

Journal of the Senate

SECOND REGULAR SESSION

FIFTIETH DAY—TUESDAY, APRIL 9, 2002

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

“All progress has resulted from people who took unpopular positions.” (Adlai E. Stevenson)

Almighty God, we thank You for being with us as we realize that many times in order to do the right thing we often find ourselves at odds with others. Grant us the strength and love to follow where You are directing our hearts and minds and allow us to effectively do what we must. And we pray for Representative Tom Dempsey’s mother, Peggy, who underwent heart surgery yesterday and we ask for Your healing presence and power to flow through her body, restoring her to full health. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

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

The Journal of the previous day was read and approved.

Photographers from the Associated Press were given permission to take pictures in the Senate Chamber today.

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

Present—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel—34		

Absent with leave—Senators—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator DePasco offered Senate Resolution No. 1432, regarding Frank Cummings, Metairie, Louisiana, which was adopted.

Senator Gross offered Senate Resolution No. 1433, regarding Thomas R. Hughes, O’Fallon, which was adopted.

Senator Gross offered Senate Resolution No. 1434, regarding the O’Fallon Community News, O’Fallon, which was adopted.

Senator Gross offered Senate Resolution No. 1435, regarding Charles Michael “Mick” Ostrander, O’Fallon, which was adopted.

Senator Gross offered Senate Resolution No. 1436, regarding Dr. R. James Ottomeyer III, DC,

NMD, O’Fallon, which was adopted.

Senator DePasco offered Senate Resolution No. 1437, regarding Dr. Douglas G. Hatridge, Ed.D., Independence, which was adopted.

Senator Kennedy offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1438

WHEREAS, the Missouri Senate takes great pride in the attainments of Show-Me State school districts which have demonstrated an exceptional level of student achievement; and

WHEREAS, the Affton 101 School District in St. Louis County was given well-deserved accolades for "Distinction in Performance" by the Missouri Department of Elementary and Secondary Education at a Recognition Dinner on Thursday, March 14, 2002, hosted by the St. Louis Regional Professional Development Center and Cooperating School Districts at the Junior League of St. Louis; and

WHEREAS, one of seventeen St. Louis metropolitan area school districts earning this prestigious honor from the Missouri Department of Elementary and Secondary Education, the Affton School District educates more than twenty-six hundred students through the efforts of nearly two hundred certificated staff divided between two elementary schools, one middle school, and one high school; and

WHEREAS, the Distinction in Performance Award recognizes school districts with high or improved performance based upon Annual Performance Report (APR) information; and

WHEREAS, criteria for this impressive Department of Elementary and Secondary Education recognition are for K-8 districts to meet five of six possible Performance Indicators, K-12 districts to meet eleven of twelve possible Performance Indicators, and all districts to meet each MAP Performance Standard; and

WHEREAS, the Affton School District has risen to exceptional distinction among Missouri school districts for the leadership of its administration, the concern and involvement of its teachers, and the heartfelt commitment and diligence of its students:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-first General Assembly, join unanimously to applaud the effective programming and stellar goals illustrated by the educational labors of the Affton School District and to convey this legislative body’s heartiest congratulations and best wishes to all of the District’s leaders, faculty, students, and parents upon its selection for special "Distinction in Performance" recognition by the Missouri Department of Elementary and Secondary Education; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution to acknowledge the accomplishments of the Affton 101 School District in St. Louis County.

Senator Sims offered Senate Resolution No. 1439, regarding John M. “Jack” Lally, St. Louis, which was adopted.

CONCURRENT RESOLUTIONS

Senator Klarich moved that **SCR 58** be taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator Klarich, **SCR 58** was read the 3rd time and passed by the following vote:

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

NAYS—Senators—None

Absent—Senator Bland—1

Absent with leave—Senators—None

The President declared the concurrent resolution passed.

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

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

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

Senator Steelman moved that **HCR 3** be taken up for adoption, which motion prevailed.

On motion of Senator Steelman, **HCR 3** was

adopted by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Bland Quick—2

Absent with leave—Senators—None

Senator DePasco moved that **HS** for **HCR 15** be taken up for adoption, which motion prevailed.

On motion of Senator DePasco, **HS** for **HCR 15** was adopted by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senator Bland—1

Absent with leave—Senators—None

SENATE BILLS FOR PERFECTION

Senator Sims moved that **SB 1052**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 1052**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1052

An Act to repeal sections 198.006, 198.014 and 198.073, RSMo, relating to assisted living facilities, and to enact in lieu thereof four new sections relating to the same subject.

Was taken up.

Senator Sims moved that **SCS** for **SB 1052** be adopted.

Senator Sims offered **SS** for **SCS** for **SB 1052**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1052

An Act to repeal sections 198.006, 198.014 and 198.073, RSMo, relating to long term care, and to enact in lieu thereof four new sections relating to the same subject.

Senator Sims moved that **SS** for **SCS** for **SB 1052** be adopted.

Senator Sims offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1052, Page 1, Section A, Line 4, by inserting immediately after said line the following:

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

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

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

(3) “Capital expenditure”, an expenditure by or on behalf of a health care facility which, under generally accepted accounting principles, is not

properly chargeable as an expense of operation and maintenance;

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

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

(6) “Expenditure minimum” shall mean:

(a) For beds in existing or proposed health care facilities licensed pursuant to chapter 198, RSMo, and long-term care beds in a hospital as described in subdivision (3) of subsection 1 of section 198.012, RSMo, six hundred thousand dollars in the case of capital expenditures, or four hundred thousand dollars in the case of major medical equipment, provided, however, that prior to January 1, [2003] **2008**, the expenditure minimum for beds in such a facility and long-term care beds in a hospital described in section 198.012, RSMo, shall be zero, subject to the provisions of subsection [7] **6** of section 197.318;

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

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

(7) “Health care facilities”, hospitals, health maintenance organizations, tuberculosis hospitals, psychiatric hospitals, intermediate care facilities, skilled nursing facilities, residential care facilities I and II, kidney disease treatment centers, including freestanding hemodialysis units,

diagnostic imaging centers, radiation therapy centers and ambulatory surgical facilities, but excluding the private offices of physicians, dentists and other practitioners of the healing arts, and Christian Science sanatoriums, also known as Christian Science Nursing facilities listed and certified by the Commission for Accreditation of Christian Science Nursing Organization/Facilities, Inc., and facilities of not-for-profit corporations in existence on October 1, 1980, subject either to the provisions and regulations of Section 302 of the Labor-Management Relations Act, 29 U.S.C. 186 or the Labor-Management Reporting and Disclosure Act, 29 U.S.C. 401-538, and any residential care facility I or residential care facility II operated by a religious organization qualified pursuant to Section 501(c)(3) of the federal Internal Revenue Code, as amended, which does not require the expenditure of public funds for purchase or operation, with a total licensed bed capacity of one hundred beds or fewer;

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

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

(10) “New institutional health service”:

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

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

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

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

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

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

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

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

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

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

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

(1) Additional residential care facility I,

residential care facility II, intermediate care facility or skilled nursing facility beds above the number then licensed by this state;

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

(3) The reallocation of intermediate care facility or skilled nursing facility beds of existing licensed beds by transfer or sale of licensed beds between a hospital licensed pursuant to this chapter or a nursing care facility licensed pursuant to chapter 198, RSMo; except for beds in counties in which there is no existing nursing care facility. No certificate of need shall be issued for the reallocation of existing residential care facility I or II, or intermediate care facilities operated exclusively for the mentally retarded to intermediate care or skilled nursing facilities or beds. However, after January 1, [2003] **2008**, nothing in this section shall prohibit the Missouri health facilities review committee from issuing a certificate of need for additional beds in existing health care facilities or for new beds in new health care facilities or for the reallocation of licensed beds[, provided that no construction shall begin prior to January 1, 2004]. The provisions of subsections 16 and 17 of section 197.315 shall apply to the provisions of this section.

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

197.318. 1. The provisions of section 197.317 shall not apply to a residential care facility I, residential care facility II, intermediate care facility or skilled nursing facility only where the department of [social] **health and senior** services

has first determined that there presently exists a need for additional beds of that classification because the average occupancy of all licensed and available residential care facility I, residential care facility II, intermediate care facility and skilled nursing facility beds exceeds ninety percent for at least four consecutive calendar quarters, in a particular county, and within a fifteen-mile radius of the proposed facility, and the facility otherwise appears to qualify for a certificate of need. The department's certification that there is no need for additional beds shall serve as the final determination and decision of the committee. In determining ninety percent occupancy, residential care facility I and II shall be one separate classification and intermediate care and skilled nursing facilities are another separate classification.

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

3. [There shall be no expenditure minimum for facilities, beds, or services referred to in subdivisions (1), (2) and (3) of section 197.317. The provisions of this subsection shall expire January 1, 2003.

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

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

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

[7.] 6. Sections 197.300 to 197.366 shall not

be construed to apply to litigation pending in state court on or before April 1, 1996, in which the Missouri health facilities review committee is a defendant in an action concerning the application of sections 197.300 to 197.366 to long-term care hospital beds meeting the requirements described in 42 CFR, Section 412.23(e).

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

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

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

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

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

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

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

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

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

a. A facility with more than forty beds may expand its licensed bed capacity within the same licensure category by twenty-five percent or thirty beds, whichever is greater, if that same licensure category in such facility has experienced an

average occupancy of ninety-three percent or greater over the previous six quarters;

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

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

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

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

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

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

9. Any existing licensed and operating health care facility offering long-term care services may

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

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

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

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

7. Notwithstanding any other provisions of this chapter to the contrary, a facility licensed pursuant to chapter 198, RSMo, may increase its licensed bed capacity by:

(1) Submitting a letter of intent to expand to the department of health and senior services and the health facilities review committee;

(2) Certification from the department of health and senior services that the facility:

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

(b) Has maintained a ninety percent average occupancy rate of its licensed and available beds for the previous four quarters;

(3) Has made an effort to purchase beds for twelve months following the date the letter of intent to expand is submitted. For purposes of this section, an "effort to purchase" means:

(a) A copy certified by the offeror as an offer to purchase beds from another licensed facility within the same licensure category; or

(b) In an effort to promote continuum of care, as an offer to purchase beds in another licensure category;

(4) A facility may purchase, transfer or sell individual licensed beds to facilities qualifying pursuant to subdivisions (1) and (2) of this subsection. Any facility which transfers or sells licensed beds shall not expand its licensed bed capacity within that licensure category for a period of five years from the date the license is relinquished;

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

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

(a) A facility may expand its licensed bed capacity in the same licensure category by twenty-five percent of its current licensed and available beds;

(b) A facility may expand its licensed bed capacity in another licensure category by up to ten percent of the facility's current licensed and available beds;

(7) Any residential care facility or skilled nursing facility licensed pursuant to chapter 198, RSMo, may relocate any portion of such facility's current licensed beds to any other facility if both facilities are under the same ownership or control;

(8) In an effort to promote continuum of care, an independent living facility may apply to the health facilities review committee for permission to buy residential care or skilled nursing beds as follows:

(a) The facility shall submit a plan to the division of health standards and licensure and, if approved, the division shall issue a permit to apply to the health facilities review committee;

(b) The health facilities review committee shall review the plan, the permit and the need for beds and may authorize the facility to buy beds;

(c) The facility shall work with the health facilities review committee staff to identify a seller;

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

(e) The facility shall then apply for licensure of the purchased beds;

(f) For purposes of this subdivision, the term "independent living facility" means any unlicensed group housing with services program for three or more unrelated adults that promotes resident self-direction and participation in decisions that emphasize choice, dignity, privacy, individuality, independence and home-like surroundings.

8. A facility which is licensed as a skilled nursing facility, a residential care facility I, or a residential care facility II pursuant to chapter 198, RSMo, may obtain licensure in more than one category while retaining the same number of beds. The facility shall submit a plan to the division of health standards and licensure and, if approved, make the changes necessary to fulfill the licensure requirements and then apply for licensure in the new category.

[10.] 9. Nothing in this section shall prohibit a health care facility licensed pursuant to chapter 198, RSMo, from being replaced in its entirety within fifteen miles of its existing site so long as the existing facility and proposed or replacement facility have the same owner or owners regardless

of corporate or business structure and the health care facility being replaced remains unlicensed and unused for any long-term care services whether they do or do not require a license from the date of licensure of the replacement facility.”; and

Further amend said bill, page 8, Section 198.016, line 29 of said page, by inserting immediately after said line the following:

“198.022. 1. Upon receipt of an application for a license to operate a facility, the department shall review the application, investigate the applicant and the statements sworn to in the application for license and conduct any necessary inspections. A license shall be issued if the following requirements are met:

(1) The statements in the application are true and correct;

(2) The facility and the operator are in substantial compliance with the provisions of sections 198.003 to 198.096 and the standards established thereunder;

(3) The applicant has the financial capacity to operate the facility;

(4) The administrator of a residential care facility II, a skilled nursing facility, or an intermediate care facility is currently licensed under the provisions of chapter 344, RSMo;

(5) Neither the operator nor any principals in the operation of the facility have ever been convicted of a felony offense concerning the operation of a long-term health care facility or other health care facility or ever knowingly acted or knowingly failed to perform any duty which materially and adversely affected the health, safety, welfare or property of a resident, while acting in a management capacity. The operator of the facility or any principal in the operation of the facility shall not be under exclusion from participation in the title XVIII (Medicare) or title XIX (Medicaid) program of any state or territory;

(6) Neither the operator nor any principals

involved in the operation of the facility have ever been convicted of a felony in any state or federal court arising out of conduct involving either management of a long-term care facility or the provision or receipt of health care;

(7) All fees due to the state have been paid.

2. Upon denial of any application for a license, the department shall so notify the applicant in writing, setting forth therein the reasons and grounds for denial.

3. The department may inspect any facility and any records and may make copies of records, at the facility, at the department's own expense, required to be maintained by sections 198.003 to 198.096 or by the rules and regulations promulgated thereunder at any time if a license has been issued to or an application for a license has been filed by the operator of such facility. The department shall make at least [two inspections per year, at least one of which shall be unannounced to the operator] **one inspection per year, the date of which shall be unannounced to the operator. Should the facility not be in substantial compliance, other inspections shall be performed as the department deems necessary.** The department may make such other inspections, announced or unannounced, as it deems necessary to carry out the provisions of sections 198.003 to 198.136.

4. Whenever the department has reasonable grounds to believe that a facility required to be licensed under sections 198.003 to 198.096 is operating without a license, and the department is not permitted access to inspect the facility, or when a licensed operator refuses to permit access to the department to inspect the facility, the department shall apply to the circuit court of the county in which the premises is located for an order authorizing entry for such inspection, and the court shall issue the order if it finds reasonable grounds for inspection or if it finds that a licensed operator has refused to permit the department access to inspect the facility.” and

Further amend said bill, page 15, Section 198.073, line 7 of said page, by inserting immediately after said line the following:

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

Further amend the title and enacting clause accordingly.

Senator Sims moved that the above amendment be adopted.

Senator Klindt offered **SA 1 to SA 1**:

**SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 1**

Amend Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 1052, Page 5, Section 197.317, Line 27, by deleting the opening bracket “[”]; and further amend said page and section, line 29 by deleting the closing bracket “]”; and

Further amend said page, section and line by deleting the word “2004” and inserting in lieu thereof the word “2009”; and

Further amend pages 6-13, section 197.318 by deleting all of said section; and

Further amend the title and enacting clause accordingly.

Senator Klindt moved that the above amendment be adopted.

Senator Sims requested a roll call vote be taken on the adoption of **SA 1 to SA 1** and was joined in her request by Senators Cauthorn, DePasco, Kennedy and Singleton.

At the request of Senator Sims, **SB 1052**, with

SCS, SS for SCS, SA 1 and SA 1 to SA 1 (pending), was placed on the Informal Calendar.

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 Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 1115**. Representatives: Green (73), Troupe, Campbell, Legan and Bearden.

On motion of Senator Kenney, the Senate recessed until 2:00 p.m.

RECESS

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

RESOLUTIONS

Senator Gibbons offered Senate Resolution No. 1440, regarding Webster Groves School District, St. Louis County, which was adopted.

Senators Klarich and Schneider offered Senate Resolution No. 1441, regarding Annie Gunn’s Restaurant, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 1442, regarding Jennifer Coalson, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 1443, regarding Ashley Chew, Florissant, which was adopted.

Senator Sims offered Senate Resolution No. 1444, regarding Erin Calderwood, Chesterfield, which was adopted.

Senator Sims offered Senate Resolution No. 1445, regarding Emily Hickner, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 1446, regarding Brianna McGibbon, Surrey,

British Columbia, which was adopted.

Senator Sims offered Senate Resolution No. 1447, regarding Sarah Mahler, Fenton, which was adopted.

Senator Sims offered Senate Resolution No. 1448, regarding Angela M. Polizzi, Fenton, which was adopted.

Senator Sims offered Senate Resolution No. 1449, regarding Andrea Pfaff, Ste. Genevieve, which was adopted.

Senator Sims offered Senate Resolution No. 1450, regarding Salinda Ragsdale, Viburnum, which was adopted.

Senator Sims offered Senate Resolution No. 1451, regarding Veronica Yvette Raynor, Spanish Lake, which was adopted.

Senator Sims offered Senate Resolution No. 1452, regarding Theresa Reck, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 1453, regarding Megan Rhinehart, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 1454, regarding Lisa Rottler, Ste. Genevieve, which was adopted.

Senator Sims offered Senate Resolution No. 1455, regarding Kristen Samson, Ste. Genevieve, which was adopted.

Senator Sims offered Senate Resolution No. 1456, regarding Karen Schindler, Ballwin, which was adopted.

Senator Sims offered Senate Resolution No. 1457, regarding Anne Elizabeth Schmidt, Kirkwood, which was adopted.

Senator Sims offered Senate Resolution No. 1458, regarding Sara Schwent, Ste. Genevieve, which was adopted.

Senator Sims offered Senate Resolution No. 1459, regarding Samantha Washington, St. Louis,

which was adopted.

Senator Sims offered Senate Resolution No. 1460, regarding Megan Walker, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 1461, regarding Carrie Elizabeth Warner, Wildwood, which was adopted.

Senator Caskey offered Senate Resolution No. 1462, regarding the Eightieth Birthday of Georgie McClure, Appleton City, which was adopted.

Senator Westfall offered Senate Resolution No. 1463, regarding Richard “Rick” Lindsay, Bolivar, which was adopted.

REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on State Budget Control, to which was referred **SS** for **SCS** for **SBs 969, 673** and **855**, begs leave to report that it has considered the same and recommends that the bill do pass.

SENATE BILLS FOR PERFECTION

Senator DePasco moved that **SB 884**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 884**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 884

An Act to amend chapter 408, RSMo, by adding thereto one new section relating to payday loans.

Was taken up.

Senator DePasco moved that **SCS** for **SB 884** be adopted.

Senator DePasco offered **SS** for **SCS** for **SB 884**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 884

An Act to repeal section 408.500, RSMo, and to enact in lieu thereof two new sections relating to restrictions on payday loans, with penalty provisions.

Senator DePasco moved that **SS** for **SCS** for **SB 884** be adopted.

President Maxwell assumed the Chair.

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

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 884, Page 6, Section 408.505, Line 25, by inserting after the word "section," the following:

"Except a prosecutor, upon written request of a lender, may collect no more than the face amount of a loan pursuant to this section and such lender shall pay a fee of five percent of such amount to the court automation fund and a fee of five percent of such amount to county crime reduction fund".

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

Senator Kenney offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 884, Page 6, Section 408.505, Line 28, by inserting immediately after said line the following:

"408.506. The division of finance shall report to the general assembly beginning on January 1, 2003, and on the first day of January every other year thereafter, the number of licenses issued by the director pursuant to section 408.500, the number of loans issued by said lenders, the average face value of such loans, the average number of times said loans are renewed, the number of said loans that are

defaulted on an annual basis, and the number and nature of complaints made to the director by customers on such licensees and the disposition of such complaints. Such report shall also include the average interest and fees charged and collected by lenders on such loans, and a comparison of such with similar small loan lenders from adjoining states."; and

Further amend the title and enacting clause accordingly.

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

Senator DePasco moved that **SS** for **SCS** for **SB 884**, as amended, be adopted, which motion prevailed.

On motion of Senator DePasco, **SS** for **SCS** for **SB 884**, as amended, was declared perfected and ordered printed.

Senator Steelman moved that **SB 984** and **SB 985**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 984** and **985**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 984 and 985

An Act to repeal section 640.100, RSMo, relating to the department of natural resources, and to enact in lieu thereof four new sections relating to the same subject.

Was taken up.

Senator Steelman moved that **SCS** for **SBs 984** and **985** be adopted.

Senator Steelman offered **SS** for **SCS** for **SBs 984** and **985**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 984 and 985

An Act to repeal sections 640.100, 643.055, 643.220, 644.016, 644.036, 644.051 and 644.052, RSMo, relating to the department of natural resources, and to enact in lieu thereof eleven new

sections relating to the same subject.

Senator Steelman moved that **SS** for **SCS** for **SBs 984** and **985** be adopted.

Senator Klarich assumed the Chair.

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

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 984 and 985, Page 7, Section 643.055, Line 12, by deleting “the” on said line and the remaining of section 643.055.

Senator Dougherty moved that the above amendment be adopted.

Senator Goode offered **SSA 1** for **SA 1**, which was read:

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

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 984 and 985, Page 7-8, Section 643.055, by striking said section from the bill and amend the title and enacting clause accordingly.

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

At the request of Senator Steelman, **SB 984** and **SB 985**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), were placed on the Informal Calendar.

Senator Gross moved that **SB 1046**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 1046**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1046

An Act to repeal sections 92.045, 305.510 and 305.515, RSMo, relating to the Missouri-St. Louis metropolitan airport authority, and to enact in lieu thereof four new sections relating to the same subject, with an effective date.

Was taken up.

Senator Gross moved that **SCS** for **SB 1046** be adopted.

Senator Gibbons assumed the Chair.

Senator Johnson offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 1046, Page 2, Section 305.510, Line 26, by inserting after all of said line the following:

“7. In no event shall the Missouri-St. Louis Metropolitan Airport Authority increase fees associated with the use of any airport affected by this section to cover costs incurred due to the transfer of operational control created pursuant to subsection 2 of this section.”

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

At the request of Senator Gross, **SB 1046**, with **SCS**, as amended (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HBs 1461** and **1470**, entitled:

An Act to repeal sections 28.160, 115.013, 115.081, 115.083, 115.085, 115.087, 115.089, 115.095, 115.097, 115.099, 115.101, 115.122, 115.127, 115.137, 115.151, 115.157, 115.159, 115.160, 115.162, 115.163, 115.179, 115.225, 115.233, 115.237, 115.277, 115.279, 115.283, 115.291, 115.409, 115.417, 115.419, 115.433, 115.453, 115.493, 115.507, 115.613, 130.026 and 130.046, RSMo, and to enact in lieu thereof forty-eight new sections relating to elections, with

an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 1392**, entitled:

An Act to amend chapter 162, RSMo, by adding thereto twelve new sections relating to school district tax alternatives, with penalty provisions for certain sections.

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 1926**, entitled:

An Act to repeal section 208.631, RSMo, and to enact in lieu thereof one new section relating to the extension of the termination date of the children's health program, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1679**, entitled:

An Act to repeal sections 313.500, 313.510, 313.520, 313.530, 313.540, 313.550, 313.560, 313.580, 313.590, 313.600, 313.605, 313.610, 313.620, 313.630, 313.631, 313.632, 313.640,

313.652, 313.655, 313.660, 313.670, 313.710, and 313.720, RSMo, and to enact in lieu thereof twenty-eight new sections relating to horse racing and pari-mutuel wagering, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

INTRODUCTIONS OF GUESTS

Senator Foster introduced to the Senate, Ben Counce and eighth grade students from Caruthersville Middle School, Caruthersville; and Pramesha Foster, Ward Davis, Donisha Morgan, Barbie Plunkett, Schylon Lane, Naomi Kirby, Aleric Mullins and Logan Alsup were made honorary pages.

Senator Steelman introduced to the Senate, Kayce McClure and Christina Cook, New Bloomfield; and Kayce and Christina were made honorary pages.

Senator Bentley introduced to the Senate, Frank Hilton, Springfield.

Senator Kennedy introduced to the Senate, Julie Roscoe, Shrewsbury; and Dr. Debra Herbst and Mrs. Pegi Zoole, St. Louis.

Senator Steelman introduced to the Senate, Roberta Higgins and Kay Hegler, Rolla.

Senator Gibbons introduced to the Senate, 100 fifth grade students from Barretts Elementary School, Manchester; and Crystal Ellison, Brian Kenney, Joey Meshier, Christine Harwood, Alec Sydlow, Amanda Hunt, Cottrell Turner and Alyssa Zvolanek were made honorary pages.

Senator Russell introduced to the Senate, Marsha Mackie, Lela Orman and representatives of the Sophomore Pilgrimage from Marshfield; and Brandi Bailey, Samantha Wilson and Mindy Funk were made honorary pages.

Senator Loudon introduced to the Senate, his father, Bob Loudon, Ballwin; and Gerald Perschbacher, Grantwood Village.

Senator Cauthorn introduced to the Senate, former State Senator David Doctorian, and his daughter, Sherry, Macon County.

Senator Kenney introduced to the Senate, Linda Denker and students from Mason Elementary School, Lee's Summit; and Courtney Rogers, Meredith Stoll, Eva Helber, Andrew Horsch, Tommy Cochrane, Kelsey Kohler, Rebecca Oyler and Carrie Hayde were made honorary pages.

Senator Kenney introduced to the Senate, Ruth Kolb and students from Mason Elementary School, Lee's Summit; and Marianne Beal, Austin

Stuckmeyer, Caitlin Wood, Holland Brown, Eric Armstrong and Kelsey Lohmeyer were made honorary pages.

Senator Kinder introduced to the Senate, the Class of 2002 Leadership Missouri.

Senator Steelman introduced to the Senate, Stuart Bauer, Rolla.

Senator Jacob introduced to the Senate, the Physician of the Day, Dr. Kirt Nichols, M.D., Columbia.

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

SENATE CALENDAR

Unofficial

FIFTY-FIRST DAY—WEDNESDAY, APRIL 10, 2002

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

Journal

HB 1338-Relford, et al

HCS for HB 1154

HB 1192-Harding and Boucher

HCS for HBs 1134, 1100 & 1559

HCS for HB 1451

HCS for HB 1425

HB 1634-Hoppe

HCS for HBs 1150, 1237 & 1327

HCS for HB 1711

HCS for HB 1398

HS for HB 1498-Johnson (90)

HB 1432-Foley

HB 1581-Clayton

HB 1418-Relford, et al

HCS for HB 1765

HS for HCS for HB 1906-

Green (73)

HCS for HB 1817

HS for HCS for HB 1877-Foley

HB 1592-Hickey, et al

HCS for HB 1898

HCS for HB 1403

HCS for HB 1202

HCS for HBs 1344 & 1944

HS for HB 1994-Hosmer

HS for HCS for HB 1440-

Riback Wilson

HS for HB 1496-Green (73)

HS for HCS for HB 1762-Harding

HCS for HB 1689

HB 1851-Curls

HB 1795-Berkowitz, et al

HB 1837-Berkowitz, et al

HB 2087-Whorton, et al

Copy

HS for HCS for HBs 1461 &
1470-Seigfreid
HS for HCS for HB 1392-
Davis

HB 1926-Fraser, et al
HB 1679-Crump

THIRD READING OF SENATE BILLS

SS for SCS for SBs 837,
866, 972 & 990-Cauthorn
(In Budget Control)
SS for SCS for SBs 969,
673 & 855-Westfall

SCS for SBs 894, 975 &
927-Kinder (In Budget Control)
SS for SCS for SBs 670 &
684-Sims
(In Budget Control)

SENATE BILLS FOR PERFECTION

1. SB 1103-Westfall, et al
2. SBs 915, 710 & 907-
Westfall, et al, with SCS
3. SBs 923, 828, 876, 694
& 736-Sims, with SCS
4. SB 676-Yeckel, et al,
with SCS
5. SB 900-Goode, et al,
with SCS
6. SB 1107-Childers,
with SCS
7. SB 912-Mathewson,
with SCS
8. SB 892-Kenney, with SCS
9. SB 910-Gibbons
10. SB 1104-Mathewson
11. SB 954-Loudon, with SCS
12. SB 1014-Klindt and Kinder
13. SB 1152-Klarich, with SCS
14. SBs 766, 1120 & 1121-
Steelman, with SCS
15. SB 926-Kenney, et al,
with SCS
16. SB 1140-Rohrbach
17. SBs 1112 & 854-Caskey
and Russell, with SCS
18. SB 1111-Quick, with SCS
19. SB 689-Gibbons, et al,
with SCS
20. SB 938-Cauthorn, et al
21. SB 1087-Gibbons,
et al, with SCS
22. SBs 1279, 1162 & 1164-
Kinder and Wiggins,
with SCS
23. SB 1248-Mathewson and
Kenney, with SCAs 1 & 2
24. SB 971-Klindt, et al, with
SCS
25. SBs 1063 & 827-Rohrbach
and Kenney, with SCS
26. SB 1010-Sims
27. SRB 1236-Rohrbach
28. SB 1026-Kenney, et al,
with SCS
29. SB 1157-Klindt, with SCS
30. SBs 1095 & 1195-
Cauthorn, with SCS

- | | |
|---|---|
| 31. SB 1232-Singleton | 37. SB 1133-Gross, with SCS |
| 32. SB 1206-Bentley and Stoll | 38. SB 1099-Childers, with
SCS |
| 33. SB 878-Sims, with SCS | 39. SB 739-Wiggins, with SCS |
| 34. SB 1060-Westfall,
with SCS | 40. SB 1105-Loudon |
| 35. SB 1205-Yeckel | 41. SB 735-Steelman and
Kinder, with SCS |
| 36. SB 1040-Gibbons,
et al, with SCS | 42. SB 713-Singleton |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|---|---|
| SBs 641 & 705-Russell, et al,
with SCS (pending) | SB 881-Steelman and
Yeckel, with SCS & SS
for SCS (pending) |
| SB 647-Goode, with SCS (pending) | SBs 958 & 657-Kinder,
with SCS |
| SB 651-Singleton and
Russell, with SCS (pending) | SBs 984 & 985-Steelman,
with SCS, SS for SCS &
SA 1 (pending) |
| SB 659-House and Kenney,
with SS#2, SA 3 and
SSA 1 for SA 3 (pending) | SB 1005-Loudon |
| SB 660-Westfall, et al,
with SCS (pending) | SB 1046-Gross and House,
with SCS (pending) |
| SBs 662 & 704-Westfall,
with SCS & SA 4 (pending) | SB 1052-Sims, with SCS,
SS for SCS, SA 1 &
SA 1 to SA 1 (pending) |
| SB 668-Bentley, with SS &
SA 1 (pending) | SJR 23-Singleton, with SS,
SA 1 & SSA 1 for SA 1
(pending) |
| SBs 688, 663, 691, 716,
759, 824 & 955-Gibbons,
et al, with SCS, SS
for SCS & SA 1 (pending) | |

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 995-Rohrbach

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

HCS for HB 1115, with SCS
(Russell)

RESOLUTIONS

SR 1026-Jacob, with SA 1
(pending)

Reported from Committee

SCR 51-Mathewson and
Yeckel, with SCA 1
HCR 5-Reynolds (Schneider)
HCR 7-Boykins and Barry
(Singleton)

SCR 43-Loudon, with SCS
HCS for HCR 11 (Kinder)
HCR 20-Crump (Staples)
HCR 21-Boucher and
Kreider (Yeckel)

MISCELLANEOUS

REMONSTRANCE 1-Caskey



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