

Journal of the Senate

FIRST REGULAR SESSION

FORTY-EIGHTH DAY—MONDAY, APRIL 2, 2001

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

Gracious God, we are thankful for Your watching our “going out and coming in.” We have arrived safely to meet the challenges of diminishing time and yet much to be completed. We look at the changes and chances of this life and know that we have little control over what comes our way. But we pray those things that we can control may we have the wisdom to know what to do and say and when to do that. Bless us this week with Your presence and guide us along righteous pathways. Amen.

The Pledge of Allegiance to the Flag was recited.

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

The Journal for Thursday, March 29, 2001, was read and approved.

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

Present—Senators

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

Yeckel—33

Absent with leave—Senator Carter—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Johnson offered Senate Resolution No. 448, regarding Adam Joseph Freestone, Parkville, which was adopted.

Senator Johnson offered Senate Resolution No. 449, regarding Michael Joseph Otto, Kansas City, which was adopted.

Senator Johnson offered Senate Resolution No. 450, regarding Christopher Fent “Chris” Johnston, Parkville, which was adopted.

Senator Caskey offered Senate Resolution No. 451, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Herbert Fair, Clinton, which was adopted.

Senator Loudon offered Senate Resolution No. 452, regarding Carole H. Welch, RN, MSM, Chesterfield, which was adopted.

Senator Caskey offered Senate Resolution No. 453, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. James E. “Jim” King, Butler, which was adopted.

THIRD READING OF SENATE BILLS

SB 319, with SCA 1, introduced by Senator Carter, entitled:

An Act to repeal section 160.518, RSMo 2000, and to enact in lieu thereof one new section relating to assessment of students for whom English is a second language.

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

SCA 1 was taken up.

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

On motion of Senator Bland, **SB 319**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senator Quick—1

Absent with leave—Senators

Carter Schneider—2

The President declared the bill passed.

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

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

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

Senator Bland moved that **SB 130** be called from the Consent Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator Bland, **SB 130** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Bland	Cauthorn	Childers
DePasco	Foster	Goode	House
Jacob	Johnson	Kenney	Klarich
Klindt	Mathewson	Quick	Russell
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel—25			

NAYS—Senators

Caskey	Gibbons	Gross	Kinder
Loudon	Rohrbach—6		

Absent—Senator Dougherty—1

Absent with leave—Senators

Carter Schneider—2

The President declared the bill passed.

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

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

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

President Pro Tem Kinder assumed the Chair.

REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SB 256**, begs leave to report that it has examined the same and finds that the bill has been duly enrolled and that the printed copies furnished the Senators are correct.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SB 256**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

BILLS DELIVERED TO THE GOVERNOR

SB 256, after having been duly signed by the Speaker of the House of Representatives in open session, was delivered to the Governor by the Secretary of the Senate.

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 refuses to adopt **SCS** for **HCS** for **HB 15** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 664**, entitled:

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

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 314**, entitled:

An Act to repeal sections 337.615, 337.618 and 337.622, RSMo 2000, relating to social work, and to enact in lieu thereof sixteen new sections relating to the licensure of baccalaureate social workers, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 501**, entitled:

An Act to repeal sections 644.572, 644.574 and 644.576, RSMo 2000, relating to water pollution bonds, and to enact in lieu thereof three new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 327**, entitled:

An Act to repeal sections 135.208, 135.209, 135.230, 135.478, 135.530, 301.600, 319.129, 319.131, 319.132, 319.133 and 319.138, RSMo 2000, and to enact in lieu thereof twelve new sections relating to property.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

PRIVILEGED MOTIONS

Senator Russell moved that the Senate refuse to recede from its position on **SCS** for **HCS** for **HB 15** and grant the House a conference thereon, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Rohrbach moved that **SB 193**, with **SS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 was again taken up.

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

Senator Scott offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 193, Page 1, Section A, Line 12, by inserting immediately after all of said line the following:

“148.400. All insurance companies or associations organized in or admitted to this state may deduct from premium taxes payable to this state, in addition to all other credits allowed by law, income taxes, franchise taxes, personal property taxes, valuation fees, registration fees and examination fees paid, including taxes and fees paid by the attorney in fact of a reciprocal or interinsurance exchange to the extent attributable to the principal business as such attorney in fact, under any law of this state. **For all tax years beginning on or after January 1, 2003, a**

deduction for examination fees which exceeds an insurance company's or association's premium tax liability for the same tax year shall not be refundable, but may be carried forward to any subsequent tax year, not to exceed five years, until the full deduction is claimed.”; and

Further amend said bill, by amending the title and enacting clause accordingly.

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

Senator Rohrbach offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Bill No. 193, Page 55, Section 379.356, Lines 17-22, by deleting all of said lines and inserting in lieu thereof the following:

“2. An insurer or insurance producer may charge additional incidental fees for premium installments, late payments, policy reinstatements, policy cancellations made at the request of the insured or other similar services specifically provided for by law or regulation. Such fees shall be disclosed to the applicant or insured in writing.”.

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

Senator Rohrbach offered SA 4:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Bill No. 193, Page 8, Section 375.014, Line 19, by inserting immediately after said line the following:

“4. Those individuals and business entities licensed as of January 1, 2003 shall be issued an individual insurance producer or a business entity insurance producer license as the licenses renew on or after January 1, 2003. The licenses held by individuals and business entities on the effective date of this act shall be deemed valid and accrue the rights, privileges and responsibilities of an insurance producer license until an insurance producer license is issued on renewal.”.

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

Senator Rohrbach offered SA 5, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Bill No. 193, Page 28, Section 375.020, Line 25 of said page, by deleting the words **“state and”** on said line.

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

Senator Jacob offered SA 6:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Bill No. 193, Page 32, Section 375.023, Lines 15-18, by deleting all of said lines and inserting in lieu thereof the following: **“termination. The insurer shall also update its company”;** and

Further amend said section, page 33, lines 13-22, by deleting all of said lines and inserting in lieu thereof the following: **“by them in good faith. Nothing in this subsection shall be construed to affect the discovery of documents, records or statements otherwise discoverable pursuant to the Missouri Rules of Civil Procedure.**

5. The director is authorized to use”; and

Further amend said bill, page and section, line 8, by striking the words **“and absolutely privileged”**.

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

Senator Rohrbach offered SA 7:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Bill No. 193, Page 55, Section 379.356, Lines 17-22, by deleting all of said lines and inserting in lieu thereof the following:

“2. An insurer or insurance producer may charge additional incidental fees for premium installments, late payments, policy reinstatements, or other similar services specifically provided for by law or regulation. Such fees shall be disclosed to the applicant or insured in writing.”.

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

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

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Bill No. 193, Page 6, Section 375.014, Line 15, by inserting after the word “policyholders” the following: “or an officer, director or employee of an insurer or insurance producer who performs executive, administrative, managerial or clerical activities in conjunction with responses to requests from existing policyholders on existing policies, but who provides no advice or counsel to a policyholder with respect to the terms and conditions of the insurance contract”.

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

Senator Rohrbach moved that **SS** for **SB 193**, as amended, be adopted, which motion prevailed.

On motion of Senator Rohrbach, **SS** for **SB 193**, as amended, was declared perfected and ordered printed.

**CONFERENCE COMMITTEE
APPOINTMENTS**

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 15**: Senators Russell, Rohrbach, Westfall, Goode and Wiggins.

SENATE BILLS FOR PERFECTION

Senator Gross moved that **SB 69** and **SB 458**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 69** and **458**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 69 and 458**

An Act to repeal sections 191.905, 252.235, 569.095, 569.097, 569.099, 570.020, 570.030, 570.080, 570.085, 570.120, 570.125, 570.130, 570.210, 570.300, 578.150, 578.377, 578.379, 578.381 and 578.385, RSMo 2000, relating to felony stealing limit, and to enact in lieu thereof

nineteen new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Gross moved that **SCS** for **SBs 69** and **458** be adopted.

Senator Singleton assumed the Chair.

Senator Kenney offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 69 and 458, Page 2, Section 191.905, Lines 44-45, by striking all of said lines and inserting in lieu thereof the following: “**hundred fifty] five hundred** dollars[, in which event a violation of subsection 6 of this section is]. **If the value of the property involved is at least one hundred fifty dollars but less than five hundred dollars, a violation shall be a class D felony. If the value of the property involved is less than one hundred fifty dollars, a violation shall be a class A misdemeanor.**”; and

Further amend said bill, Page 5, Section 252.235, Line 5, by striking the opening bracket “[”]; and further amend line 6, by striking the following: “[**five hundred**”; and further amend line 8, by inserting after the word “to” the following: “**at least one hundred fifty dollars but**”; and

Further amend said bill, Page 6, Section 569.097, Line 11, by striking the opening bracket “[” and inserting in lieu thereof the following: “**at least**”; and further amend said line by striking the closing bracket “]”; and further amend line 12, by striking the words “five hundred”; and further amend said line, by striking the words “or more” and inserting in lieu thereof the following: “**but less than five hundred dollars**”; and further amend line 14, by striking the opening bracket “[” and inserting in lieu thereof the following: “**at least**”; and further amend said line by striking the closing bracket “]”; and further amend said line by striking the words “five hundred”; and further amend said line, by striking the words “or more” and inserting in lieu thereof the following: “**but less than five hundred dollars**”; and further amend line 17, by striking the words “one thousand

dollars or” and inserting in lieu thereof the words “**five hundred dollars or**”; and

Further amend said bill, Page 6, Section 569.099, Line 11, by striking the opening bracket “[” and inserting in lieu thereof the following: “**at least**”; and further amend said section, page 7, line 12, by striking the closing bracket “]”; and further amend said line, by striking the words “five hundred”; and further amend said line, by striking the words “or more” and inserting in lieu thereof the following: “**but less than five hundred dollars**”; and further amend line 13, by inserting at the end of said line the following: “**If the value is five hundred dollars or more, tampering with computer users shall be a class C felony.**”; and

Further amend said bill, Page 10, Section 570.120, Line 26, by striking the opening bracket “[” and inserting in lieu thereof the following: “**at least**”; and further amend said line, by striking the closing bracket “]”; and further amend said line, by striking the words “five hundred”; and further amend said line, by striking the words “or more” and inserting in lieu thereof the following: “**but less than five hundred dollars**”; and further amend line 29, by inserting immediately after the word “felony” the following: “**, unless the amount involved is five hundred dollars or more, in which case passing bad checks shall be a class C felony.**”; and

Further amend said bill, Page 12, Section 570.125, Line 5, by striking the opening bracket “[” and inserting in lieu thereof the following: “**at least**”; and further amend said line, by striking the closing bracket “]”; and further amend line 6, by striking the words “five hundred”; and further amend said line, by striking the words “or more” and inserting in lieu thereof the following: “**but less than five hundred dollars**”; and further amend line 7, by striking the opening bracket “[” and inserting in lieu thereof the following: “**at least**”; and further amend line 8, by striking the closing bracket “]”; and further amend said line, by striking the words “five hundred”; and further amend said line, by striking the words “or more” and inserting in lieu thereof the following: “**but less than five hundred dollars**”; and further amend line 9, by inserting at the end of said line the

following: “**If the amount involved is five hundred dollars or more, the offense is a class C felony.**”; and

Further amend said bill, Page 12, Section 570.130, Line 9, by striking the opening bracket “[” and inserting in lieu thereof the following: “**at least**”; and further amend said line, by striking the closing bracket “]”; and further amend said line, by striking the words “five hundred”; and further amend said line, by striking the words “or more” and inserting in lieu thereof the following: “**but less than five hundred dollars**”; and further amend line 10, by inserting at the end of said line the following: “**If the value is five hundred dollars or more, the offense is a class C felony.**”; and

Further amend said bill, Page 13, Section 570.210, Line 22, by inserting immediately after the word “more” the following: “**; and a class D felony if the value is at least one hundred fifty dollars but less than five hundred dollars**”; and

Further amend said bill, Page 13, Section 570.300, Line 17, by inserting immediately after the word “more” the following: “**, and a class D felony if the value is at least one hundred fifty dollars but less than five hundred dollars**”; and

Further amend said bill, Page 16, Section 578.150, Line 56, by striking the opening bracket “[” and inserting in lieu thereof the following: “**at least**”; and further amend said line, by striking the closing bracket “]”; and further amend said line, by striking the words “five hundred”; and further amend line 57, by striking the words “or more” and inserting in lieu thereof the following: “**but less than five hundred dollars**”; and further amend said line by striking the letter “C” and inserting in lieu thereof the letter “D”; and further amend said line, by inserting at the end of said line the following: “**If the value is five hundred dollars or more, the offense is a class C felony.**”; and

Further amend said bill, Page 16, Section 578.377, Line 5, by striking the letter “D” and inserting in lieu thereof the letter “C”; and further amend line 6, by inserting after the word “is” the following: “**at least one hundred fifty dollars but**”; and further amend line 8, by striking the

following: “A misdemeanor”; and inserting in lieu thereof the following: “**D felony, or if the value is less than one hundred fifty dollars in which case the offense if a class A misdemeanor**”; and

Further amend said bill, Page 16, Section 578.379, Line 5, by striking the letter “D” and inserting in lieu thereof the letter “C”; and further amend line 6, by inserting after the word “is” the following: “**at least one hundred fifty dollars but**”; and further amend line 8, by striking the following: “A misdemeanor”; and inserting in lieu thereof the following: “**D felony, or if the value is less than one hundred fifty dollars in which case the offense if a class A misdemeanor**”; and

Further amend said bill, Page 16, Section 578.381, Line 5, by striking the letter “D” and inserting in lieu thereof the letter “C”; and further amend line 6, by inserting after the word “is” the following: “**at least one hundred fifty dollars but**”; and further amend line 8, by striking the following: “A misdemeanor”; and inserting in lieu thereof the following: “**D felony, or if the value is less than one hundred fifty dollars in which case the offense if a class A misdemeanor**”; and

Further amend said bill, Page 17, Section 578.385, Line 18, by striking the letter “D” and inserting in lieu thereof the letter “C”; and further amend line 19, by inserting after the word “is” the following: “**at least one hundred fifty dollars but**”; and further amend lines 20-21, by striking the following: “A misdemeanor”; and inserting in lieu thereof the following: “**D felony, or if the value is less than one hundred fifty dollars in which case the offense if a class A misdemeanor**”.

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

Senator Jacob offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bills Nos. 69 and 458, Page 5, Section 252.235, Line 17, by inserting after all of said line the following:

“478.610. 1. There shall be three circuit judges in the thirteenth judicial circuit consisting of the counties of Boone and Callaway. These judges

shall sit in divisions numbered one, two and three.

2. The circuit judge in division two shall be elected in 1980. The circuit judges in divisions one and three shall be elected in 1982.

3. The authority for a majority of judges of the thirteenth judicial circuit to appoint or retain a commissioner pursuant to section 478.003 shall expire August 28, 2001. As of such date, there shall be one additional associate circuit judge position in Boone County than is provided pursuant to section 478.320.”; and

Further amend the title and enacting clause accordingly.

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

Senator Gross moved that **SCS** for **SBs 69 and 458**, as amended, be adopted, which motion prevailed.

On motion of Senator Gross, **SCS** for **SBs 69 and 458**, as amended, was declared perfected and ordered printed.

Senator Gross moved that **SB 68**, with **SCAs 1 and 2**, be taken up for perfection, which motion prevailed.

SCA 1 was taken up.

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

SCA 2 was taken up.

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

President Maxwell assumed the Chair.

At the request of Senator Gross, **SB 68**, as amended, was placed on the Informal Calendar.

Senator Steelman moved that **SB 60**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 60**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 60

An Act to repeal sections 660.050, 660.058, 660.250, 660.260 and 660.300, RSMo 2000, relating to in-home care for the elderly, and to

enact in lieu thereof seven new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Steelman moved that **SCS** for **SB 60** be adopted.

Senator Steelman offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 60, Page 11, Section 660.300, Line 135, by inserting after all of said line the following:

17. Subject to appropriations, all nurse visits authorized in sections 660.250 to 660.300 shall be reimbursed to the in-home services provider agency.”.

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

Senator Sims offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 60, Page 1, In the Title, Line 3, by striking the words "in-home care for the elderly" and inserting lieu thereof the words "certain health care services"; and

Further amend said bill and page, Section 9.160, line 5, by inserting the following after all of said line:

"208.151. 1. For the purpose of paying medical assistance on behalf of needy persons and to comply with Title XIX, Public Law 89-97, 1965 amendments to the federal Social Security Act (42 U.S.C. section 301 et seq.) as amended, the following needy persons shall be eligible to receive medical assistance to the extent and in the manner hereinafter provided:

(1) All recipients of state supplemental payments for the aged, blind and disabled;

(2) All recipients of aid to families with dependent children benefits, including all persons under nineteen years of age who would be classified as dependent children except for the requirements of subdivision (1) of subsection 1 of section 208.040;

(3) All recipients of blind pension benefits;

(4) All persons who would be determined to be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits under the eligibility standards in effect December 31, 1973, or less restrictive standards as established by rule of the division of family services, who are sixty-five years of age or over and are patients in state institutions for mental diseases or tuberculosis;

(5) All persons under the age of twenty-one years who would be eligible for aid to families with dependent children except for the requirements of subdivision (2) of subsection 1 of section 208.040, and who are residing in an intermediate care facility, or receiving active treatment as inpatients in psychiatric facilities or programs, as defined in 42 U.S.C. 1396d, as amended;

(6) All persons under the age of twenty-one years who would be eligible for aid to families with dependent children benefits except for the requirement of deprivation of parental support as provided for in subdivision (2) of subsection 1 of section 208.040;

(7) All persons eligible to receive nursing care benefits;

(8) All recipients of family foster home or nonprofit private child-care institution care, subsidized adoption benefits and parental school care wherein state funds are used as partial or full payment for such care;

(9) All persons who were recipients of old age assistance benefits, aid to the permanently and totally disabled, or aid to the blind benefits on December 31, 1973, and who continue to meet the eligibility requirements, except income, for these assistance categories, but who are no longer receiving such benefits because of the implementation of Title XVI of the federal Social Security Act, as amended;

(10) Pregnant women who meet the requirements for aid to families with dependent children, except for the existence of a dependent child in the home;

(11) Pregnant women who meet the

requirements for aid to families with dependent children, except for the existence of a dependent child who is deprived of parental support as provided for in subdivision (2) of subsection 1 of section 208.040;

(12) Pregnant women or infants under one year of age, or both, whose family income does not exceed an income eligibility standard equal to one hundred eighty-five percent of the federal poverty level as established and amended by the federal Department of Health and Human Services, or its successor agency;

(13) Persons who have been diagnosed with breast or cervical cancer and who are eligible for coverage pursuant to 42 U.S.C. 1396a (a)(10)(A)(ii)(XVIII). Such persons shall be eligible during a period of presumptive eligibility in accordance with 42 U.S.C. 1396r-1;

[(13)] (14) Children who have attained one year of age but have not attained six years of age who are eligible for medical assistance under 6401 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989). The division of family services shall use an income eligibility standard equal to one hundred thirty-three percent of the federal poverty level established by the Department of Health and Human Services, or its successor agency;

[(14)] (15) Children who have attained six years of age but have not attained nineteen years of age. For children who have attained six years of age but have not attained nineteen years of age, the division of family services shall use an income assessment methodology which provides for eligibility when family income is equal to or less than equal to one hundred percent of the federal poverty level established by the Department of Health and Human Services, or its successor agency. As necessary to provide Medicaid coverage under this subdivision, the department of social services may revise the state Medicaid plan to extend coverage under 42 U.S.C. 1396a (a)(10)(A)(i)(III) to children who have attained six years of age but have not attained nineteen years of age as permitted by paragraph (2) of subsection (n) of 42 U.S.C. 1396d using a more liberal income assessment methodology as authorized by paragraph (2) of subsection (r) of 42 U.S.C. 1396a;

[(15)] (16) The following children with family income which does not exceed two hundred percent of the federal poverty guideline for the applicable family size:

(a) Infants who have not attained one year of age with family income greater than one hundred eighty-five percent of the federal poverty guideline for the applicable family size;

(b) Children who have attained one year of age but have not attained six years of age with family income greater than one hundred thirty-three percent of the federal poverty guideline for the applicable family size; and

(c) Children who have attained six years of age but have not attained nineteen years of age with family income greater than one hundred percent of the federal poverty guideline for the applicable family size. Coverage under this subdivision shall be subject to the receipt of notification by the director of the department of social services and the revisor of statutes of approval from the secretary of the U.S. Department of Health and Human Services of applications for waivers of federal requirements necessary to promulgate regulations to implement this subdivision. The director of the department of social services shall apply for such waivers. The regulations may provide for a basic primary and preventive health care services package, not to include all medical services covered by section 208.152, and may also establish co-payment, coinsurance, deductible, or premium requirements for medical assistance under this subdivision. Eligibility for medical assistance under this subdivision shall be available only to those infants and children who do not have or have not been eligible for employer-subsidized health care insurance coverage for the six months prior to application for medical assistance. Children are eligible for employer-subsidized coverage through either parent, including the noncustodial parent. The division of family services may establish a resource eligibility standard in assessing eligibility for persons under this subdivision. The division of medical services shall define the amount and scope of benefits which are available to individuals under this subdivision in accordance with the requirement of federal law and regulations. Coverage under this

subdivision shall be subject to appropriation to provide services approved under the provisions of this subdivision;

[(16)] (17) The division of family services shall not establish a resource eligibility standard in assessing eligibility for persons under subdivision (12), (13) or (14) of this subsection. The division of medical services shall define the amount and scope of benefits which are available to individuals eligible under each of the subdivisions (12), (13), and (14) of this subsection, in accordance with the requirements of federal law and regulations promulgated thereunder except that the scope of benefits shall include case management services;

[(17)] (18) Notwithstanding any other provisions of law to the contrary, ambulatory prenatal care shall be made available to pregnant women during a period of presumptive eligibility pursuant to 42 U.S.C. section 1396r-1, as amended;

[(18)] (19) A child born to a woman eligible for and receiving medical assistance under this section on the date of the child's birth shall be deemed to have applied for medical assistance and to have been found eligible for such assistance under such plan on the date of such birth and to remain eligible for such assistance for a period of time determined in accordance with applicable federal and state law and regulations so long as the child is a member of the woman's household and either the woman remains eligible for such assistance or for children born on or after January 1, 1991, the woman would remain eligible for such assistance if she were still pregnant. Upon notification of such child's birth, the division of family services shall assign a medical assistance eligibility identification number to the child so that claims may be submitted and paid under such child's identification number;

[(19)] (20) Pregnant women and children eligible for medical assistance pursuant to subdivision (12), (13) or (14) of this subsection shall not as a condition of eligibility for medical assistance benefits be required to apply for aid to families with dependent children. The division of family services shall utilize an application for eligibility for such persons which eliminates information requirements other than those necessary to apply for medical assistance. The

division shall provide such application forms to applicants whose preliminary income information indicates that they are ineligible for aid to families with dependent children. Applicants for medical assistance benefits under subdivision (12), (13) or (14) shall be informed of the aid to families with dependent children program and that they are entitled to apply for such benefits. Any forms utilized by the division of family services for assessing eligibility under this chapter shall be as simple as practicable;

[(20)] (21) Subject to appropriations necessary to recruit and train such staff, the division of family services shall provide one or more full-time, permanent case workers to process applications for medical assistance at the site of a health care provider, if the health care provider requests the placement of such case workers and reimburses the division for the expenses including but not limited to salaries, benefits, travel, training, telephone, supplies, and equipment, of such case workers. The division may provide a health care provider with a part-time or temporary case worker at the site of a health care provider if the health care provider requests the placement of such a case worker and reimburses the division for the expenses, including but not limited to the salary, benefits, travel, training, telephone, supplies, and equipment, of such a case worker. The division may seek to employ such case workers who are otherwise qualified for such positions and who are current or former welfare recipients. The division may consider training such current or former welfare recipients as case workers for this program;

[(21)] (22) Pregnant women who are eligible for, have applied for and have received medical assistance under subdivision (2), (10), (11) or (12) of this subsection shall continue to be considered eligible for all pregnancy-related and postpartum medical assistance provided under section 208.152 until the end of the sixty-day period beginning on the last day of their pregnancy;

[(22)] (23) Case management services for pregnant women and young children at risk shall be a covered service. To the greatest extent possible, and in compliance with federal law and regulations, the department of health shall provide case

management services to pregnant women by contract or agreement with the department of social services through local health departments organized under the provisions of chapter 192, RSMo, or chapter 205, RSMo, or a city health department operated under a city charter or a combined city-county health department or other department of health designees. To the greatest extent possible the department of social services and the department of health shall mutually coordinate all services for pregnant women and children with the crippled children's program, the prevention of mental retardation program and the prenatal care program administered by the department of health. The department of social services shall by regulation establish the methodology for reimbursement for case management services provided by the department of health. For purposes of this section, the term "case management" shall mean those activities of local public health personnel to identify prospective Medicaid-eligible high-risk mothers and enroll them in the state's Medicaid program, refer them to local physicians or local health departments who provide prenatal care under physician protocol and who participate in the Medicaid program for prenatal care and to ensure that said high-risk mothers receive support from all private and public programs for which they are eligible and shall not include involvement in any Medicaid prepaid, case-managed programs;

[(23)] (24) By January 1, 1988, the department of social services and the department of health shall study all significant aspects of presumptive eligibility for pregnant women and submit a joint report on the subject, including projected costs and the time needed for implementation, to the general assembly. The department of social services, at the direction of the general assembly, may implement presumptive eligibility by regulation promulgated pursuant to chapter 207, RSMo;

[(24)] (25) All recipients who would be eligible for aid to families with dependent children benefits except for the requirements of paragraph (d) of subdivision (1) of section 208.150;

[(25)] (26) All persons who would be determined to be eligible for old age assistance

benefits, permanent and total disability benefits, or aid to the blind benefits, under the eligibility standards in effect December 31, 1973, or those supplemental security income recipients who would be determined eligible for general relief benefits under the eligibility standards in effect December 31, 1973, except income; or less restrictive standards as established by rule of the division of family services. If federal law or regulation authorizes the division of family services to, by rule, exclude the income or resources of a parent or parents of a person under the age of eighteen and such exclusion of income or resources can be limited to such parent or parents, then notwithstanding the provisions of section 208.010:

(a) The division may by rule exclude such income or resources in determining such person's eligibility for permanent and total disability benefits; and

(b) Eligibility standards for permanent and total disability benefits shall not be limited by age;

[(26)] (27) Within thirty days of the effective date of an initial appropriation authorizing medical assistance on behalf of "medically needy" individuals for whom federal reimbursement is available under 42 U.S.C. 1396a (a)(10)(c), the department of social services shall submit an amendment to the Medicaid state plan to provide medical assistance on behalf of, at a minimum, an individual described in subclause (I) or (II) of clause 42 U.S.C. 1396a (a)(10)(C)(ii).

2. Rules and regulations to implement this section shall be promulgated in accordance with section 431.064, RSMo, and chapter 536, RSMo. [No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.]

3. After December 31, 1973, and before April 1, 1990, any family eligible for assistance pursuant to 42 U.S.C. 601 et seq., as amended, in at least three of the last six months immediately preceding the month in which such family became ineligible for such assistance because of increased income from employment shall, while a member of such family is employed, remain eligible for medical

assistance for four calendar months following the month in which such family would otherwise be determined to be ineligible for such assistance because of income and resource limitation. After April 1, 1990, any family receiving aid pursuant to 42 U.S.C. 601 et seq., as amended, in at least three of the six months immediately preceding the month in which such family becomes ineligible for such aid, because of hours of employment or income from employment of the caretaker relative, shall remain eligible for medical assistance for six calendar months following the month of such ineligibility as long as such family includes a child as provided in 42 U.S.C. 1396r-6. Each family which has received such medical assistance during the entire six-month period described in this section and which meets reporting requirements and income tests established by the division and continues to include a child as provided in 42 U.S.C. 1396r-6 shall receive medical assistance without fee for an additional six months. The division of medical services may provide by rule the scope of medical assistance coverage to be granted to such families.

4. For purposes of section 1902(1), (10) of Title XIX of the federal Social Security Act, as amended, any individual who, for the month of August, 1972, was eligible for or was receiving aid or assistance pursuant to the provisions of Titles I, X, XIV, or Part A of Title IV of such act and who, for such month, was entitled to monthly insurance benefits under Title II of such act, shall be deemed to be eligible for such aid or assistance for such month thereafter prior to October, 1974, if such individual would have been eligible for such aid or assistance for such month had the increase in monthly insurance benefits under Title II of such act resulting from enactment of Public Law 92-336 amendments to the federal Social Security Act (42 U.S.C. 301 et seq.), as amended, not been applicable to such individual.

5. When any individual has been determined to be eligible for medical assistance, such medical assistance will be made available to him for care and services furnished in or after the third month before the month in which he made application for such assistance if such individual was, or upon application would have been, eligible for such

assistance at the time such care and services were furnished; provided, further, that such medical expenses remain unpaid.

376.1209. 1. Each entity offering individual and group health insurance policies providing coverage on an expense-incurred basis, individual and group service or indemnity type contracts issued by a nonprofit corporation, individual and group service contracts issued by a health maintenance organization, all self-insured group arrangements to the extent not preempted by federal law, and all managed health care delivery entities of any type or description, that provide coverage for the surgical procedure known as a mastectomy, and which are delivered, issued for delivery, continued or renewed in this state on or after January 1, 1998, shall provide coverage for prosthetic devices or reconstructive surgery necessary to restore symmetry as recommended by the oncologist or primary care physician for the patient incident to the mastectomy. Coverage for prosthetic devices and reconstructive surgery shall be subject to the same deductible and coinsurance conditions applied to the mastectomy and all other terms and conditions applicable to other benefits **with the exception that no time limit shall be imposed on an individual for the receipt of prosthetic devices or reconstructive surgery and if such individual changes his or her insurer, then such coverage for prosthetic devices or reconstructive surgery shall transfer with the individual.**

2. As used in this section, the term "mastectomy" means the removal of all or part of the breast for medically necessary reasons, as determined by a physician licensed pursuant to chapter 334, RSMo.

3. The provisions of this section shall not apply to a supplemental insurance policy, including a life care contract, accident only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy or long-term care policy."; and

Further amend said bill, Page 5, Section 660.050, Line 123, by inserting after the word "services" the words "as authorized by the division of aging"; and further amend Line 125, by striking

the words "hospice programs"; and

Further amend said bill, Page 10, Section 660.300, Line 109 by inserting after the word "in-home", the word "services"; and

Further amend said bill, Page 11, Section 660.300, Line 126, by inserting after the word "in-home" the word "services"; and

Further amend said bill, Page 11, Section 660.300, Line 130, by inserting after the word "in-home" the word "services"; and

Further amend the title and enacting clause accordingly.

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

Senator Jacob offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 60, Page 11, Section 660.302, Line 22, by inserting after all of said line the following:

“Section 1. All existing developments authorized by section 198.531 RSMo shall be exempt from the provisions of sections 197.300 to 197.367.”; and

Further amend the title and enacting clause accordingly.

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

Senator House offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bill No. 60, Page 9, Section 660.300.12, Lines 74-76, by striking all of said lines and inserting in lieu thereof the following: **“and if the supervising in-home services provider willfully and knowingly failed to report known abuse by said employee to the department, then the supervising in-home services provider may be subject to administrative penalties of one thousand”**.

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

Senator Steelman moved that **SCS for SB 60**, as amended, be adopted, which motion prevailed.

On motion of Senator Steelman, **SCS for SB 60**, as amended, was declared perfected and ordered printed.

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 **SCS for HCS for HB 15**. Representatives: Green (73), Graham, Wilson (42), Legan and Shields.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 865**, entitled:

An Act to repeal section 160.522, RSMo 2000, and to enact in lieu thereof one new section relating to building-level school accountability report cards.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 716**, entitled:

An Act to repeal sections 334.530, 334.540, 334.550, 334.560, 334.655, 334.660, 334.665 and 334.670, RSMo 2000, relating to physical therapists and physical therapist assistants, and to enact in lieu thereof ten new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

HOUSE BILLS ON SECOND READING

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

HB 470—Transportation.

HS for **HCS** for **HB 425**—Commerce and Environment.

HB 444—Ways and Means.

HB 603—Aging, Families and Mental Health.

HB 742—Local Government and Economic Development.

HB 361—Local Government and Economic Development.

HB 808—Local Government and Economic Development.

HB 691—Transportation.

HB 212—Insurance and Housing.

HB 788—Commerce and Environment.

HB 454—Aging, Families and Mental Health.

HB 757—Public Health and Welfare.

HB 477—Transportation.

HB 45—Education.

HB 459—Insurance and Housing.

HB 420—Transportation.

HB 732—Judiciary.

HB 642—Local Government and Economic Development.

HB 626—Judiciary.

HB 693—Judiciary.

HB 769—Education.

HB 544—Public Health and Welfare.

HB 318—Pensions and General Laws.

HB 385—Pensions and General Laws.

HB 949—Aging, Families and Mental Health.

HB 725—Education.

HB 590—Ways and Means.

HB 648—Transportation.

RE-REFERRALS

President Pro Tem Kinder re-referred **HB 265** to the Committee on Judiciary.

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 passed **HB 458**, entitled:

An Act to repeal section 307.100, RSMo 2000, relating to the use of warning signals on motor vehicles, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

RESOLUTIONS

Senator Russell offered Senate Resolution No. 454, regarding Brenda Marah, Mountain Grove, which was adopted.

Senator Yeckel offered Senate Resolution No. 455, regarding the Sixtieth Anniversary of St. Luke's United Methodist Church, St. Louis County, which was adopted.

Senator Russell offered Senate Resolution No. 456, regarding Clara Faye Dennis, Mountain Grove, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Singleton introduced to the Senate, Nick Myers, Joplin; and Kathy Meyer, Jim O'Halloran and Mark Mersmann, St. Louis.

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

SENATE CALENDAR

FORTY-NINTH DAY—TUESDAY, APRIL 3, 2001

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HS for HCS for HBs 328 & 88-Harlan	HB 664-Skaggs
HB 249-Treadway	HB 314-Treadway and Nordwald
HB 473-Robirds	HB 501-Bowman, et al
HCS for HB 334	HS for HCS for HB 327-Rizzo
HB 321-Skaggs, et al	HB 865-Davis
HS for HB 421-Hoppe	HB 716-Treadway and Burton
HB 453-Ransdall, et al	HB 458-Lawson, et al
HB 537-Ostmann, et al	

THIRD READING OF SENATE BILLS

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|--|----------------------------------|
| 1. SB 97-Bentley | 8. SS for SCS for SB 267-Klarich |
| 2. SB 50-Childers | 9. SS for SCS for SB 48-Sims |
| 3. SCS for SB 317-Stoll | 10. SS for SB 339-Stoll |
| 4. SS for SB 14-Mathewson | 11. SCS for SB 374-Steelman |
| 5. SS for SB 220-Kinder | 12. SB 400-Kenney, et al |
| 6. SS#2 for SCS for SBs 39 & 269-Klarich | 13. SS for SJR 9-Goode |
| 7. SB 381-Klarich | 14. SB 392-Kenney and DePasco |

SENATE BILLS FOR PERFECTION

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|--|--|
| 1. SBs 347 & 487-Caskey, with SCS | 6. SBs 433 & 248-Kinder and Gross, with SCS |
| 2. SB 385-Mathewson | 7. SB 462-Westfall |
| 3. SB 331-DePasco, et al, with SCS | 8. SB 428-Loudon |
| 4. SBs 5 & 21-Wiggins, et al, with SCS | 9. SB 27-Johnson and Westfall, with SCS |
| 5. SB 373-Gibbons and Yeckel, with SCS | 10. SB 99-Sims, with SCS |
| | 11. SBs 247 & 330-Westfall and Staples, with SCS |

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| 12. SB 351-Singleton and
Scott, with SCS | 24. SB 525-Cauthorn, with SCS |
| 13. SJRs 1 & 4-Schneider,
with SCS | 25. SB 242-Kenney |
| 14. SBs 510, 512 & 133-
Kenney, with SCS | 26. SB 225-Mathewson,
with SCS |
| 15. SJR 11-Yeckel | 27. SB 180-Klarich |
| 16. SBs 551, 410, 539, 528
& 296-Sims, with SCS | 28. SB 583-Yeckel |
| 17. SBs 476, 427 & 62-
Yeckel, et al, with SCS | 29. SB 488-Klindt, et al,
with SCS |
| 18. SB 369-Steelman and
Stoll, with SCS | 30. SB 387-Goode, et al,
with SCS |
| 19. SB 505-Loudon, with SCS | 31. SB 455-Kinder, et al,
with SCS |
| 20. SB 578-Goode and
Russell, with SCS | 32. SBs 334 & 228-Kinder,
with SCS |
| 21. SBs 448 & 588-Sims,
et al, with SCS | 33. SB 469-Gross, et al |
| 22. SB 535-Rohrbach, with SCS | 34. SB 546-Kenney, et al,
with SCS |
| 23. SB 66-Gibbons, with SCS#2 | 35. SB 337-House and Kinder |
| | 36. SB 593-Klindt, with SCS |

Journal

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
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| SBs 22 & 106-Singleton,
with SCS & SS for SCS
(pending) | SBs 214, 124, 209 & 322-
Gross, et al, with SCS
(pending) |
| SBs 52 & 91-Childers,
with SCS and SA 3
(pending) | SB 222-Caskey, with SA 3
& SSA 1 for SA 3
(pending) |
| SB 65-Gibbons, with SCS | SB 226-Goode, et al, with
SCS |
| SBs 67 & 40-Gross, with
SCS | SBs 238 & 250-Staples, et
al, with SCS (pending) |
| SB 68-Gross and House | SB 239-Stoll, with SCS,
SA 6, SSA 1 for SA 6 &
SA 1 to SSA 1 for SA 6
(pending) |
| SBs 89 & 37-Kinder, with
SCS | SB 251-Kinder |
| SB 114-Loudon, with SCS,
SS for SCS & SA 1
(pending) | SBs 253 & 260-Gross, with
SCS (pending) |
| SB 184-Johnson, et al,
with SS#2 (pending) | |

SBs 323 & 230-Childers,
et al, with SCS
(pending)

SB 372-Gibbons, with SCS

SB 375-Steelman, with SCS,
SS for SCS, SA 1 &
SSA 3 for SA 1 (pending)

SBs 391 & 395-Rohrbach,
with SCS & SS for SCS
(pending)

SB 438-Bentley and Stoll,
with SS & SA 3 (pending)

SB 445-Singleton, with
SCS & SS for SCS
(pending)

SB 454-Kinder, with SCS
SBs 459, 305, 396 & 450-
Westfall, with SCS &
SS for SCS (pending)

Unofficial
CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 143-Childers

Reported 2/19

SB 315-Childers, with SCS

Reported 3/5

SB 354-Johnson and Scott,
with SCS

Reported 3/12

SB 526-Dougherty, with
SCS

Reported 3/14

SB 617-Steelman, with SCS

SB 500-Mathewson

Reported 3/15

SB 266-Bland, et al, with SCS
SB 542-Klindt

SB 540-Klindt
SRB 606-Rohrbach and Gibbons

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

HCS for HB 15, with SCS
(Russell)

RESOLUTIONS

SR 58-Singleton
SR 345-Quick, et al

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

Reported from Committee

SCR 8-Caskey, with SA 2
(pending)
SCR 17-Steelman, et al
SCR 23-DePasco

HCR 16-Green and Holt
(House)
SR 280-Steelman
SCR 27-Goode and Russell

Requests to Recede or Grant Conference

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

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