further be permitted to participate in any insurance plan offered to other board members.”; and

Further amend the title and enacting clause accordingly.

Senator House moved that the above amendment be adopted.

Senator Westfall raised the point of order that **SA 4** is out of order as it goes beyond the scope and intent of the bill.

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

Senator Singleton offered **SA 5:**

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for House Bill No. 1292, Page 3, Section 335.018, Line 1, by deleting said section; and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by

Senators DePasco, Klarich, Kenney and Jacob.

Senator Stoll assumed the Chair.

SA 5 failed of adoption by the following vote:

YEAS—Senators

Bentley	Childers	Ehlmann	Graves
Johnson	Kenney	Kinder	Mueller
Rohrbach	Russell	Schneider	Singleton
Westfall—13			

NAYS—Senators

Bland	Carter	Caskey	DePasco
Flotron	Goode	House	Jacob
Klarich	Mathewson	Maxwell	Scott
Sims	Staples	Steelman	Stoll
Wiggins Yeckel—18			

Absent—Senators

Howard Quick—2

Absent with leave—Senator Clay—1

Senator Klarich offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for House Bill No. 1292, Page 6, Section 375.017, Line 47, by inserting immediately after all of said line the following:

“5. Notwithstanding any other provision of law to the contrary, information regarding compensation of any private citizen except insurance receiverships contained within a statement required to be filed pursuant to section 376.350 or 379.105, RSMo, and records maintained pursuant to subdivision (2) of subsection 1 of section 374.085, RSMo, shall not be subject to disclosure to any person other than employees of the department.”.

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

Senator Kenney offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Committee Substitute for House Bill No. 1292, Page 1, Section A, Line 5, by inserting immediately after said line the following:

“191.227. 1. All physicians, chiropractors,

hospitals, dentists, and other duly licensed practitioners in this state, herein called "providers", shall, upon written request of a patient, or guardian or legally authorized representative of a patient, furnish a copy of [his record of] that patient's [health history and treatment rendered to the person submitting a written request,] **medical records** except that [such] **the right to receive such records** shall be limited to access consistent with the patient's condition and sound therapeutic treatment as determined by the provider. [Beginning August 28, 1994,] Such record shall be furnished within a reasonable time of the receipt of the request therefor and upon payment of a [handling] **search and retrieval** fee of [fifteen] **twenty dollars, postage and shipping**, plus a fee [of thirty-five cents per page] for copies of documents made on a standard photocopy machine **as follows:**

- (1) **1-25 pages** **\$1.00 per page;**
- (2) **26-100 pages** **\$.50 per page;**
- (3) **101 or more pages** **\$.35 per page.**

2. Notwithstanding provisions of this section to the contrary, providers may charge for the reasonable cost of all duplications of medical record material or information which cannot routinely be copied or duplicated on a standard commercial photocopy machine.

3. The transfer of the patient's record done in good faith shall not render the provider liable to the patient or any other person for any consequences which resulted or may result from disclosure of the patient's record as required by this section.

4. Beginning January 1, 2002, the limitation on the fees provided for in this section shall be increased or decreased on an annual basis effective January first of each year in accordance with the Implicit Price Deflator for Personal Consumption Expenditures as published by the Bureau of Economic Analysis of the United States Department of Commerce. The current value of the fees shall be calculated by the director of the department of insurance, which shall furnish that value to the secretary of state, who shall publish such value in the Missouri Register by March first of each year.

[191.233. The limits provided in section 191.227 shall be increased or decreased on an annual basis effective January first of each year in accordance with the Health Care Financing Administration Market Basket Survey.]"; and

Further amend the title and enacting clause accordingly.”.

Senator Kenney moved that the above amendment be adopted.

Senator Steelman offered SA 1 to SA 7, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 7

Amend Senate Amendment No. 7 to Senate Committee Substitute for House Bill No. 1292, Page 2, Section 191.227, Line 8 of said amendment, by inserting after all of said line the following:

“5. No officer or employee of a public entity may instruct or request another employee of that public entity to refuse to give evidence or information to any person or persons seeking information in regards to pending litigation unless that public entity is a party to pending litigation involving the same parties or subject matter. To do so would be a Class D felony. And any party to a pending litigation that is required to utilize legal process to discover information as a result of an employee of a public entity's refusal to provide willingly provide information may recover all costs including attorney's fees and depositions costs.”.

Senator Steelman moved that the above amendment be adopted.

At the request of Senator Steelman, SA 1 to SA 7 was withdrawn.

SA 7 was again taken up.

Senator Schneider raised the point of order that SA 7 is out of order as it goes beyond the scope of the bill as it adds a new subject matter.

The point of order was referred to the President Pro Tem.

At the request of Senator Schneider, his point of order was withdrawn.

SA 7 was again taken up.

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

Senator Steelman offered SA 8:

SENATE AMENDMENT NO. 8

Amend Senate Committee Substitute for House Bill No. 1292, Page 20, Section 461.051, Line 20, by inserting after all of said line the following:

“Section 1. No officer or employee of a public entity may instruct or request another employee of that public entity to refuse to give evidence or information to any patient or former patient of said entity seeking information in regards to pending litigation involving said patient unless that public entity is a party to pending litigation involving the same parties or subject matter. To do so would be an infraction. And any party to a pending litigation that is required to utilize legal process to discover information as a result of an employee of a public entity's refusal to provide willingly provide information may recover all costs including attorney's fees and depositions costs.”; and

Further amend the title and enacting clause accordingly.

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

Senator Ehlmann offered SA 9:

SENATE AMENDMENT NO. 9

Amend Senate Committee Substitute for House Bill No. 1292, Page 20, Section 461.051, Line 20, by inserting after all of said line the following:

“Section 1. For the purposes of chapter 288, RSMo, a positive chemical test result for a controlled substance, as defined pursuant to section 195.010, RSMo, shall be deemed misconduct connected with work if the claimant works in, around or with heavy equipment or if the nature of the claimant's work could place

the safety of other employees or the public at risk, including but not limited to, the operation of any motor vehicle or power driven machinery.”; and

Further amend the title and enacting clause accordingly.

Senator Ehlmann moved that the above amendment be adopted.

Senator Russell offered **SSA 1** for **SA 9**:

SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 9

Amend Senate Committee Substitute for House Bill No. 1292, Page 20, Section 461.051, Line 20, by inserting after all of said line the following:

“Section 1. For the purposes of chapter 288, RSMo, a positive chemical test result for a controlled substance, as defined pursuant to section 195.010, RSMo, shall be deemed misconduct connected with work.”; and

Further amend the title and enacting clause accordingly.

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

Senator Maxwell offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Committee Substitute for House Bill No. 1292, Page 3, Section 317.019, Line 10, by inserting after all of said line the following:

“320.094. 1. The state treasurer shall annually transfer an amount prescribed in subsection 2 of this section out of the state revenues derived from premium taxes levied on insurance companies pursuant to sections 148.310 to 148.461, RSMo, which are deposited by the director of revenue in the general revenue fund pursuant to section 148.330, RSMo, in a fund hereby created in the state treasury, to be known as the “Fire Education Fund”. Any interest earned from investment of moneys in the fund shall be credited to the fund. The state treasurer shall administer the fund, and the moneys in such fund shall be used solely as prescribed in this section. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the fire education fund at the

end of any biennium shall not be transferred to the credit of the general revenue fund.

2. Beginning July 1, [1998, three] **2000, five tenths of one** percent of the amount of premium taxes collected in the immediately preceding fiscal year pursuant to sections 148.310 to 148.461, RSMo, which are deposited in the general revenue fund [that exceeds the amount of premium taxes which were deposited in the general revenue fund in the 1997 fiscal year] shall be transferred from the general revenue fund to the credit of the fire education fund. [At the end of each fiscal year, the commissioner of administration shall determine the amount transferred to the credit of the fire education fund in each fiscal year by computing the premium taxes deposited in the general revenue fund in the prior fiscal year and comparing such amount to the amount of premium taxes deposited in the general revenue fund in the 1997 fiscal year.] An amount equal to [three] **five tenths of one** percent [of the increase] computed pursuant to this section shall be transferred by the state treasurer to the credit of the fire education fund; however, such transfer in any fiscal year shall not exceed one million five hundred thousand dollars **provided however that each fiscal year the first three hundred thousand dollars transferred to the fire education fund shall be utilized for fire education. The next five hundred thousand dollars shall be deposited into the fire district equipment fund established as a subaccount of the fire district education fund in this section. Any additional funds within the limit of one million five hundred thousand dollars as provided in this section shall be deposited into the fire education fund for fire education purposes.**

3. There is hereby established a special trust fund, to be known as the “Missouri Fire Education Trust Fund”, which shall consist of all moneys transferred to the fund from the fire education fund pursuant to this subsection and any earnings resulting from the investment of moneys in the fund. Each fiscal year, an amount equal to forty percent of the moneys transferred to the fire education fund shall be transferred by the state treasurer to the credit of the Missouri fire education trust fund. The fund shall be administered by a

board of trustees, consisting of the state treasurer, two members of the senate appointed by the president pro tem of the senate, two members of the house of representatives appointed by the speaker of the house, and two members appointed by the governor with the advice and consent of the senate. Any member appointed due to such person's membership in the senate or house of representatives shall serve only as long as such person holds the office referenced in this section. The state treasurer shall invest moneys in the fund in a manner as provided by law. Subject to appropriations, moneys in the fund shall be used solely for the purposes described in this section, but such appropriations shall be made only if the board recommends to the general assembly that such moneys are needed in that fiscal year to adequately fund the activities described in this section. Moneys shall accumulate in the trust fund until the earnings from investment of moneys in the fund can adequately support the activities described in this section, as determined by the board. At such time, the board may recommend that the general assembly adjust or eliminate the funding mechanism described in this section. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the Missouri fire education trust fund at the end of any biennium shall not be transferred to the credit of the general revenue fund.

4. The moneys in the fire education fund, after any distribution pursuant to subsection 3 of this section, shall be distributed to the University of Missouri Fire & Rescue Training Institute and the institute shall use the moneys received under this subsection to coordinate education needs in cooperation with community colleges, colleges, regional training facilities, and universities of this state and shall provide training and continuing education to firefighters in this state relating to fire department operations and the personal safety of firefighters while performing fire department activities. Programs and activities funded under this subsection must be approved by the Missouri fire education commission established in subsection 5 of this section. These funds shall primarily be used to provide field education throughout the state, with not more than two percent of funds under this

subsection expended on administrative costs.

5. There is established the "Missouri Fire Education Commission", to be domiciled in the division of fire safety within the department of public safety. The commission shall be composed of five members appointed by the governor with the advice and consent of the senate, consisting of one firefighter serving as a volunteer of a volunteer fire protection association, one full-time firefighter employed by a recognized fire department or fire protection district, one firefighter training officer, one person serving as the chief of a volunteer fire protection association, and one chief fire officer from a recognized fire department or fire protection district. No more than three members appointed by the governor shall be of the same political party. The terms of office for the members appointed by the governor shall be four years and until their successors are selected and qualified, except that, of those first appointed, two shall have a term of four years, two shall have a term of three years and one shall have a term of two years. There is no limitation on the number of terms an appointed member may serve. The governor may appoint a member for the remaining portion of the unexpired term created by a vacancy. The governor may remove any appointed member for cause. The members shall at their initial meeting select a chairman. All members of the commission shall serve without compensation for their duties, but shall be reimbursed for necessary travel and other expenses incurred in the performance of their official duties. The commission shall meet at least quarterly at the call of the chairman and shall review and determine appropriate programs and activities for which funds may be expended under subsection 4 of this section.

6. (1) There is hereby established, as a subaccount of the fire education fund as established in this section, the "Fire District Equipment Fund", which shall be maintained and accounted for separately, and which shall consist of all moneys transferred pursuant to subsection 2 of this section and from all lawful public and private sources. Moneys in the subaccount shall be used to provide funds to fire protection districts and volunteer fire protection associations serving an area having a population

of less than ten thousand. Moneys in the subaccount may be used only for purposes as are authorized by the Missouri Fire Education Commission and the Missouri Division of Fire Safety.

(2) The fire education training commission shall annually prepare an intended use plan for the funds available in the subaccount.

(3) The division of fire safety with approval by the fire education training commission may make direct grants to aid in funding equipment of any fire protection district or volunteer fire protection association as defined in this chapter with a population of less than ten thousand. The grants may be made to organizations with a population of less than ten thousand to assist in financing the purchase of fire equipment. Such grants may be made to supplement funds from loan proceeds or other private or public sources.

(4) Such organizations shall first apply with the division of fire safety for a grant. The division of fire safety shall make the necessary rules and regulations for the consideration and processing of all grant requests, which shall generally conform to those used by federal grant and loan agencies, which rules shall be filed in the office of the secretary of state. The division of fire safety shall adopt rules necessary to implement the grant program established pursuant to this section. No rule or portion of a rule promulgated pursuant to this section shall become effective unless it has been promulgated pursuant to chapter 536, RSMo. Such rules shall contain, but shall not be limited to the following criteria:

(a) The type of equipment requested by the fire protection district or volunteer fire protection association;

(b) The urgency and importance of such equipment to a district or association;

(c) The cost of the equipment requested by the fire district or volunteer fire protection association; and

(d) The financial resources of the fire district or volunteer fire protection association.

(5) All grant determinations made by the division of fire safety shall be final.”; and

Further amend the title and enacting clause accordingly.

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

Senator Singleton offered SA 11:

SENATE AMENDMENT NO. 11

Amend Senate Committee Substitute for House Bill No. 1292, Page 3, Section 335.018, Line 7, by adding on said line following the word “nursing” “or criteria for certified medical technologist established by the Board of Healing Arts.”; and

Further on line 8, following “2” by adding “(A)”;

Further following line 13, add:

“2. (B) The Missouri Board of Healing Arts shall promulgate rules pursuant to chapter 536, RSMo, specifying which professional surgical technologist certificates will be recognized for registered surgical technologists.”.

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

Senator Singleton offered SA 12:

SENATE AMENDMENT NO. 12

Amend Senate Committee Substitute for House Bill No. 1292, Page 3, Section 335.018, Line 19, by inserting immediately after said line the following:

“354.606. 1. **This act shall be known as the “Patient Freedom Act of 2000”.**

2. A health carrier shall establish a mechanism by which the participating provider shall be notified on an ongoing basis of the specific covered health services for which the provider shall be responsible, including any limitations or conditions on services.

[2.] 3. Every contract between a health carrier and a participating provider shall set forth a hold harmless provision specifying protection for enrollees. This requirement shall be met by

including a provision substantially similar to the following:

“Provider agrees that in no event, including but not limited to nonpayment by the health carrier or intermediary, insolvency of the health carrier or intermediary, or breach of this agreement, shall the provider bill, charge, collect a deposit from, seek compensation, remuneration or reimbursement from, or have any recourse against an enrollee or a person, other than the health carrier or intermediary, acting on behalf of the enrollee for services provided pursuant to this agreement. This agreement shall not prohibit the provider from collecting coinsurance, deductibles or co-payments, as specifically provided in the evidence of coverage, or fees for uncovered services delivered on a fee-for-service basis to enrollees. This agreement shall not prohibit a provider, except for a health care professional who is employed full time on the staff of a health carrier and has agreed to provide service exclusively to that health carrier's enrollees and no others, and an enrollee from agreeing to continue services solely at the expense of the enrollee, as long as the provider has clearly informed the enrollee that the health carrier may not cover or continue to cover a specific service or services. Except as provided herein, this agreement does not prohibit the provider from pursuing any available legal remedy; including, but not limited to, collecting from any insurance carrier providing coverage to a covered person.”

[3.] **4.** Every contract between a health carrier and a participating provider shall set forth that in the event of a health carrier's or intermediary's insolvency or other cessation of operations, covered services to enrollees shall continue through the period for which a premium has been paid to the health carrier on behalf of the enrollee or until the enrollee's discharge from an inpatient facility, whichever time is greater.

[4.] **5.** The contract provisions satisfying the requirements of subsections [2 and] **3 and 4** of this section shall:

- (1) Be construed in favor of the enrollee;
- (2) Survive the termination of the contract regardless of the reason for termination, including

the insolvency of the health carrier; and

(3) Supersede any oral or written contrary agreement between a provider and an enrollee or the representative of an enrollee if the contrary agreement is inconsistent with the hold harmless and continuation of covered services provisions required by subsections [2 and] **3 and 4** of this section.

[5.] **6.** In no event shall a participating provider collect or attempt to collect from an enrollee any money owed to the provider by the health carrier nor shall a participating provider collect or attempt to collect from an enrollee any money in excess of the coinsurance, co-payments or deductibles. Failure of a health carrier to make timely payment of an amount owed to a provider in accordance with the provider's contract shall constitute an unfair claims settlement practice subject to sections 375.1000 to 375.1018, RSMo.

[6.] **7.** (1) A health carrier shall develop selection standards for participating primary care professionals and each participating health care professional specialty. Such standards shall be in writing and used in determining the selection of health care professionals by the health carrier, its intermediaries and any provider networks with which it contracts. Selection criteria shall not be established in a manner that will:

(a) Allow a health carrier to avoid a high-risk population by excluding a provider because such provider is located in a geographic area that contains a population presenting a risk of higher than average claims, losses or health services utilization; or

(b) Exclude a provider because such provider treats or specializes in treating a population presenting a risk of higher than average claims, losses or health services utilization; or

(c) **Deny a health care professional the opportunity to become a participating provider if such health care professional satisfies all of the selection standards established by the health carrier, and if the health care professional is willing to accept the plan's operating terms and conditions, its schedule of fees, covered expenses, utilization regulations and quality**

standards.

(2) Paragraphs (a), [and] (b) **and** (c) of subdivision (1) of this subsection shall not be construed to prohibit a health carrier from declining to select a provider who fails to meet the other legitimate selection criteria of the health carrier developed in compliance with sections 354.600 to 354.636.

(3) The provisions of sections 354.600 to 354.636 shall not require a health carrier, its intermediaries or the provider networks with which it contracts, to employ specific providers or types of providers, or to contract with or retain more providers or types of providers than are necessary to maintain an adequate network.

[7.] **8.** A health carrier shall file its selection standards for participating providers with the director. A health carrier shall also file any subsequent changes to its selection standards with the director. The selection standards shall be made available to licensed health care providers.

[8.] **9.** A health carrier shall notify a participating provider of the provider's responsibilities with respect to the health carrier's applicable administrative policies and programs, including but not limited to payment terms, utilization review, quality assessment and improvement programs, credentialing, grievance procedures, data reporting requirements, confidentiality requirements and any applicable federal or state programs.

[9.] **10.** A health carrier shall not offer an inducement under the managed care plan to a provider to provide less than medically necessary services to an enrollee.

[10.] **11.** A health carrier shall not prohibit a participating provider from advocating in good faith on behalf of enrollees within the utilization review or grievance processes established by the health carrier or a person contracting with the health carrier.

[11.] **12.** A health carrier shall require a provider to make health records available to appropriate state and federal authorities involved in assessing the quality of care but shall not disclose individual identities, or investigating the grievances

or complaints of enrollees, and to comply with the applicable state and federal laws related to the confidentiality of medical or health records.

[12.] **13.** The rights and responsibilities of a provider under a contract between a health carrier and a participating provider shall not be assigned or delegated by the provider without the prior written consent of the health carrier.

[13.] **14.** A health carrier shall be responsible for ensuring that a participating provider furnishes covered benefits to all enrollees without regard to the enrollee's enrollment in the plan as a private purchaser of the plan or as a participant in a publicly financed program of health care service.

[14.] **15.** A health carrier shall notify the participating providers of their obligations, if any, to collect applicable coinsurance, co-payments or deductibles from enrollees pursuant to the evidence of coverage, or of the providers' obligations, if any, to notify enrollees of their personal financial obligations for noncovered services.

[15.] **16.** A health carrier shall not penalize a provider because the provider, in good faith, reports to state or federal authorities any act or practice by the health carrier that may jeopardize patient health or welfare.

[16.] **17.** A health carrier shall establish a mechanism by which a participating provider may determine in a timely manner whether a person is covered by the carrier.

[17.] **18.** A health carrier shall not discriminate between health care professionals when selecting such professionals for enrollment in the network or when referring enrollees for health care services to be provided by such health care professional who is acting within the scope of his professional license.

[18.] **19.** A health carrier shall establish procedures for resolution of administrative, payment or other disputes between providers and the health carrier.

[19.] **20.** A contract between a health carrier and a provider shall not contain definitions or other provisions that conflict with the definitions or provisions contained in the managed care plan or

sections 354.600 to 354.636.”; and

Further amend the title and enacting clause accordingly.

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

Senator Kenney offered SA 13:

SENATE AMENDMENT NO. 13

Amend Senate Committee Substitute for House Bill No. 1292, page 16, Section 375.1220, Line 38, by inserting after all of said line the following:

“376.1150. 1. Any new mandated health insurance coverage for specific health services, specific diseases or for certain providers of health care services approved by the general assembly shall apply only to the Missouri consolidated health care plan established in chapter 103, RSMo, for a period of at least one year beginning with the first anniversary date of the Missouri consolidated health care plan subsequent to the approval of the mandate by the general assembly. On or before March first, after the one-year period for which the mandate has been applied, the board of trustees of the Missouri consolidated health care plan shall submit to the president pro tem of the senate and the speaker of the house of representatives a report indicating the impact such mandated coverage has had on the Missouri consolidated health care plan, including data on the utilization and costs of such mandated coverage. Such report shall also include a recommendation on whether such mandated coverage should continue for the Missouri consolidated health care plan or whether additional utilization and cost data is required.

2. The general assembly shall periodically review all health insurance coverages mandated by state law.”; and

Further amend the title and enacting clause accordingly.

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

Senator Singleton offered SA 14:

SENATE AMENDMENT NO. 14

Amend Senate Committee Substitute for House

Bill No. 1292, Page 18, Section 376.1361, Line 93, by adding the following:

“(7) The coverage status and benefits in these sections must be given when requested within 72 hours; if not given, coverage shall be guaranteed for a 30 day period from date requested.”.

Senator Singleton moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Childers, Klarich, Rohrbach and Wiggins.

SA 14 failed of adoption by the following vote:

YEAS—Senators

Bentley	Caskey	Childers	Kenney
Mathewson	Mueller	Russell	Schneider
Sims	Singleton	Staples	Steelman
Westfall	Yeckel—14		

NAYS—Senators

Carter	DePasco	Flotron	Goode
Graves	House	Howard	Jacob
Kinder	Klarich	Maxwell	Quick
Rohrbach	Stoll	Wiggins—15	

Absent—Senators

Bland	Ehlmann	Johnson	Scott—4
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Absent with leave—Senator Clay—1

Senator Singleton offered SA 15:

SENATE AMENDMENT NO. 15

Amend Senate Committee Substitute for House Bill No. 1292, Page 18, Section 376.1361, Line 93, by inserting immediately after said line the following:

“376.1405. 1. Every health insurance carrier offering policies of insurance in this state shall use the explanation of Medicare benefits Part B (EMOB) form for the explanation of benefits given to the health care provider whenever a claim is paid or denied. As used in this section, the term “health insurance carrier” shall have the meaning given to “health carrier” in section 376.1350. Nothing in this section shall apply to accident-only, specified disease, hospital indemnity, Medicare supplement, long-term care or other limited benefit health

insurance policies.

2. All health insurance carriers shall use the explanation of Medicare benefits Part B (EMOB) form after January 1, 2002.

376.1406. 1. Every health care provider and health carrier that conducts business in this state by contract shall use a standardized form for referrals. The standardized referral form shall be used in lieu of any specific referral form developed by a health carrier for the referral process. As used in this section, the terms "health care provider" and "health carrier" shall have the meaning given to them in section 376.1350.

2. The referral form developed by the task force as established in section 376.1408 shall contain the following:

- (1) The name of the insured;
- (2) Place of employment;
- (3) The name, address and phone number of the health carrier;
- (4) The identification number and group number of the insured;
- (5) The type of referral;
- (6) The name, address and phone number of the health care provider referring the insured;
- (7) The name, address, and phone number of the health care provider of whom the insured was referred to;
- (8) The number of visits requested and authorized; and
- (9) The health carrier's authorization number.

3. All health care providers and health carriers shall use the standardized referral form after January 1, 2002.

376.1408. 1. The department of insurance shall establish a task force to develop the standardized forms required by section 376.1406. The task force shall meet for soliciting information to develop the standardized forms. The task force shall consist of the following members:

- (1) Three health care providers;
- (2) Three representatives from the insurance industry; and
- (3) Three members from the general public.

2. No member of the task force shall receive compensation for the performance of duties related to the task force but shall be reimbursed for reasonable and necessary expenses incurred in the performance of such duties.

3. The department of insurance shall have the task force established by January 1, 2001.; and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted.

Senator Yeckel offered SA 1 to SA 15:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 15

Amend Senate Amendment No. 15 to Senate Committee Substitute for House Bill No. 1292, Pages 2-3, Section 376.1408, Line 21, by deleting said section, and inserting in lieu thereof the following:

"376.1408. 1. The department of insurance shall establish a task force to study standardized information for the explanation of benefits given to health care providers in order to determine the necessity of developing a standardized form. The task force shall consist of the following members:

- (1) Three health care providers;
- (2) Three representatives from the insurance industry to include an individual carrier; a small group carrier, and a large group carrier;
- (3) Three representatives from the business community to include at least one from a small business employing 3 to 25 persons and at least one from a large employer of 50 or more persons;
- (4) One member from the general public;

2. No member of the task force shall receive compensation for the performance of duties related task force but shall be reimbursed for reasonable and necessary expenses incurred in the performance of such duties;

3. The department of insurance shall have the task force established by January 1, 2003.”.

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

SA 15, as amended, was again taken up.

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

Senator Jacob moved that **SCS for HB 1292**, as amended, be adopted, which motion prevailed.

Senator Jacob was recognized to close on passage of the bill.

President Pro Tem Quick referred **SCS for HB 1292**, as amended, to the Committee on State Budget Control.

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 conferees on **SCS for HCS for HB 1110**, as amended, be unbound from the House position which bound the conferees to the conference report for Section 10.110 and Section 10.415, and that the House conferees be allowed to exceed the difference between the two Houses on **SCS for HCS for HB 1110**, 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 1659**, as amended, and has again taken up and passed **SCS for HB 1659**.

Emergency clause defeated.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS for SCS for HB 1808**, as amended, and requests the Senate to recede from its

position, or 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 has adopted **SCS for HB 1568** and has again taken up and passed **SCS for HB 1568**.

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 **HS for HCS for SB 881**, 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 adopt **SCS for HB 1848** and requests the Senate to recede from its position, or 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 has taken up and adopted the Conference Committee Report No. 2 on **SCS for HCS for HB 1110**, as amended, and has taken up and passed **CCS No. 2 for HB 1110**.

PRIVILEGED MOTIONS

Senator Scott moved that the Senate refuse to recede from its position on **SS for SCS for HB 1808**, as amended, and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **SS for SCS for HB 1808**, as amended: Senators Scott, Mathewson, DePasco, Klarich and Kinder.

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **HS for HCS for SB 881**, as amended: Senators Wiggins, Scott, Caskey, Sims and Yeckel.

PRIVILEGED MOTIONS

Senator Caskey moved that the Senate refuse to concur in **HCS** for **SB 944**, as amended, and request the House to recede from its position and, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Carter moved that the Senate refuse to recede from its position on **SCS** for **HB 1848** and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **SCS** for **HB 1848**: Senators Carter, Bland, Scott, Sims and Yeckel.

President Wilson assumed the Chair.

HOUSE BILLS ON THIRD READING

HB 1452, with **SCS**, was placed on the Informal Calendar.

PRIVILEGED MOTIONS

Senator Goode, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 1110**, as amended, submitted the following conference committee report no. 2:

CONFERENCE COMMITTEE REPORT NO. 2 ON HOUSE BILL No. 1110

Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 1110, begs leave to report that we, after open, free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 1110.
2. That the House recede from its position on House Committee Substitute for House Bill No.

1110.

3. That the attached Conference Committee Substitute No. 2 for House Bill No. 1110, be truly agreed to and finally passed.

FOR THE SENATE:	FOR THE HOUSE:
/s/ Wayne Goode	/s/ Dick Franklin
/s/ Harry Wiggins	/s/ Deleta Williams
/s/ Joe Maxwell	/s/ Vicky Riback Wilson
/s/ John T. Russell	/s/ Charlie Shields
/s/ Morris Westfall	/s/ Jewell Patek

Senator Goode moved that the above conference committee report no. 2 be adopted and that the Senate conferees be allowed to exceed the differences, which motion prevailed by the following vote:

YEAS—Senators			
Bentley	Carter	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel—30		

NAYS—Senators—None

Absent—Senators		
Bland	Graves	Singleton—3
Absent with leave—Senator Clay—1		

On motion of Senator Goode, **CCS NO. 2** for **HB 1110**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE NO. 2 FOR HOUSE BILL No. 1110

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Board of Public Buildings, the Department of Health, and the several divisions and programs thereof and the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2000 and ending June 30, 2001.

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

YEAS—Senators

Bentley	Bland	Carter	Caskey
Childers	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Clay—1

The President declared the bill passed.

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

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

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

HOUSE BILLS ON SECOND READING

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

HS for **HB 2011**—Ways and Means.

HB 1159—Ways and Means.

HS for **HCS** for **HB 1888**—Education.

MESSAGES FROM THE HOUSE

The following message was 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 adopted the Conference Committee Report on **SCS** for **HCS** for **HB 1111** and has taken up and passed **CCS** for **HB 1111**, as amended by Conference Committee Amendment No. 1.

HOUSE BILLS ON THIRD READING

HB 1452, with **SCS**, introduced by Representatives Foley and Levin, entitled:

An Act to amend chapter 143, RSMo, and chapter 208, RSMo, by adding thereto two new sections relating to restitution to victims of the Nazi Holocaust.

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

SCS for **HB 1452**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1452

An Act to amend chapters 143 and 208, RSMo, by adding thereto three new sections relating to tax deductions and credits.

Was taken up.

Senator DePasco moved that **SCS** for **HB 1452** be adopted.

Senator Sims offered **SS** for **SCS** for **HB 1452**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1452

An Act to amend chapter 143, RSMo, and chapter 208, RSMo, by adding thereto two new sections relating to restitution to victims of the Nazi Holocaust, which motion prevailed.

Senator Sims moved that **SS** for **SCS** for **HB 1452** be adopted.

Senator Kenney raised the point of order that **SS** for **SCS** for **HB 1452** is out of order in that it attempts to return the language to that of the original bill.

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

SS for **SCS** for **HB 1452** was again taken up.

Senator Sims moved that **SS** for **SCS** for **HB 1452** be adopted, which motion prevailed.

On motion of Senator DePasco, **SS** for **SCS** for **HB 1452** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Bland	Carter	Caskey
Childers	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel—32

NAYS—Senators—None

Absent—Senator Schneider—1

Absent with leave—Senator Clay—1

The President declared the bill passed.

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

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

Senator Quick 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 taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 1112** and has taken up and passed **CCS** for **HB 1112**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 1120** and has taken up and passed **CCS** for **HB 1120**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HS** for **HCS** for **HB 1742** and has taken up and passed **CCS** for **SCS** for **HS** for **HCS** for **HB 1742**.

CONFERENCE COMMITTEE REPORTS

Senator Goode, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 1111**, as amended, submitted the following conference committee report:

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL No. 1111**

Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 1111, begs leave to report that we, after open, free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 1111.
2. That the House recede from its position on House Committee Substitute for House Bill No. 1111.
3. That the attached Conference Committee Substitute for House Bill No. 1111, be truly agreed to and finally passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Wayne Goode	/s/ Dick Franklin
/s/ Harry Wiggins	/s/ Charles Q. Troupe
/s/ Joe Maxwell	/s/ Glenda Kelly
/s/ John T. Russell	/s/ Charlie Shields
/s/ Morris Westfall	/s/ Pat Kelley

Senator Goode offered **CCA 1**:

**CONFERENCE COMMITTEE
AMENDMENT NO. 1**

Amend Conference Committee Substitute for House Bill No. 1111, Page 19, Section 11.255, Line 3, by deleting the words ", provided that such funds allocated to the Local Investment Commission shall only be provided to such Commission so long as 75% of such Commission's voting members are Missouri citizens"; and

Further amend said section, line 8, by deleting the words ", provided that such funds allocated to the Local Investment Commission shall only be provided to such Commission so long as 75% of such Commission's voting members are Missouri citizens"; and

Further amend said section, line 13, by deleting the words ", provided that such funds allocated to the Local Investment Commission shall only be provided to such Commission so long as 75% of such Commission's voting members are Missouri citizens"

FOR THE SENATE:

- /s/ Wayne Goode
- /s/ Harry Wiggins
- /s/ Joe Maxwell
- /s/ John T. Russell
- /s/ Morris Westfall

Senator Goode moved that the above amendment be adopted and requested a roll call vote be taken.

CCA 1 was adopted by the following vote:

YEAS—Senators

Bentley	Bland	Carter	Caskey
Childers	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Clay—1

Senator Wiggins assumed the Chair.

Senator Goode moved that the conference committee report on **SCS** for **HCS** for **HB 1111** be adopted.

President Wilson assumed the Chair.

Senator Steelman offered a substitute motion, which was read:

SUBSTITUTE MOTION

That the Senate reject the Conference Committee Report on **CCS/SCS/HCS/HB 1111** and request that the House grant further conference thereon, and the Senate conferees be instructed to support the Senate's position on **SSA 1/SA 5/SCS/HCS/HB 1111**.

Senator Steelman moved adoption of her substitute motion.

Senator Staples requested a roll call vote be taken on the substitute motion and was joined in his request by Senators Childers, Kenney, Steelman and Stoll.

The substitute motion made by Senator Steelman failed of adoption by the following vote:

YEAS—Senators

Ehlmann	Flotron	Graves	House
Kenney	Kinder	Klarich	Steelman
Yeckel—9			

NAYS—Senators

Bentley	Bland	Carter	Caskey
Childers	DePasco	Goode	Howard
Jacob	Johnson	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Stoll	Westfall	Wiggins—24

Absent—Senators—None

Absent with leave—Senator Clay—1

The conference committee report for **SCS** for **HCS** for **HB 1111** was adopted by the following vote:

YEAS—Senators

Bentley	Bland	Carter	Caskey
Childers	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Rohrbach	Russell	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel—31	

NAYS—Senators—None

Absent—Senators

Quick Schneider—2

Absent with leave—Senator Clay—1

On motion of Senator Goode, **CCS** for **HB 1111**, as amended by conference committee amendment no. 1, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR HOUSE BILL No. 1111

An Act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2000 and ending June 30, 2001.

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

YEAS—Senators

Bentley	Bland	Carter	Caskey
Childers	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel—32

NAYS—Senators—None

Absent—Senator Russell—1

Absent with leave—Senator Clay—1

The President declared the bill passed.

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

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

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

Senator Goode, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 1112**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
HOUSE BILL No. 1112

Mr. President: Your Conference Committee

appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 1112, begs leave to report that we, after open, free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 1112.

2. That the House recede from its position on House Committee Substitute for House Bill No. 1112.

3. That the attached Conference Committee Substitute for House Bill No. 1112, be truly agreed to and finally passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Wayne Goode	/s/ Dick Franklin
/s/ Harry Wiggins	/s/ Timothy P. Green
/s/ Joe Maxwell	/s/ Scott B. Lakin
/s/ John T. Russell	/s/ Ken Legan
/s/ Morris Westfall	/s/ Gary Burton

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

YEAS—Senators

Bentley	Bland	Carter	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Jacob	Johnson
Kinder	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Stoll	Westfall	Wiggins	Yeckel—28

NAYS—Senators

Caskey	Howard	Kenney	Klarich
Steelman—5			

Absent—Senators—None

Absent with leave—Senator Clay—1

On motion of Senator Goode, **CCS** for **HB 1112**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR HOUSE BILL No. 1112

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and Contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Missouri Commission on Interstate Cooperation, the Committee on Legislative Research, the Joint Committee on Administrative Rules, the Joint Committee on Public Employee Retirement Systems, the Joint Committee on Capital Improvements Oversight, and the Joint Committee on Gaming and Wagering; for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2000 and ending June 30, 2001.

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

YEAS—Senators

Bentley	Bland	Carter	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Jacob	Johnson
Kinder	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Scott
Sims	Singleton	Staples	Stoll
Westfall	Wiggins	Yeckel—27	

NAYS—Senators

Caskey	Howard	Kenney	Klarich
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Steelman—5

Absent—Senator Schneider—1

Absent with leave—Senator Clay—1

The President declared the bill passed.

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

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

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

Senator Goode, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 1120**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
HOUSE BILL NO. 1120

Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 1120, begs leave to report that we, after open, free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 1120.

2. That the House recede from its position on House Committee Substitute for House Bill No. 1120.

3. That the attached Conference Committee Substitute for House Bill No. 1120, be truly agreed to and finally passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Wayne Goode	/s/ Dick Franklin
/s/ Harry Wiggins	/s/ Timothy P. Green
/s/ Joe Maxwell	/s/ Scott B. Lakin
/s/ John T. Russell	/s/ Charlie Shields
/s/ Morris Westfall	/s/ Ken Legan

Senator Goode moved that the above conference committee report be adopted, which

motion prevailed by the following vote:

YEAS—Senators

Bentley	Bland	Carter	Caskey
Childers	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Russell	Schneider	Scott
SimsSingleton	Staples	Steelman	
Stoll	Westfall	Wiggins	Yeckel—32

NAYS—Senator Rohrbach—1

Absent—Senators—None

Absent with leave—Senator Clay—1

On motion of Senator Goode, **CCS** for **HB 1120**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR HOUSE BILL NO. 1120

An Act to appropriate money for planning, expenses, and for capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions.

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

YEAS—Senators

Bentley	Bland	Carter	Caskey
Childers	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Clay—1

The President declared the bill passed.

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

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

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

Senator Mathewson, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HS** for **HCS** for **HB 1742**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1742

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1742, with Senate Amendment No. 3, Senate Amendment No. 4, Senate Amendment No. 5, and Senate Amendment No. 6, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1742, as amended;
2. That the House recede from its position on House Substitute for House Committee Substitute for House Bill No. 1742;
3. That the attached Conference Committee Substitute be adopted.

FOR THE SENATE:

/s/ Jim Mathewson
/s/ Danny Staples
/s/ John E. Scott
/s/ John T. Russell
/s/ Morris Westfall

FOR THE HOUSE:

/s/ Steve Gaw
/s/ Don Koller
/s/ Timothy P. Green
/s/ Cindy Ostmann
/s/ Jewell Patek

Senator Mathewson moved that the above conference committee report be adopted.

At the request of Senator Mathewson, the motion to adopt the conference committee report was withdrawn.

Senator Wiggins assumed the Chair.

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 conferees to act with a like committee from the Senate on **HS** for **HCS** for **SB 881**, as amended: Representatives Hoppe, Auer, Scheve, Griesheimer and Dolan.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HB 1848**: Representatives Treadway, Foley, Barry, Holand and Hegeman.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SS** for **SCS** for **HB 1808**, as amended: Representatives O'Toole, Franklin, Hagan-Harrell, Elliott and Foster.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SB 856**, entitled:

An Act to repeal sections 376.406 and 376.426, RSMo 1994, and sections 198.530, 354.603, 376.383, 376.893, 376.1350, 376.1361, 376.1367, 376.1400 and 376.1403, RSMo Supp. 1999, relating to the regulation of managed care, and to enact in lieu thereof seventeen new sections relating to the same subject.

With House Amendment No. 1 to House Substitute, House Substitute Amendment No. 1 for House Amendment No. 1, House Substitute

Amendment No. 1 for House Amendment No. 2, House Amendment No. 5 to Part 1 adopted, Part 1, as amended adopted, House Amendment No. 1, House Amendment No. 2, House Substitute Amendment No. 1 for House Amendment No. 3, House Substitute Amendment No. 1 for House Amendment No. 4, House Amendment No. 5, House Amendment No. 6, House Amendment No. 7, House Amendment No. 8, House Amendment No. 9, House Amendment No. 10, House Amendment No. 11 to Part 2 adopted, Part 2, as amended, adopted, House Amendment No. 1, House Substitute Amendment No. 1 for House Amendment No. 2, House Amendment No. 3, House Amendment No. 4, House Substitute Amendment No. 1 for House Amendment No. 5, House Amendment No. 6, House Amendment No. 7, House Amendment No. 8, House Amendment No. 9, House Amendment No. 10 to Part 4 adopted, Part 4, as amended, adopted, House Amendment No. 1 to Part 5 adopted, Part 5, as amended, adopted.

HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Bill No. 856 Page 15, Section 376.419, Line 21 by deleting the word "**Employment**" on said line and inserting in lieu thereof the word "Employee"; and

Further amend said bill, Pages 16-24, Section 376.426, by deleting all of said section from the bill; and

Further amend said bill, Page 41, Section 376.1406, Line 22, by deleting all of said line and inserting in lieu thereof the following: "**provider to whom the insured was referred**"; and

Further amend said bill, Page 43, Section 1, Lines 1-2, by deleting the following: "**or a continuing care community, as defined in section 197.305, RSMo,**"; and

Further amend the title, enacting clause and intersectional references accordingly.

HOUSE SUBSTITUTE AMENDMENT NO. 1 FOR HOUSE AMENDMENT NO. 1

Amend Part I of House Substitute for House Committee Substitute for Senate Bill No. 856, Page

10, Section 376.383, Lines 14-23, by deleting all of said lines; and

Further amend said bill, Page 11, Section 376.383, Lines 1-18, by deleting all of said lines and inserting in lieu thereof the following:

“addition to other remedies provided by law, a person who has filed a claim for reimbursement for a health care service, as defined in section 376.1350, may file a civil action against the health carrier for any violation of this section. If the court finds that a violation of this section has occurred, the court shall award to a prevailing plaintiff a penalty of fifty dollars per day from the date that interest pursuant to this section first becomes due, in addition to the claimed reimbursement and interest.”

HOUSE SUBSTITUTE AMENDMENT NO. 1
FOR HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Bill No. 856, Page 8, Section 354.603, Line 12, by inserting after said line the following:

“354.618. 1. A health carrier shall be required to offer as an additional health plan, an open referral health plan whenever it markets a gatekeeper group plan as an exclusive or full replacement health plan offering to a group contract holder:

(1) In the case of group health plans offered to employers of fifty or fewer employees, the decision to accept or reject the additional open referral plan offering shall be made by the group contract holder. For health plans marketed to employers of over fifty employees, the decision to accept or reject shall be made by the employee;

(2) Contracts currently in existence shall offer the additional open referral health plan at the next annual renewal after August 28, 1997; however, multi-year group contracts need not comply until the expiration of their current multi-year term unless the group contract holder elects to comply before that time;

(3) If an employer provides more than one health plan to its employees and at least one is an open referral plan, then all health benefit plans

offered by such employer shall be exempt from the requirements of this section.

2. For the purposes of this [act] **section**, the following terms shall mean:

(1) “Open referral plan”, a plan in which the enrollee is allowed to obtain treatment for covered benefits without a referral from a primary care physician from any person licensed to provide such treatment;

(2) “Gatekeeper group plan”, a plan in which the enrollee is required to obtain a referral from a primary care professional in order to access specialty care.

3. Any health benefit plan provided pursuant to the Medicaid program shall be exempt from the requirements of this section.

4. [A health carrier shall have a procedure by which a female enrollee may seek the health care services of an obstetrician/gynecologist at least once a year without first obtaining prior approval from the enrollee's primary care provider if the benefits are covered under the enrollee's health benefit plan, and the obstetrician/gynecologist is a member of the health carrier's network.] **A health carrier shall not require as a condition to the coverage of the services of a participating obstetrician or a participating gynecologist that a covered person first obtain a referral from a primary care provider. The covered person shall, at all times, have direct access to the services of a participating obstetrician or a participating gynecologist of her choice within the provider network. For purposes of this subsection, an obstetrician or gynecologist is defined as a physician licensed pursuant to chapter 334, RSMo, and is board eligible or board certified by the American board of obstetricians and gynecologists. The services covered by this subsection shall be limited to those services defined by the published recommendations of the accreditation council for graduate medical education for training an obstetrician or gynecologist, including, but not limited to, diagnosis, treatment and referral. A health carrier shall not impose a surcharge, or additional copayments or deductibles upon any**

covered person who seeks or receives health care services pursuant to this subsection, unless similar surcharges, or additional copayments or deductibles are imposed for other types of health care services received within the network. In no event shall a health carrier be required to permit an enrollee to have health care services delivered by a nonparticipating obstetrician/gynecologist. [An obstetrician/gynecologist who delivers health care services directly to an enrollee shall report such visit and health care services provided to the enrollee's primary care provider. A health carrier may require an enrollee to obtain a referral from the primary care physician, if such enrollee requires more than one annual visit with an obstetrician/gynecologist.]

5. Except for good cause, a health carrier shall be prohibited from discriminating between eye care providers when selecting among providers of health services for enrollment in the network and when referring enrollees for health services provided within the scope of those professional licenses. For the purposes of this section, an eye care provider may be either an optometrist licensed pursuant to chapter 336, RSMo, or a physician who specializes in ophthalmologic medicine, licensed pursuant to chapter 334, RSMo.

6. Nothing contained in this section shall be construed as to require a health carrier to pay for health care services not provided for in the terms of a health benefit plan.

7. Any health carrier, which is sponsored by a federally qualified health center and is presently in existence and which has been in existence for less than three years shall be exempt from this section for a period not to exceed two years from August 28, 1997.

8. A health carrier shall not be required to offer the direct access rider for a group contract holder's health benefit plan if the health benefit plan is being provided pursuant to the terms of a collective bargaining agreement with a labor union, in accordance with federal law and the labor union has declined such option on behalf of its members.

9. Nothing in this [act] **section** shall be construed to preempt the employer's right to select

the health care provider pursuant to section 287.140, RSMo, in a case where an employee incurs a work-related injury covered by the provisions of chapter 287, RSMo.

10. Nothing contained in this [act] **section** shall apply to certified managed care organizations while providing medical treatment to injured employees entitled to receive health benefits [under] **pursuant to the provisions** of chapter 287, RSMo, pursuant to contractual arrangements with employers, or their insurers, [under] **pursuant to** section 287.135, RSMo.”; and

Further amend the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 5 TO PART I

Amend Part I of House Substitute for House Committee Substitute for Senate Bill No. 856, Page 11, Section 376.383, Line 18, by inserting immediately after said line the following:

“7. In the event that any person licensed under section 190.001 to 190.245, RSMo, provides emergency transportation services to any enrollee or insured, the enrollee or insured’s health carrier shall pay for such emergency transportation services within forty-five days after receipt for a claim for reimbursement. In the event that a health carrier does not have a contract in place with the licensed person providing such emergency transportation services, the health carrier will be obligated to pay the licensed person’s usual and customary charge for the emergency service rendered.”.

HOUSE AMENDMENT NO. 1 TO PART II

Amend Part II of House Substitute for House Committee Substitute for Senate Bill No. 856, Page 12, Section 376.384, Line 21, by adding after the word **“services”** the following:

“for which the health care professional is contracted to provide”.

HOUSE AMENDMENT NO. 2 TO PART II

Amend Part II of House Substitute for House

Committee Substitute for Senate Bill No. 856 Page 11, Section 376.384, Line 24, by deleting the word “authorized” and inserting in lieu thereof the word “certified”.

HOUSE SUBSTITUTE AMENDMENT NO. 1
FOR HOUSE AMENDMENT NO. 3
TO PART II

Amend Part II of House Substitute for House Committee Substitute for Senate Bill No. 856, Page 12, Section 376.384, Lines 4-6, by deleting all of said lines and inserting in lieu thereof the following:

“(3) Effective January 1, 2002, accept claims for reimbursement from health care providers that are filed electronically. Effective January 1, 2002, all claims for reimbursement filed with health carriers by health care providers that are submitted electronically shall be filed in a form and format specified by the Department of Insurance. The Department of Insurance shall promulgate rules specifying the form and format governing such electronic claims submission consistent with federal administrative simplification standards adopted pursuant to the Health Insurance Portability and Accountability Act of 1996;

“(4) Issue within 24 hours, for all claims filed electronically, confirmation of receiving a claim for reimbursement;” and

Further amend said section by renumbering the subsequent subdivisions accordingly.

HOUSE SUBSTITUTE AMENDMENT NO. 1
FOR HOUSE AMENDMENT NO. 4
TO PART II

Amend Part II of House Substitute for House Committee Substitute for Senate Bill No. 856 Page 13, Section 376.384, Line 11 by inserting after said line the following:

“5. A health carrier shall issue to each enrollee an enrollee card which includes a telephone number for the plan, prescription drug information and a brief description of the enrollee's type of health care plan. Such description shall include, but not be limited to, terms such as preferred provider organization, point of service, health maintenance

organization or indemnity plan. Such enrollee card shall be reissued upon any change in the enrollee's benefits or coverage that impacts the information included on the card.”; and

Further amend said bill, Page 13, Section 376.384, Line 12, by deleting the number “5” on said line and inserting in lieu thereof the number “6”.

HOUSE AMENDMENT NO. 5
TO PART II

Amend Part II of House Substitute for House Committee Substitute for Senate Bill No. 856, Page 16, Section 376.419.3, Lines 1-5, by deleting all of said lines, and inserting in lieu thereof the following:

“Any contract between a health care provider and a health carrier entered into after the effective date of this section shall include a clause that states that each party shall be responsible for any and all claims, liabilities, damages or judgments which may arise as a result of its own negligence or intentional wrongdoing. Each party signatory to the contract shall hold harmless and indemnify the other party against any claims, liabilities, damages or judgments which may be asserted against, imposed upon or incurred by the other party as a result of the first party's negligence or intentional wrongdoing.”

HOUSE AMENDMENT NO. 6
TO PART II

Amend Part II of House Substitute for House Committee Substitute for Senate Bill No. 856, Page 15, Section 376.419, Line 18, by deleting the period after the word “liability” and inserting in lieu thereof:

“except that nothing in this section shall be construed to apply to any clause in the contract prohibiting providers from balance billing the enrollee or his or her family for any amount in excess of the amount provided for in the contract between the provider and the carrier.”

HOUSE AMENDMENT NO. 7
TO PART II

Amend Part II of the House Substitute for House Committee Substitute for Senate Bill No.

856, Page 15, Line 13, Section 376.406, by adding the following two new sections:

“Section 1. The division of medical services shall use the same reimbursement rate for all pharmacies participating in the Medicaid program on a fee-for-services basis.

Section 2. No policy, contract or plan shall permit or mandate any difference in coverage or impose any different conditions, including, but not limited to, copayments, deductibles or coinsurance or the number of days for the supply of the drug, whether the prescription benefits are provided through direct contact with a pharmacy or by use of a mail order pharmacy so long as the provider selected is a participant in the plan involved.”

HOUSE AMENDMENT NO. 8
TO PART II

Amend Part II of House Substitute for House Committee Substitute for Senate Bill No. 856, Page 13, Section 376.384.3, Line 6, by inserting after said line, the following:

“4. All providers shall provide access on the Internet a listing of all of the plans in which they participate. Such listing shall be kept current to provide consumers an up-to-date listing of which plans the provider services.”; and

Further amend said bill, by renumbering the remaining subsections accordingly.

HOUSE AMENDMENT NO. 9
TO PART II

Amend Part II of House Substitute for House Committee Substitute for Senate Bill No. 856, Page 13, Section 376.384, Line 11, by inserting after the word “understand,” the following new section:

“5. An Insurer shall, upon request, promptly provide information to policy holders regarding claims history, claim status, amounts paid, dates and related information.”; and

Re-number 5. To 6 accordingly.

HOUSE AMENDMENT NO. 10
TO PART II

Amend Part II of House Substitute for House Committee Substitute for Senate Bill No. 856, Page

13, Section 376.384.2, Line 2, by striking the word “six” and inserting in lieu thereof the word “twelve”.

HOUSE AMENDMENT NO. 11
TO PART II

Amend Part II of House Substitute for House Committee Substitute for Senate Bill No. 856, Page 14, Section 376.406, Line 21, by deleting the word “thirty-one” and inserting in lieu thereof the word “ten”.

HOUSE AMENDMENT NO. 1
TO PART IV

Amend Part IV of House Substitute for House Committee Substitute for Senate Bill No. 856, Page 41, Section 376.1405, Line 2, by adding after said line the following:

“4. Every health carrier shall after January 1, 2002 make formulary information available to participating pharmacists through the Internet or other electronic means. The department of insurance shall develop rules to implement the requirements of this subsection and to protect the proprietary rights of the health carrier.”

HOUSE SUBSTITUTE AMENDMENT NO. 1
FOR HOUSE AMENDMENT NO. 2
TO PART IV

Amend Part IV of House Substitute for House Committee Substitute for Senate Bill No. 856, Page 28, Section 376.1350, Lines 7-13, by deleting all of said lines and inserting in lieu thereof the following:

“(4) “Certification” or “certifies”, a determination by a health carrier or its designee utilization review organization that an admission, availability of care, continued stay or other health care service has been reviewed and, based on the information provided, satisfies the health carrier's requirements for medical necessity, appropriateness, health care setting, level of care, [and] effectiveness, and that the service is a covered benefit under the plan;” and

Further amend said bill, Page 38, Section 376.1361, Lines 20-24, by deleting all of said lines;

and

Further amend said bill, Page 39, Section 376.1361, Lines 1-14, by deleting all of said lines and inserting in lieu thereof the following:

“provider or other authorized representative, [authorizes] **certifies** the provision of health care services.

13. If an authorized representative of a health carrier [authorizes] **certifies** the provision of health care services, the health carrier shall not subsequently retract its [authorization] **certification** after the health care services have been provided, or reduce payment for an item or service furnished in reliance on [approval] **such certification**, unless

(1) Such [authorization] **certification** is based on a material misrepresentation or omission about the treated person's health condition or the cause of the health condition; or

(2) The health benefit plan terminates before the health care services are provided; [or]

(3) The covered person's coverage under the health benefit plan terminates before the health care services are provided; **or**

(4) The covered person's coverage under the health benefit plan has exceeded such person's annual or lifetime benefits limit.”

HOUSE AMENDMENT NO. 3
TO PART IV

Amend Part IV of House Substitute for House Committee Substitute for Senate Bill No. 856, Page 26, Section 376.893, Line 10, after the word “provide” insert: “**upon request**,”; and

Further amend Page 27, Section 376.895, Line 12, after the word “provide” insert: “**upon request**,”.

HOUSE AMENDMENT NO. 4
TO PART IV

Amend Part IV of House Substitute for House Committee Substitute for Senate Bill No. 856, Page 38, Section 376.1361, Line 11, by adding after the word “the” the word “**dispensing**”; and

Further amend said bill, Page 38, Section

376.1361, Line 12, by deleting the words “**primary care physician**,”; and

Further amend said bill, Page 38, Section 376.1361, Line 14, by deleting the word “**or**” and inserting in lieu thereof the word “**and**”; and

Further amend said bill, Page 38, Section 376.1361, Lines 15-17, by deleting said lines and inserting in lieu thereof the following:

“(b) The health carrier shall notify the dispensing pharmacist and the enrollee when it modifies its formulary.”

HOUSE SUBSTITUTE AMENDMENT NO. 1
FOR HOUSE AMENDMENT NO. 5
TO PART IV

Amend Part IV of House Substitute for House Committee Substitute for Senate Bill No. 856, Page 24, after Line 23, by inserting immediately after said line the following:

“376.815. No health carrier, as defined in section 376.1350 shall change its drug formulary except pursuant to FDA recommendation or at the beginning of each policy annual anniversary date. A health carrier, however, may add new prescription drugs to its formulary during such period. No health carrier shall increase an enrollee's co-payment, co-insurance or other out-of-pocket expense for formulary drugs except at the beginning of each policy annual anniversary date.”; and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 6
TO PART IV

Amend Part IV of House Substitute for House Committee Substitute for Senate Bill No. 856, Page 31, Section 376.1350, Line 17, by inserting after the word “facility;” the following: “or any home medical equipment provider”; and

Further amend said section, Page 31, Line 19, by inserting after the word “**medication**” the following: “; or durable medical equipment”.

HOUSE AMENDMENT NO. 7
TO PART IV

Amend Part IV of House Substitute for House

Committee Substitute for Senate Bill No. 856, Page 42, Section 376.1408, Lines 9-10, by deleting said lines and inserting in lieu thereof the following:

“(2) Three representatives from the insurance industry;

(3) Three members from the general public; and

(4) Three representatives from the employer community who have experience in selecting employer-provided health care plans, at least one of which should be a human resource director or benefits manager. In addition, each of the three employer representatives shall be selected from one of the following three categories, a business with fewer than twenty-five employees in this state, a business with more than twenty-five and fewer than one hundred employees in this state, and a business with more than one hundred employees in this state.”.

**HOUSE AMENDMENT NO. 8
TO PART IV**

Amend Part IV of House Substitute for House Committee Substitute for Senate Bill No. 856, Page 26, Section 376.893.3(4), Line 12, by inserting after the period in said line, the following:

“The provisions of this subsection shall only apply if the notice required by subsection 1 of this section contains the mailing address of both parents of a covered child.”; and

Further amend said bill, Page 27, Section 376.895, Line 15, by inserting after the period in said line, the following: **“The provisions of this section shall only apply if the notice required by Section 376.893.1 contains the mailing address of both parents of a covered child.”.**

**HOUSE AMENDMENT NO. 9
TO PART IV**

Amend Part IV of House Substitute for House Committee Substitute for Senate Bill No. 856, Page 43, Section 2, Line 23, by inserting after said line, the following:

“Section 2. No health care provider shall submit directly or through a billing service any bill or payment request to a patient until such

time that the claim for services has been finally adjudicated, except that the provider may bill for any applicable deductible, copayment, or coinsurance.”.

**HOUSE AMENDMENT NO. 10
TO PART IV**

Amend Part IV of House Substitute for House Committee Substitute for Senate Bill No. 856, Page 39, Section 376.1361, Line 14, by adding after said line the following:

“14. Any provider who knowingly submits false information to any health carrier for purposes of seeking authorization for coverage for services which would otherwise not be a covered benefit shall be guilty of fraud. Such acts may be reported as a fraudulent claim pursuant to 375.992 RSMo. In addition to other remedies provided by law, any carrier who has received false information described in this subsection, may file a civil action against the provider for any violation of this subsection. If the court finds that a violation of this section has occurred, the court shall award to the prevailing plaintiff fees and other expenses, in addition to any amount paid to the provider for services provided which were authorized based on the false information, if such services would otherwise not have been a covered benefit but for the reliance upon the false information. For the purposes of this section, “fees and expenses” includes reasonable attorneys fees, reasonable expenses of expert witnesses or any other cost which is found by the court to be reasonable for the preparation of the plaintiff’s case.”.

**HOUSE AMENDMENT NO. 1
TO PART V**

Amend Part V of House Substitute for House Committee Substitute for Senate Bill No. 856, Page 1, In the Title and Section A, Lines 1-17, by amending the title and enacting clause according to the amendments adopted in parts 1-4.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS for SB 944**, as amended, and grants the Senate a conference thereon.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **HCS for SB 944**, as amended: Senators Caskey, Maxwell, Howard, Bentley and Westfall.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor:

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
May 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY
OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on April 14, 2000 for your advice and consent:

Angela Heffner Robyn, 112 Belair Drive, Jefferson City, Cole County, Missouri 65109, as the Small Business Ombudsman, for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified; vice, Greg Johnston, resigned.

Respectfully submitted,
MEL CARNAHAN
Governor

President Pro Tem Quick moved that the above appointment be returned to the Governor, pursuant to his request, which motion prevailed.

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

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
May 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY
OF THE STATE OF MISSOURI:

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

Kelvin L. Simmons, Democrat, 2010 East 61st Terrace, Kansas

City, Jackson County, Missouri 64130, as a member of the Public Service Commission, for a term ending April 15, 2005, and until his successor is duly appointed and qualified; vice, Harold Crumpton, term expired.

Respectfully submitted,
MEL CARNAHAN
Governor

President Pro Tem Quick referred the above appointment to the Committee on Gubernatorial Appointments.

RESOLUTIONS

Senator House offered Senate Resolution No. 1734, regarding the 1999-2000 St. Charles High School Concert Choir and Madrigal, St. Charles, which was adopted.

Senators House and Kenney offered Senate Resolution No. 1735, regarding Patricia Lynn Gore, Greenwood, which was adopted.

Senator Howard offered Senate Resolution No. 1736, regarding Mitchell Froman, Sr., Greenville, which was adopted.

Senator House offered Senate Resolution No. 1737, regarding Shane Duggin, Des Peres, which was adopted.

Senator Quick offered Senate Resolution No. 1738, regarding Nicholas Ryan Bromert, Liberty, which was adopted.

Senator Quick offered Senate Resolution No. 1739, regarding Cliff Mullen, Liberty, which was adopted.

Senator Quick offered Senate Resolution No. 1740, regarding Ben Heins, Liberty, which was adopted.

Senator Flotron offered Senate Resolution No. 1741, regarding Sachs Electric Company, St. Louis, which was adopted.

Senator Howard offered Senate Resolution No. 1742, regarding Scott Fisher, which was adopted.

Senator Howard offered Senate Resolution No. 1743, regarding Pamela Renee Kirkpatrick, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Howard introduced to the Senate, thirty-eight fourth grade students from Advance Elementary School and Donna Walker, Laura Wade, Maxine DeBrock, Kay White, Steve and Tammy Kennison, Anthony and Leslie Ladd, Mike and Jane Cato, Danielle Jordan, Debbie Welch, Michelle Mitchell, Kim Veale, Bill and Carleen Johns, Cynthia Patterson, Mike and Brenda Scott,

Donna Lingle, Liana Jenkins, Trish Irwin and Robyn Middleton, Advance.

Senator Howard introduced to the Senate, Mr. and Mrs. Mark Wethington and Shannon Lennon, Dexter.

Senator Westfall introduced to the Senate, Dr. Jim Blaine, M.D., Springfield.

On motion of Senator DePasco, the Senate adjourned until 6:00 p.m., Sunday, May 7, 2000.

Unofficial

SENATE CALENDAR

SIXTY-EIGHTH DAY—SUNDAY, MAY 7, 2000

FORMAL CALENDAR**SENATE BILLS FOR PERFECTION**

SB 1045-Caskey, with SCS

SBs 1043, 1031, 580 &
671-Mathewson, with SCS

HOUSE BILLS ON THIRD READING

1. HB 1443-Koller, with SCS (Johnson)
(In Budget Control)
2. HS for HB 1615-Hosmer, with SCS (Caskey)
(In Budget Control)
3. HS for HCS for HBs 1652 & 1433-Hoppe, with SCAs 1, 2, 3, 4, 5 & 6 (Caskey)
(In Budget Control)
4. HS for HCS for HBs 1677, 1675 & 1676-Riback Wilson, with SCS (Jacob)
(In Budget Control)
5. HS for HB 1238-Hoppe, with SCS (Mathewson)
6. HS for HCS for HB 1797-Gratz, with SCA 1 (Goode)
(In Budget Control)
7. HS for HCS for HBs 1172, 1501, 1633, 1440, 1634, 1177 & 1430-Davis (122nd), with SCS (Howard)
8. HS for HCS for HB 1762-Williams (159th), with SCS (Caskey)
(In Budget Control)
9. HCS for HB 1144, with SCS (Johnson)

10. HJR 43-Barry, et al
(House)
11. HS for HCS for HB
1481-Smith (Maxwell)
(In Budget Control)
12. HCS for HB 1644, with
SCS (Scott)
13. HS for HCS for HBs
1215 & 1240-Smith,
with SCS (Caskey)
(In Budget Control)
14. HB 1768-Ward, with
SCS (Staples)
15. HB 1326-Mays (50th),
with SCAs 1 & 2
(Goode)
16. HS for HB 1728-Backer,
with SCS (Flotron)
(In Budget Control)
17. HS for HCS for HBs
1489, 1488 & 1650-
Kennedy, with SCS
(Maxwell)
(In Budget Control)
18. HS for HCS for
HB 1305-Rizzo,
with SCS (DePasco)
19. HS for HCS for
HB 1254-Kissell,
with SCS (Maxwell)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- SBs 545, 628, 647, 728,
834 & 832-Staples,
with SCS (pending)
- SBs 584, 539, 630, 777,
796, 918 & 927-Bentley,
with SCS & SS for SCS
(pending)
- SBs 599 & 531-Schneider,
with SCS (pending)
- SB 604-Wiggins
- SB 697-Schneider, with
SCS & SA 1 (pending)
- SB 720-Caskey, with SS &
SA 3 (pending)
- SB 729-House, with SCS &
SA 8 (pending)
- SB 744-Klarich
- SB 748-Johnson, with SCS
- SB 803-Goode, et al, with
SCS
- SBs 807, 553, 574, 614,
747 & 860-Jacob, with
SCS, SS for SCS & SA 2
(pending)
- SB 817-Stoll, with SCS
- SBs 818 & 564-Maxwell and
Kinder, with SCS
- SB 826-Jacob, et al, with
SCS, SS for SCS & SA 5
(pending)
- SB 827-Scott, et al, with
SS & SA 2 (pending)
- SB 866-Klarich
- SB 930-Jacob, with SCS
- SB 955-Mathewson, et al
- SB 957-Johnson and Quick,
with SCS, SA 2, SSA 1
for SA 2 & SA 3 to SSA
1 for SA 2 (pending)
- SB 980-Jacob, with SCS

SB 1016-Jacob, et al,
with SS, SA 2 & point
of order (pending)

SB 1047-Rohrbach, with
SCS (pending)

SB 1048-Mathewson, with SCS
SJR 45 & 41-House, with
SCS (pending)

SJR 46-Goode, et al, with
SCS (pending)

SJR 47-Quick, et al, with
SCS, SS for SCS, SA 1,
SSA 1 for SA 1 & point
of order (pending)

HOUSE BILLS ON THIRD READING

HS for HCS for HB 1076-
Relford, with SCS (Stoll)
HB 1082-Crump, with SCS &
SA 1 (pending) (Childers)
SCS for HB 1292-Auer
(Jacob)
(In Budget Control)
SCS for HCS for HBs 1386
& 1086 (Maxwell)
(In Budget Control)

HS for HCS for HBs 1566 &
1810-Bray, with SCS (Scott)
HS for HB 1603-May
(108th), with SCS (Jacob)
HB 1706-Gambaro, et al,
with SCS (Clay)
HS for HCS for HJR 61-Van
Zandt, with SCS, SA 1
& SA 7 to SA 1
(pending) (Quick)

CONSENT CALENDAR

Senate Bills

Reported 2/15

SB 740-Wiggins

House Bills

Reported 4/11

HB 1085-Selby (Stoll)

Reported 4/13

HB 1875-Franklin
(Wiggins)

SCS for HB 1396-Farnen
(Johnson)
(In Budget Control)

SENATE BILLS WITH HOUSE AMENDMENTS

SB 856-Maxwell, with HS
for HCS, as amended

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

SS for SB 549-Quick, et al, with HS for HCS, as amended	HB 1591-Backer, with SCS (Howard)
SS for SB 813-House, with HCS, as amended	HS for HCS for HB 1742- Koller, with SCS, as amended (Mathewson)
SB 881-Wiggins, with HS for HCS, as amended	(House adopted CCR and passed CCS)
SB 944-Caskey, with HCS, as amended	HB 1808-O'Toole, with SS for SCS, as amended (Scott)
HCS for HB 1142, with SCS, as amended (Johnson)	HB 1848-Treadway, with SCS (Carter)

RESOLUTIONS

SR 1204-Goode	SCR 33-Kinder, et al
SR 1373-Mathewson	

Reported from Committee

SCR 34-Bland, et al, with point of order (pending)	HCR 27-Ross, et al
SCR 40-House	HCR 4-Kennedy and Thompson (Howard)
SCR 43-Maxwell	HCR 29-Graham (Jacob)
SCR 41-Scott, with SCS	HCR 10-Auer, with SCA 1 (Jacob)
SCR 42-Rohrbach and Johnson, with SCA 1	SCR 26-Howard
HCR 22-Liese	

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