

Journal of the Senate

FIRST REGULAR SESSION

FORTY-NINTH DAY—TUESDAY, APRIL 8, 2003

The Senate met pursuant to adjournment.

Senator Bartle in the Chair.

Reverend Carl Gauck offered the following prayer:

“The Word was unto me the joy and rejoicing of mine heart.”
(Jeremiah 15:16)

Gracious God, let us always show the joy of our hearts in the joy of our lives. May we be a witness to this inner joy to those who are in need of such in their lives. May we help those whose lives are spoiled by serious illness and those who see death. May we bring comfort and Your presence to them. 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 and Cor Productions were given permission to take pictures in the Senate Chamber today.

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

Present—Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens

Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel—33			

Absent with leave—Senator DePasco—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Jacob offered Senate Resolution No. 512, regarding James R. Ritter, Columbia, which was adopted.

Senator Jacob offered Senate Resolution No. 513, regarding the Columbia Online Information Network (COIN), which was adopted.

Senator Bray offered Senate Resolution No. 514, regarding the Woman’s Place, Maplewood, which was adopted.

Senator Clemens offered Senate Resolution No. 515, regarding Sharon M. Smith, California, which was adopted.

Senator Loudon offered Senate Resolution No. 516, regarding Reverend Dr. Robert F. Curtis, St. Louis, which was adopted.

Senator Loudon offered Senate Resolution No.

517, regarding Mona M. Kalayeh, which was adopted.

Senators Dolan and Gross offered Senate Resolution No. 518, regarding McEagle Development, O’Fallon, which was adopted.

Senators Dolan and Gross offered Senate Resolution No. 519, regarding Allen Martin Bacher, O’Fallon, which was adopted.

Senators Dolan and Gross offered Senate Resolution No. 520, regarding Kevin F. Kast, O’Fallon, which was adopted.

Senators Dolan and Gross offered Senate Resolution No. 521, regarding O’Fallon Brewery, O’Fallon, which was adopted.

REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 12**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 3**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 6**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

SENATE BILLS FOR PERFECTION

Senator Kinder moved that **SB 556** and **SB 311**, with **SCS, SS** for **SCS, SS** for **SS** for **SCS** and **SA 2** (pending) be called from the Informal

Calendar and again taken up for perfection, which motion prevailed.

President Maxwell assumed the Chair.

A quorum was established by the following vote:

Present—Senators

Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Foster	Gibbons
Goode	Griesheimer	Gross	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Russell	Shields	Steelman
Vogel	Wheeler	Yeckel—27	

Absent—Senators

Bland	Dougherty	Jacob	Quick
Scott	Stoll—6		

Absent with leave—Senator DePasco—1

Senator Griesheimer offered **SSA 1** for **SA 2**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 556 and 311, Pages 14-19, Section 198.067, by striking all of said section and inserting in lieu thereof the following:

“198.067. 1. An action may be brought by the department, or by the attorney general on his or her own volition or at the request of the department or any other appropriate state agency, to temporarily or permanently enjoin or restrain any violation of sections 198.003 to 198.096, to enjoin the acceptance of new residents until substantial compliance with sections 198.003 to 198.096 is achieved, or to enjoin any specific action or practice of the facility. Any action brought pursuant to the provisions of this section shall be placed at the head of the docket by the court, and the court shall hold a hearing on any action brought pursuant to the provisions of this section no less than fifteen days after the filing of the action.

2. The department may bring an action in circuit court to recover a civil penalty against the licensed operator of the facility as provided by this section. Such action shall be brought in the circuit court for the county in which the facility is located. The circuit court shall determine the amount of penalty to be assessed within the limits set out in this section. Appeals may be taken from the judgment of the circuit court as in other civil cases.

3. The operator of any facility which has been cited with a violation of sections 198.003 to 198.096 or the regulations established pursuant thereto, or of subsection (b), (c), or (d) of Section 1396r of Title 42 of the United States Code or the regulations established pursuant thereto, is liable to the state for civil penalties of up to [ten] **twenty-five** thousand dollars for each day that the violations existed or continue to exist. Violations shall be presumed to continue to exist from the time they are found until the time the [division of aging] **department of health and senior services** finds them to have been corrected. **When applicable**, the amount of the penalty shall be determined as follows:

(1) For each violation of a class I standard **when applicable pursuant to subdivision (6) of this subsection**, not less than one [hundred fifty] **thousand** dollars nor more than [one] **ten** thousand dollars;

(2) For each violation of a class II standard, not less than **two hundred** fifty dollars nor more than [five hundred] **one thousand** dollars;

(3) For each violation of a class III standard, not less than [fifteen dollars] **fifty dollars** nor more than [one] **two** hundred fifty dollars;

(4) For each violation of a federal standard which does not also constitute a violation of a state law or regulation, not less than two hundred fifty dollars nor more than five hundred dollars;

(5) For each specific class I violation by the same operator **at a particular facility** which has been cited **previously** within the past twenty-four

months and for each specific class II or III violation by the same operator **at a particular facility** which has been cited **previously** within the past twelve months, double the amount last imposed;

(6) In accordance with the provisions of this section, when the department imposes a civil monetary penalty for a class I violation, the liability for the civil monetary penalty shall be incurred immediately upon the imposition of the violation regardless of any subsequent correction of the violation by the facility. For class II violations the department shall impose a civil monetary penalty if after thirty days the violation remains uncorrected. For class III violations the department shall impose a civil monetary penalty if a breach of a specific state or federal standard or statute remains uncorrected and not in accord with the accepted plan of correction at the time of the reinspection conducted pursuant to subsection 3 of section 198.026 or the regulations established pursuant to Title 42 of the United States Code. A judgment rendered against the operator of a facility pursuant to this subsection shall bear interest as provided in subsection 1 of section 408.040, RSMo.

[As used in this subdivision the term “violation” shall mean a breach of a specific state or federal standard or statute which remains uncorrected and not in accord with the accepted plan of correction at the time of the reinspection conducted pursuant to subsection 3 of section 198.026 or the regulations established pursuant to Title 42 of the United States Code. A judgment rendered against the operator of a facility pursuant to this subsection shall bear interest as provided in subsection 1 of section 408.040, RSMo.]

4. Any individual who willfully and knowingly certifies pursuant to subsection (b)(3)(B)(i) of Section 1396r of Title 42 of the United States Code a material and false statement in a resident assessment is subject to a civil penalty of not more than one thousand dollars with respect

to each assessment. Any individual who willfully and knowingly causes another individual to certify pursuant to subsection (b)(3)(B)(i) of Section 1396r of Title 42 of the United States Code a material and false statement in a resident assessment is subject to a civil penalty of not more than five thousand dollars with respect to each assessment.

5. The imposition of any remedy provided for in sections 198.003 to 198.186 shall not bar the imposition of any other remedy.

6. **Twenty-five percent of the penalties collected pursuant to this section shall be deposited in the [division of aging] elderly home-delivered meals trust fund as established in section 660.078, RSMo. Twenty-five percent of the penalties collected pursuant to this section shall be deposited in the nursing facility quality care fund to be used for the sole purpose of supporting quality care improvement projects within the office of state ombudsman for long-term care facility residents, established pursuant to section 660.603, RSMo. The remaining fifty percent of the penalties collected pursuant to this section shall be deposited into the nursing facility quality of care fund established in section 198.418 to be used by the department for the sole purpose of developing a program to assist qualified nursing facilities to improve the quality of service to their residents. The director of the department shall, by rule, develop a definition of qualified facilities and shall establish procedures for the selection of qualified facilities.** Such penalties shall not be considered a charitable contribution for tax purposes.

7. To recover any civil penalty, the moving party shall prove by clear and convincing evidence that the violation occurred.

8. The licensed operator of a facility against whom an action to recover a civil penalty is brought pursuant to this section may confess judgment as provided in section 511.070, RSMo,

at any time prior to hearing. If such licensed operator agrees to confess judgment, the amount of the civil penalty recommended by the moving party in its petition shall be reduced by twenty-five percent and the confessed judgment shall be entered by the circuit court at the reduced amount.

9. The amount of any civil penalty assessed by the circuit court pursuant to this section shall be reduced by the amount of any civil monetary penalty which the licensed operator of the facility may establish it has paid pursuant to the laws of the United States for the breach of the same federal standards for which the state action is brought.

10. In addition to the civil penalties specified in subdivision (1) of subsection 3 of this section, any facility which is cited with a violation of a class I standard pursuant to subsection 1 of section 198.085, when such violation results in serious physical injury or abuse of a sexual nature pursuant to subdivision (1) of section 198.006, to any resident of that facility shall be liable to the state for a civil penalty of one hundred dollars multiplied by the number of beds licensed to the facility, up to a maximum of ten thousand dollars pursuant to subsections 1 and 2 of this section. The liability of the facility for civil penalties pursuant to this section shall be incurred immediately upon the citation of the violation and shall not be affected by any subsequent correction of the violation. For the purposes of this section, "serious physical injury" means physical injury that creates a substantial risk of death or that causes serious disfigurement or protracted loss or impairment of the function of any part of the body.

11. The department shall not impose a fine for self-reporting class II and class III violations so long as each violation is corrected within a specified period of time as determined by the department and there is no reoccurrence of the particular violation for twelve months following the date of the first self-reporting.

12. If a facility is sold or changes its operator, any civil penalty assessed shall not be

sold, transferred, or otherwise assigned to the successor operator but shall remain the sole liability of the operator at the time of the violation.”.

Senator Griesheimer moved that the above substitute amendment be adopted.

Senator Jacob requested a roll call vote be taken on the adoption of **SSA 1** for **SA 2** and was joined in his request by Senators Bray, Days, Kinder and Mathewson.

SSA 1 for **SA 2** was adopted by the following vote:

YEAS—Senators

Bartle	Bray	Caskey	Champion
Childers	Days	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel—27	

NAYS—Senators

Cauthorn	Clemens	Dolan	Klindt—4
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Absent—Senators

Bland	Coleman—2
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Absent with leave—Senator DePasco—1

At the request of Senator Kinder, **SB 556** and **SB 311**, with **SCS**, **SS** for **SCS** and **SS** for **SS** for **SCS**, as amended (pending), were placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, 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 **SCS** for **SB 69**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies

furnished the Senators are correct.

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

RECESS

The time of recess having expired, the Senate was called to order by President Maxwell.

RESOLUTIONS

Senators Mathewson and Vogel offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 522

WHEREAS, it is with special pleasure that the members of the Missouri Senate pause to acknowledge a momentous milestone in the life of one of Cole County's most treasured senior citizens; and

WHEREAS, Willard W. May, a cherished resident of Jefferson City, Missouri, will commemorate the resplendent occasion of his Ninetieth Birthday with a festive celebration to be held April 12, 2003; and

WHEREAS, Willard May came into this world in Huntsville on April 11, 1913, as the tiny infant son born to proud and loving parents John R. and Sallie R. May, who welcomed him into their hearts as a precious gift from God; and

WHEREAS, the youngest child of his father's second family, Willard May fought wildfires and built levies with the Civilian Conservation Corps in 1933 before dutifully serving his country in the United States Navy for nearly four years, attaining the rank of Chief Petty Officer; and

WHEREAS, on January 18, 1948, Willard May embarked upon a new and exciting chapter in his life when he married his beloved Margaret "Tootie" Lay, a kind and caring woman with whom he enjoyed a thirty-two-year union until her departure from this world in 1980; and

WHEREAS, on July 24, 1953, they welcomed their only child, Margaret Lynn; and

WHEREAS, Willard May was initiated into the Huntsville Masonic Lodge in March 1949, became a Master Mason in May 1949, achieved 32nd degree Mason status with the Columbia Valley Scottish Rite on August 22, 1979, became a Shriner on September 22, 1979, and joined the York Rite in Jefferson City in April 1983; and

WHEREAS, Willard May performed a variety of duties as a member of the Fraternal Order of Eagles in Jefferson City, such as serving coffee and tea, and flouring chickens; and

WHEREAS, Willard May took up the sport of bowling at age seventy and, though no longer participates, still makes a daily trip to West Gate Lanes; and

WHEREAS, Willard May served as Assistant Doorkeeper for the Missouri State Senate from November 1983 until his retirement in January 1993; and

WHEREAS, Willard May is a devout member of Community Christian Church and continues to live in the same home he and his family purchased in 1964:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-second General Assembly, unanimously join in extending our most hearty congratulations and birthday greetings to Willard May as he proudly celebrates ninety years of achievement, and in wishing him tremendous peace, prosperity, and contentment as he continues his journey along life's path; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Willard W. May, as a mark of our esteem for him.

SENATE BILLS FOR PERFECTION

Senator Kinder moved that **SB 556** and **SB 311**, with **SCS, SS** for **SCS** and **SS** for **SS** for **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for **SS** for **SCS** for **SBs 556** and **311**, as amended, was again taken up.

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

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 556 and 311, Page 12, Section 198.036, Line 13, by deleting the phrase "after adequate and proper notice".

Senator Bray moved that the above amendment be adopted.

Senator Dougherty offered **SSA 1** for **SA 3**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Substitute

for Senate Committee Substitute for Senate Bills Nos. 556 and 311, Page 12, Section 198.036, Line 13, by deleting the phrase "after adequate and proper notice refused to allow" and inserting in lieu thereof the word "denied".

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

Senator Dougherty offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 556 and 311, Page 26, Section 198.093, Lines 8-15, by deleting after the "period" on line 8 all of said lines.

Senator Dougherty moved that the above amendment be adopted.

Senator Caskey offered **SSA 1** for **SA 4**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 556 and 311, Section 198.093, Pages 25-27, by striking said section; and

Further amend the title and enacting clause accordingly.

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

Senator Jacob offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 556 and 311, Page 70, Section 660.321, Line 3, by inserting after all of said line the following:

"Section 1. Any person, including but not limited to an elderly, handicapped, physically or mentally infirm, or disabled person, who suffers death, bodily injury or other damages due to the negligent act or omission of an entity licensed

pursuant to chapter 197 or chapter 198, RSMo, or due to the negligent act or omission of the owner or an employee of any such entity, may file a civil action for damages against such entity, owner, employee and such other tortfeasors as may be allowed by law. In the event a person prevails in such action, such person shall be entitled to an award of compensatory damages which represents the full extent of the economic damages and noneconomic damages suffered by such person as a result of such negligence, notwithstanding any other provision of law which purports to impose a limitation or restriction on the amount of such award.”; and

Further by amending the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Dolan, Days, Bray and Kinder.

SA 5 failed of adoption by the following vote:

YEAS—Senators

Bray	Caskey	Coleman	Days
Dougherty	Goode	Jacob	Kennedy
Quick	Stoll	Wheeler—11	

NAYS—Senators

Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Foster	Gibbons
Griesheimer	Gross	Kinder	Klindt
Loudon	Mathewson	Nodler	Russell
Scott	Shields	Steelman	Yeckel—20

Absent—Senators

Bland	Vogel—2
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Absent with leave—Senator DePasco—1

Senator Dolan offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 556 and 311, Page 12, Section 198.036, Line

16, by inserting after the word “thereunder” the following: **“except where employees of the facility are in the process of rendering immediate care to a resident of said facility”.**

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

Senator Mathewson offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 556 and 311, Page 32, Section 198.532, Line 17 of said page, by inserting after all of said line the following:

“198.600. 1. The department of health and senior services, shall establish a “Uniform Data Management Pilot Program” at a minimum of fifty selected facilities of varying licensure or classification throughout the state to improve patient care and retention of nursing facility staff. The department shall determine the nature and extent of the pilot program and provide all necessary resources.

2. The pilot program shall be implemented no later than six months after funding for the pilot program is made available.

3. The pilot program shall:

(1) Encourage the utilization of existing or the purchase of new software in an effort to modernize the procedures for compiling and disseminating data for long-term care facilities;

(2) Enable physicians, licensed nurses, and facility personnel to devote more quality time to patient care; and

(3) Be established in selected urban, rural, and regional sites throughout the state.

4. The department of health and senior services shall monitor the pilot program and report to the general assembly by January first next following the enactment of this section on the effectiveness of such program, including quality of care, employee satisfaction, and

cost-effectiveness.”; and

Further amend the title and enacting clause accordingly.

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

Senator Shields offered SA 8:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 556 and 311, Page 7, Section 198.006, Line 14 of said page, by inserting after all of said line the following:

“198.015. 1. No person shall establish, conduct or maintain a residential care facility I, residential care facility II, intermediate care facility, or skilled nursing facility in this state without a valid license issued by the department. Any person violating this subsection is guilty of a class A misdemeanor. **Any person violating this subsection wherein abuse or neglect of a resident or occupant of the premises has occurred is guilty of a class D felony. The department of health and senior services shall investigate any complaint concerning person operating non-licensed premises within twenty-four hours of receiving such complaint. Not later than January 1, 2004, the department shall promulgate regulations to establish procedures to assure compliance with this section. These regulations shall include, but not be limited to, a process to identify unlicensed premises, an annual on-site review of the unlicensed premises by the department, complaint handling, reporting of and publication of the results of complaint investigations sufficient to alert the public to the unlicensed premises and its violation of law, identification of residents, who, when admitted to properly licensed facilities, needed protective oversight, review of the yellow pages of local telephone books, and advertisements in local publications. If during or from its investigation of any unlicensed**

premises the department finds that a resident or occupant on such premises requires protective oversight, the department shall immediately notify the office of the Missouri attorney general. The attorney general and the department shall utilize the provisions of sections 198.070.6 and to protect the residents or occupants of the unlicensed premises and to prevent violations from reoccurring.

2. Each license shall be issued only for the premises and persons named in the application. A license, unless sooner revoked, shall be issued for a period of up to two years, in order to coordinate licensure with certification in accordance with section 198.045.

3. If during the period in which a license is in effect, a licensed operator which is a partnership, limited partnership, or corporation undergoes any of the following changes, or a new corporation, partnership, limited partnership or other entity assumes operation of a facility whether by one or by more than one action, the current operator shall notify the department of the intent to change operators and the succeeding operator shall within ten working days of such change apply for a new license:

(1) With respect to a partnership, a change in the majority interest of general partners;

(2) With respect to a limited partnership, a change in the general partner or in the majority interest of limited partners;

(3) With respect to a corporation, a change in the persons who own, hold or have the power to vote the majority of any class of securities issued by the corporation.

4. Licenses shall be posted in a conspicuous place on the licensed premises.

5. Any license granted shall state the maximum resident capacity for which granted, the person or persons to whom granted, the date, the expiration date, and such additional information and special limitations as the department by rule

may require.

6. The department shall notify the operator at least sixty days prior to the expiration of an existing license of the date that the license application is due. Application for a license shall be made to the department at least thirty days prior to the expiration of any existing license.

7. The department shall grant an operator a temporary operating permit in order to allow for state review of the application and inspection for the purposes of relicensure if the application review and inspection process has not been completed prior to the expiration of a license and the operator is not at fault for the failure to complete the application review and inspection process.

8. The department shall grant an operator a temporary operating permit of sufficient duration to allow the department to evaluate any application for a license submitted as a result of any change of operator.”; and

Further amend the title and enacting clause accordingly.

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

Senator Dougherty offered SA 9:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 556 and 311, Page 51, Section 660.261, Line 10, by inserting the following:

“660.264. 1. A statement made by a person sixty years of age or older, or an adult with a disability, as defined in section 660.053, to an investigator for the department of health and senior services or to a member of law enforcement as defined by section 43.010, RSMo, relating to an offense, crime, or violation pursuant to sections 198.003 to 198.090, RSMo, sections 198.096 to 198.186, RSMo, section 660.050 and sections 660.250 to 660.320, not

otherwise admissible by statute or court rule, is only admissible in evidence in administrative or civil actions brought by the department or in criminal proceedings in the courts of this state as substantive evidence to prove the truth of the matter asserted if:

(1) Such statement is made by affidavit or in some other written form and is in substantially the following form and content:

THE STATE OF _____

COUNTY OF _____

AFFIDAVIT

Before me, the undersigned authority, personally appeared _____, who, being by me duly sworn, deposed as follows:

My name is _____, I am of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

The facts herein stated are:

Affiant

In witness whereof I have hereunto subscribed my name and affixed my official seal this _____ day of _____, _____

(Seal)

(Signed)

(2) The court finds, in a hearing conducted outside the presence of the jury that the time, content, and circumstances of the statement provide sufficient indicia of reliability and the affiant was competent at the time the statement was given;

(3) (a) The person testifies at the proceedings;

(b) The person is deceased; or

(c) The court determines that, due to the person’s physical and mental condition, the person is incompetent to testify at the time of

the criminal, civil, or administrative proceeding.

2. Notwithstanding subsection 1 of this section or any provision of law or rule of evidence requiring corroboration of statements, admissions, or confessions of the defendant a statement by a person sixty years of age or older, or an adult with a disability, as defined in section 660.053, is sufficient corroboration of a statement, admission, or confession.

3. A statement shall not be admitted pursuant to this section unless a representative of the department of health and senior services makes known to the accused or his or her counsel of the intention to offer the statement and the particulars of the statement sufficiently in advance of the proceedings to provide the accused or his or her counsel with a fair opportunity to prepare to meet the statement.

4. Nothing in this section shall be construed to limit the admissibility of statements or admissions otherwise admissible by law.”; and

Further amend the enacting clause and title accordingly.

Senator Dougherty moved that the above amendment be adopted.

Senator Caskey offered SSA 1 for SA 9:

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

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 556 and 311, Page 51, Section 660.261, Line 10, by inserting the following:

“660.264. 1. A statement made by a person sixty years of age or older, or an adult with a disability, as defined in section 660.053, to an investigator for the department of health and senior services or to a member of law enforcement as defined by section 43.010, RSMo, relating to an offense, crime, or violation pursuant to sections 198.003 to 198.090, RSMo, sections 198.096 to 198.186, RSMo, section 660.050 and sections 660.250 to 660.320, not

otherwise admissible by statute or court rule, is only admissible in evidence in administrative or civil actions brought by the department in the courts of this state as substantive evidence to prove the truth of the matter asserted if:

(1) Such statement is recorded on videotape;

(2) The court finds, in a hearing conducted outside the presence of the jury that the time, content, and circumstances of the statement provide sufficient indicia of reliability and the affiant was competent at the time the statement was given;

(3) (a) The person testifies at the proceedings;

(b) The person is deceased; or

(c) The court determines that, due to the person’s physical or mental condition, the person is incompetent to testify at the time of the criminal, civil, or administrative proceeding.

2. Notwithstanding subsection 1 of this section or any provision of law or rule of evidence requiring corroboration of statements, admissions, or confessions of the defendant, and notwithstanding any prohibition of hearsay evidence, a statement by a person sixty years of age or older, or an adult with a disability, as defined in section 660.053, is sufficient corroboration of a statement, admission, or confession.

3. A statement shall not be admitted pursuant to this section unless the prosecuting attorney or a representative of the department of health and senior services makes known to the accused or his or her counsel of the intention to offer the statement and the particulars of the statement sufficiently in advance of the proceedings to provide the accused or his or her counsel with a fair opportunity to prepare to meet the statement.

4. Nothing in this section shall be construed to limit the admissibility of statements, admissions, or confessions otherwise admissible by law.”; and

Further amend the enacting clause and title accordingly.

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

Senator Dolan offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 556 and 311, Page 25, Section 198.082, Line 9 of said page, by inserting after all of said line the following:

“198.086. 1. The division of aging shall develop and implement a demonstration project designed to establish a licensure category for health care facilities that wish to provide treatment to persons with Alzheimer's disease or Alzheimer's related dementia. The division shall also:

(1) Inform potential providers of the demonstration project and seek letters of intent;

(2) Review letters of intent and select provider organizations to participate in the demonstration project. Ten such organizations may develop such projects using an existing license and additional organizations shall be newly licensed facilities with no more than thirty beds per project. One demonstration project shall be at a stand-alone facility of no more than one hundred twenty beds designed and operated exclusively for the care of residents with Alzheimer's disease or dementia within a county of the first classification with a charter form of government with a population over nine hundred thousand. A total of not more than three hundred beds may be newly licensed through the demonstration projects. All projects shall maintain their pilot status until a complete evaluation is completed by the division of aging, in conjunction with a qualified Missouri school or university, and a written determination is made from such evaluation that the pilot project is successful;

(3) Monitor the participants' compliance with the criteria established in this section;

(4) Recommend legislation regarding the licensure of dementia-specific residential care based on the results of the demonstration project; and

(5) Submit a report regarding the division's activities and recommendations for administrative or legislative action on or before November fifteenth of each year to the governor, the president pro tem of the senate and the speaker of the house of representatives.

2. The director of the division of aging shall:

(1) Develop a reimbursement methodology to reasonably and adequately compensate the pilot projects for the costs of operation of the project, and require the filing of annual cost reports by each participating facility which shall include, but not be limited to, the cost equivalent of unpaid volunteer or donated labor;

(2) Process the license applications of project participants;

(3) Monitor each participant to assure its compliance with the requirements and that the life, health and safety of residents are assured;

(4) Require each participating facility to complete a minimum data set form for each resident occupying a pilot bed;

(5) Require the division of aging to assign a single team of the same surveyors to inspect and survey all participating facilities at least twice a year for the entire period of the project; and

(6) Submit to the president pro tem of the senate and speaker of the house of representatives copies of any statements of deficiencies, plans of correction and complaint investigation reports applying to project participants.

3. Project participants shall:

(1) Be licensed by the division of aging;

(2) Provide care only to persons who have

been diagnosed with Alzheimer's disease or Alzheimer's related dementia;

(3) Have buildings and furnishings that are designed to provide for the resident's safety. Facilities shall have indoor and outdoor activity areas, and electronically controlled exits from the buildings and grounds to allow residents the ability to explore while preventing them from exiting the facility's grounds unattended;

(4) Be staffed twenty-four hours a day by the appropriate number and type of personnel necessary for the proper care of residents and upkeep of the facility;

(5) Conduct special staff training relating to the needs, care and safety of persons with Alzheimer's disease or Alzheimer's related dementia within the first thirty days of employment;

(6) Utilize personal electronic monitoring devices for any resident whose physician recommends use of such device;

(7) Permit the resident's physician, in consultation with the family members or health care advocates of the resident, to determine whether the facility meets the needs of the resident;

(8) Be equipped with an automatic sprinkler system, in compliance with the National Fire Protection Association Code 13 or National Fire Protection Association Code 13R, and an automated fire alarm system and smoke barriers in compliance with the 1997 Life Safety Codes for Existing Health Care Occupancy; and

(9) Implement a social model for the residential environment rather than an institutional medical model.

4. For purposes of this section, "health care facilities for persons with Alzheimer's disease or Alzheimer's related dementia" means facilities that are specifically designed and operated to provide elderly individuals who have chronic confusion or dementia illness, or both, with a safe, structured

but flexible environment that encourages physical activity through a well-developed recreational and aging-in-place, and activity program. Such program shall continually strive to promote the highest practicable physical and mental abilities and functioning of each resident.

5. Nothing in this section shall be construed to prohibit project participants from accommodating a family member or other caregiver from residing with the resident in accordance with all life, health, and safety standards of the facility."; and

Further amend the title and enacting clause accordingly.

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

Senator Caskey offered SA 11:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 556 and 311, Page 22, Section 198.070, Line 9, by striking the letter "D" and inserting in lieu thereof the letter "C"; and further amend said line by inserting immediately after said line the following:

"13. Any person who recklessly neglects a resident of a facility shall be guilty of a class D felony.

14. Any person who, acting with criminal negligence, neglects a resident of a facility shall be guilty of a class A misdemeanor.

15. The definitions of the culpable mental states set out in section 562.016, RSMo, shall apply to the mental states required in this section."; and

Further renumber the remaining subsections accordingly.

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

Senator Caskey offered SA 12:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 556 and 311, Page 10, Section 198.032.1 (5), Line 24, by inserting after the word “resident” the words “**or guardian**”; and

Further amend said bill, page 69, Section 660.321 (5), line 29, by inserting after the word “guardian” on said line the following: “**or any other person designated by the eligible adult or guardian**”.

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

Senator Griesheimer offered **SA 13**:

SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 556 and 311, Page 70, Section 660.321, Line 3 of said page, by inserting after all of said line the following:

“660.603. 1. There is hereby established within the [division of aging] **department of health and senior services** the “Office of State Ombudsman for Long-Term Care Facility Residents”, for the purpose of helping to assure the adequacy of care received by residents of long-term care facilities and to improve the quality of life experienced by them, in accordance with the federal Older Americans Act, 42 U.S.C. 3001, et seq.

2. The office shall be administered by the state ombudsman, who shall devote his entire time to the duties of his position.

3. The office shall establish and implement procedures for receiving, processing, responding to, and resolving complaints made by or on behalf of residents of long-term care facilities relating to action, inaction, or decisions of providers, or their representatives, of long-term care services, of public agencies or of social service agencies, which may adversely affect the health, safety, welfare or

rights of such residents.

4. The [division] **department** shall establish and implement procedures for resolution of complaints. The ombudsman or representatives of the office shall have the authority to:

(1) Enter any long-term care facility and have access to residents of the facility at a reasonable time and in a reasonable manner. The ombudsman shall have access to review resident records, if given permission by the resident or the resident's legal guardian. Residents of the facility shall have the right to request, deny, or terminate visits with an ombudsman;

(2) Make the necessary inquiries and review such information and records as the ombudsman or representative of the office deems necessary to accomplish the objective of verifying these complaints.

5. The office shall acknowledge complaints, report its findings, make recommendations, gather and disseminate information and other material, and publicize its existence.

6. The ombudsman may recommend to the relevant governmental agency changes in the rules and regulations adopted or proposed by such governmental agency which do or may adversely affect the health, safety, welfare, or civil or human rights of any resident in a facility. The office shall analyze and monitor the development and implementation of federal, state and local laws, regulations and policies with respect to long-term care facilities and services in the state and shall recommend to the [division] **department** changes in such laws, regulations and policies deemed by the office to be appropriate.

7. The office shall promote community contact and involvement with residents of facilities through the use of volunteers and volunteer programs directed by the regional ombudsman coordinators.

8. The office shall develop and establish by regulation of the [division] **department** statewide policies and standards for implementing the

activities of the ombudsman program, including the qualifications and the training of regional ombudsman coordinators and ombudsman volunteers.

9. The office shall develop and propose programs for use, training and coordination of volunteers in conjunction with the regional ombudsman coordinators and may:

(1) Establish and conduct recruitment programs for volunteers;

(2) Establish and conduct training seminars, meetings and other programs for volunteers; and

(3) Supply personnel, written materials and such other reasonable assistance, including publicizing their activities, as may be deemed necessary.

10. The regional ombudsman coordinators and ombudsman volunteers shall have the authority to report instances of abuse and neglect to the ombudsman hotline operated by the department.

11. If the regional ombudsman coordinator or volunteer find that a nursing home administrator is not willing to work with the ombudsman program to resolve complaints, the state ombudsman shall be notified. The Department shall establish procedures by rule for implementation of this subsection.

[10.] **12.** The office shall prepare and distribute to each facility written notices which set forth the address and telephone number of the office, a brief explanation of the function of the office, the procedure to follow in filing a complaint and other pertinent information.

[11.] **13.** The administrator of each facility shall ensure that such written notice is given to every resident or his guardian upon admission to the facility and to every person already in residence, or to his guardian. The administrator shall also post such written notice in a

conspicuous, public place in the facility in the number and manner set forth in the regulations adopted by the [division] **department.**

[12.] **14.** The office shall inform residents, their guardians or their families of their rights and entitlements under state and federal laws and rules and regulations by means of the distribution of educational materials and group meetings.”; and

Further amend the title and enacting clause accordingly.

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

Senator Steelman offered **SA 14:**

SENATE AMENDMENT NO. 14

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 556 and 311, Page 49, Section 660.250, Line 9 of said page, by inserting after the word “older” the following: “**who is unable to protect his or her own interests or adequately perform or obtain services which are necessary to meet his or her essential human needs**”; and further amend line 13 of said page, by inserting after all of said line the following:

“(6) “**Home health agency**”, an entity licensed pursuant to section 197.400, RSMo;

(7) “**Home health agency employee**”, a person employed by a home health agency;

(8) “**Home health patient**”, an eligible adult who is receiving services through any home health agency;”; and further amend by renumbering the remaining subdivisions accordingly; and further amend line 21 of said page, by inserting an opening bracket “[“ immediately before the word “or”; and further amend line 23 of said page, by inserting a closing bracket “]” immediately after the word “RSMo”; and

Further amend said bill, Pages 52-55, Section

660.300, by striking all of said section from the bill and inserting in lieu thereof the following:

“660.300. 1. [Beginning January 1, 1993,] When any physician, dentist, chiropractor, optometrist, podiatrist, [intern,] nurse, **nurse practitioner, physician's assistant, hospital and clinic personnel engaged in examination, care, or treatment of persons, or other health practitioners, medical examiner, coroner, mental health professional,** social worker, psychologist, minister, **funeral director, embalmer,** Christian Science practitioner, peace officer, **probation or parole officer, law enforcement officer,** pharmacist, physical therapist, in-home services owner, **in-home services provider, in-home services operator, in-home services employee, home health agency or home health agency employee, adult day care worker,** or employee of the department of social services or of the department of health and senior services or of the department of mental health **or employee for a local area agency on aging or for an organized area agency on aging program** has reasonable cause to believe that an in-home services client has been abused or neglected, as a result of in-home services, he **or she** shall immediately report or cause a report to be made to the department. **If the report is made by a physician of the in-home services client, then the department shall maintain contact with the physician regarding the progress of the investigation.**

2. **When a report of deteriorating physical condition resulting in possible abuse or neglect of an in-home services client is received by the department, the client's case manager and the department nurse shall be notified. The client's case manager shall investigate and immediately report the results of the investigation to the department nurse. The department may authorize the in-home services provider nurse to assist the case manager with the investigation.**

3. **Local area agencies on aging shall provide volunteer training, if requested, to those persons listed in subsection 1 of this section**

regarding the detection and report of abuse and neglect, pursuant to this section.

[2.] **4.** Any person required in subsection 1 of this section to report or cause a report to be made to the department who fails to do so within a reasonable time after the act of abuse or neglect is guilty of a class A misdemeanor.

[3.] **5.** The report shall contain the names and addresses of the in-home services provider agency, the in-home services employee, the in-home services client, **the home health agency, the home health agency employee,** information regarding the nature of the abuse or neglect, the name of the complainant, and any other information which might be helpful in an investigation.

[4.] **6.** In addition to those persons required to report under subsection 1 of this section, any other person having reasonable cause to believe that an in-home services client **or home health patient** has been abused or neglected by an in-home services employee **or home health agency employee** may report such information to the department.

[5.] Upon receipt of a report, the department shall initiate a prompt and thorough investigation.

6.] **7.** If the investigation indicates possible abuse or neglect of an in-home services client **or home health patient,** the investigator shall refer the complaint together with his **or her** report to the department director or his **or her** designee for appropriate action. If, during the investigation or at its completion, the department has reasonable cause to believe that immediate [removal] **action** is necessary to protect the in-home services client **or home health patient** from abuse or neglect, the department or the local prosecuting attorney may, or the attorney general upon request of the department shall, file a petition for temporary care and protection of the in-home services client **or home health patient** in a circuit court of competent jurisdiction. The circuit court in which the petition is filed shall have equitable jurisdiction to issue an ex parte order granting the department

authority for the temporary care and protection of the in-home services client **or home health patient**, for a period not to exceed thirty days.

[7.] **8.** Reports shall be confidential, as provided under section 660.320.

[8.] **9.** Anyone, except any person who has abused or neglected an in-home services client **or home health patient**, who makes a report pursuant to this section or who testifies in any administrative or judicial proceeding arising from the report shall be immune from any civil or criminal liability for making such a report or for testifying except for liability for perjury, unless such person acted negligently, recklessly, in bad faith, or with malicious purpose.

[9.] **10.** Within five working days after a report required to be made under this section is received, the person making the report shall be notified in writing of its receipt and of the initiation of the investigation.

[10.] **11.** No person who directs or exercises any authority in an in-home services provider agency **or home health agency** shall harass, dismiss or retaliate against an in-home services client **or home health patient**, or an in-home services employee **or a home health agency employee** because he or any member of his **or her** family has made a report of any violation or suspected violation of laws, standards or regulations applying to the in-home services provider agency **or home health agency** or any in-home services employee **or home health agency employee** which he has reasonable cause to believe has been committed or has occurred.

[11.] **12.** Any person who knowingly abuses or neglects an in-home services client **or home health patient** shall be guilty of a class D felony. **If such person is an in-home services employee and has been determined guilty by a court, 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 dollars per violation to be collected by the department and the money received therefor shall be paid to the director of revenue and deposited in the state treasury to the credit of the general revenue fund. Any in-home services provider which has had administrative penalties imposed by the department or which has had its contract terminated may seek an administrative review of the department's action pursuant to chapter 621, RSMo. Any decision of the administrative hearing commission may be appealed to the circuit court in the county where the violation occurred for a trial de novo. For purposes of this subsection, the term "violation" shall mean a determination of guilt by a court. The department shall establish a quality assurance and supervision process for clients. The process shall require an in-home services provider agency to conduct random visits to verify compliance with program standards and verify the accuracy of records kept by an in-home services employee.

[12.] **13.** The department shall maintain the employee disqualification list and place on the employee disqualification list the names of any persons who have been finally determined by the department, pursuant to section 660.315, to have recklessly, knowingly or purposely abused or neglected an in-home services client **or home health patient** while employed by an in-home services provider agency[.] **or home health agency. For purposes of this subsection only, "knowingly" and "recklessly" shall have the terms that are prescribed to them in this subsection. A person acts "knowingly" with respect to the person's conduct when a reasonable person should be aware of the result caused by his or her conduct. A person acts "recklessly" when the person consciously disregards a substantial and unjustifiable risk that the person's conduct will result in serious physical injury and such disregard constitutes**

a gross deviation from the standard of care that a reasonable person would exercise in the situation. Any in-home services provider agency or home health agency which knowingly employs a person who refuses to register with the Family Care Safety Registry or who is listed on any of the background check lists in the Family Care Safety Registry, pursuant to sections 210.900 to 210.936, RSMo, will be guilty of a class A misdemeanor.

14. At the time a client has been assessed to determine the level of care as required by rule and is eligible for in-home services, the department shall conduct a “Safe at Home Evaluation” to determine the client's physical, mental and environmental capacity. The department shall develop the safe at home evaluation tool by rule in accordance with chapter 536, RSMo. The purpose of the safe at home evaluation is to assure that each client has the appropriate level of services and professionals involved in the client's care. The plan of service or care for each in-home services client shall be authorized by a nurse. The department may authorize the in-home services nurse, licensed pursuant to chapter 335, RSMo, in lieu of the department nurse to conduct the assessment of the client's condition and to establish a plan of services or care. The department may use the expertise, services or programs of other departments and agencies on a case-by-case basis to establish the plan of service or care. The department may, as indicated by the safe at home evaluation, refer any client to a mental health professional, as defined in 9 CSR 30-4.030, for evaluation and treatment as necessary.

15. Authorized nurse visits shall be at least twice annually for the purpose of assessing the client and the client's plan of services. The provider nurse shall report the results of his or her visits to the client's case manager. If the provider nurse believes that the plan of service requires alteration, the department shall be

notified and the department shall make a client evaluation. All authorized nurse visits shall be reimbursed to the in-home services provider. All authorized nurse visits shall be reimbursed outside of the nursing home cap for in-home services clients whose services have reached one hundred percent of the average statewide charge for care and treatment in an intermediate care facility, provided that the services have been pre-authorized by the department.

16. All in-home services clients shall be advised of their rights by the department at the initial evaluation. The rights shall include, but not be limited to, the right to call the department for any reason, including dissatisfaction with the provider or services. The department shall establish a process to receive these nonabuse and neglect calls other than the elder abuse and neglect hotline.

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.”; and

Further amend the title and enacting clause accordingly.

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

Senator Dolan moved that SS for SS for SCS for SBs 556 and 311, as amended, be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bartle, Clemens, Kinder and Scott.

SS for SS for SCS for SBs 556 and 311, as amended, was adopted by the following vote:

YEAS—Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler

Quick Russell Scott Shields
 Steelman Stoll Vogel Wheeler
 Yeckel—33

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

CONCURRENT RESOLUTIONS

Senator Bland moved that **SCR 2** be taken up for adoption, which motion prevailed.

On motion of Senator Bland, **SCR 2** was adopted by the following vote:

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator DePasco—1

On motion of Senator Kinder, **SS** for **SS** for **SCS** for **SBs 556** and **311**, as amended, was declared perfected and ordered printed.

YEAS—Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel—32

THIRD READING OF SENATE BILLS

Senator Bartle moved that **SB 468** be called from the Consent Calendar and again taken up for third reading and final passage, which motion prevailed.

NAYS—Senators—None

Senator Gross assumed the Chair.

On motion of Senator Bartle, **SB 468** was read the third time and passed by the following vote:

Absent—Senator Dougherty—1

YEAS—Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler

Yeckel—33

Absent with leave—Senator DePasco—1

THIRD READING OF SENATE BILLS

SS No. 2 for **SCS** for **SB 481**, with **SCA 1**, introduced by Senator Dolan, entitled:

**SENATE SUBSTITUTE NO. 2 FOR
 SENATE COMMITTEE SUBSTITUTE FOR
 SENATE BILL NO. 481**

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator DePasco—1

The President declared the bill passed.

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

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

An Act to repeal sections 21.795, 144.062, and 226.030, RSMo, and to enact in lieu thereof seven new sections relating to accountability measures governing the operations of the department of transportation.

Was taken up.

SCA 1 was taken up.

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

On motion of Senator Dolan, **SS No. 2** for **SCS** for **SB 481**, as amended, was read the 3rd

time and passed by the following vote:

YEAS—Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel—32

NAYS—Senators—None

Absent—Senator Dougherty—1

Absent with leave—Senator DePasco—1

The President declared the bill passed.

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

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

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

REFERRALS

President Pro Tem Kinder referred **SCS** for **SB 69** to the Committee on Governmental Accountability and Fiscal Oversight.

HOUSE BILLS ON SECOND READING

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

HS for **HCS** for **HBs 517, 94, 149, 150** and **342**—Pensions and General Laws.

HCS for **HB 380**—Judiciary and Civil and Criminal Jurisprudence.

HB 182—Agriculture, Conservation, Parks and Natural Resources.

HS for **HB 668**—Transportation.

REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HB 141**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

RESOLUTIONS

Senator Champion offered Senate Resolution No. 523, regarding NAMI (National Alliance for the Mentally Ill) Walks for the Mind of America, which was adopted.

Senator Champion offered Senate Resolution No. 524, regarding Benjamin Kenney, Springfield, which was adopted.

Senator Champion offered Senate Resolution No. 525, regarding Nick Dlack, Springfield, which was adopted.

Senator Champion offered Senate Resolution No. 526, regarding Brian Mattson, Springfield, which was adopted.

Senator Champion offered Senate Resolution No. 527, regarding Jeffrey Schafer, Springfield, which was adopted.

Senator Dolan offered Senate Resolution No. 528, regarding Nancy S. Becker, Hawk Point, which was adopted.

Senator Dolan offered Senate Resolution No. 528, regarding Thomas Keith Parks, Jr., St. Peters, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Nodler introduced to the Senate, Adolfo Castillo, Joplin.

Senator Childers introduced to the Senate, seventh and eighth grade students from St. Mary's School, Pierce City; and Jaymie Reinhardt, Zachary Rosewicz, Samantha Steele, and Suzanne Witt were made honorary pages.

Senator Dolan introduced to the Senate, Enrique Ante, O'Fallon.

Senator Kinder introduced to the Senate, the Hispanic Delegation from around the state.

Senator Mathewson introduced to the Senate, former State Senator Betty Sims, Ladue.

On behalf of Senator Bartle, the President introduced to the Senate, his parents, Vince and Kay Bartle, Chesterfield.

Senator Days introduced to the Senate, Rachel Parrent and Herbert Hoosman, Bridgeton.

Senator Loudon introduced to the Senate, the Physician of the Day, Dr. Thomas Saak, St. Louis.

Senator Kinder introduced to the Senate, twenty-three seventh grade students from Immaculate Conception School, Jackson.

Senator Gross introduced to the Senate, Norm Frieberger, St. Charles.

Senator Gibbons introduced to the Senate, Tom and Judy Alferman and David Gisburne, Kirkwood; and David was made an honorary page.

Senator Gibbons introduced to the Senate, one hundred ten fifth grade students from Barretts Elementary School, Manchester.

Senator Yeckel introduced to the Senate, Geri Pitti and nineteen eighth grade students from St. Matthias School, St. Louis.

Senator Kinder introduced to the Senate, Dr. David Johnson, Dr. Mike Bennett, Dr. Robert Fox,

and Dr. Terry Spence, Cape Girardeau.

Senator Shields introduced to the Senate, representatives of the Legal Studies Association from Missouri Western State College, St. Joseph.

On behalf of Senator Champion and himself, Senator Russell introduced to the Senate, Dr. Craig Scott, Springfield.

Senator Caskey introduced to the Senate, Nora Quitno, Emily Scarborough, and Ben Wilson, Nevada.

Senator Bray introduced to the Senate, Heather Muessing, and thirty-four fourth grade students and parents from Mark Twain Elementary School, St. Louis.

Senator Kennedy introduced to the Senate, William Basinger, Tom Hunt, and Paula Weaver, St. Louis.

Senator Yeckel introduced to the Senate, Dr. Kevin Groth, and his wife, Joyce; and Katy Forand, St. Louis.

Senator Kennedy introduced to the Senate, Ron and Carol Hopkins, Ironton.

Senator Kennedy introduced to the Senate, Bob Kloepfel, St. Louis.

Senator Bartle introduced to the Senate, Farmer's Insurance Agents from around the state.

Senator Bray introduced to the Senate, Senator Steven Rauschenberger, Elgin, Illinois; William Pound, Denver, Colorado; and Neal Osten, Washington, D.C.

Senator Kinder introduced to the Senate, Julie Bell, Denver, Colorado.

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

SENATE CALENDAR

FIFTIETH DAY—WEDNESDAY, APRIL 9, 2003

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HS for HB 267-Smith (118)

HCS for HBs 346 & 174

THIRD READING OF SENATE BILLS

SS for SCS for SB 410-Shields
(In Fiscal Oversight)

SCS for SB 69-Yeckel and Nodler
(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

1. SB 243-Yeckel
2. SBs 361, 103, 156 &
329-Steelman, with SCS
3. SB 28-Gross
4. SB 362-Steelman and Gross
5. SB 184-Bartle and Scott
6. SB 38-Klindt, et al, with SCS
7. SB 241-Yeckel, with SCS
8. SB 476-Jacob
9. SB 460-Loudon
10. SBs 381, 384, 432 & 9-Dolan,
with SCS
11. SB 39-Cauthorn, et al, with
SCA 1
12. SB 199-Childers, with SCS
13. SB 620-Loudon, et al, with SCS
14. SB 416-Yeckel, with SCS
15. SB 219-Steelman and Yeckel
16. SJR 13-Stoll
17. SB 555-Kinder and Foster,
with SCS
18. SB 695-Goode and Russell
19. SB 693-Klindt, et al, with
SCS
20. SB 12-Kinder and Scott
21. SBs 248, 100, 118, 233, 247,
341 & 420-Gross, et al, with SCS
22. SB 27-Gibbons, with SCS
23. SB 209-Steelman, et al, with
SCS
24. SB 685-Gibbons, et al, with SCS
25. SB 455-Dougherty and Shields

26. SBs 343, 89, 134, 171, 240,
261, 331, 368, 369, 419, 484
& 581-Dolan, with SCS

27. SB 446-Bartle, with SCS
28. SB 242-Yeckel, with SCA 1

HOUSE BILLS ON THIRD READING

HCS for HB 73 (Yeckel)
(In Fiscal Oversight)
HS for HCS for HB 321-
Wilson (130) (Loudon)
(In Fiscal Oversight)

HCS for HBs 122 & 80
(Bland)
(In Fiscal Oversight)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 2-Russell, with SCS, SS
for SCS & SS#2 for SS for
SCS (pending)

SB 5-Caskey, with SCS

SB 18-Yeckel and Cauthorn,
with SCS & SS for SCS
(pending)

SB 24-Steelman, with SCS
& SS for SCS (pending)

SB 33-Loudon and Scott,
with SS (pending)

SB 51-Shields, with SS,
SS for SS & SA 1 (pending)

SB 112-Loudon, with SCS

SBs 125 & 290-Goode, with
SCS & SA 6 (pending)

SB 217-Champion and
Clemens, with SS (pending)

SB 253-Steelman, et al, with
SCS, SS for SCS & SA 1
(pending)

SB 300-Cauthorn, et al, with
SCS

SB 305-Jacob and Steelman,
with SS & point of order
(pending)

SB 347-Loudon, et al, with SCS

SB 436-Klindt, with SCS, SS
for SCS & SA 2 (pending)

SB 450-Mathewson, et al,
with SCS, SS for SCS &
SA 2 (pending)

HOUSE BILLS ON THIRD READING

HCS for HB 221, with SCS
(Yeckel)

HB 412-Goodman, et al
(Childers)

CONSENT CALENDAR

Senate Bills

Reported 2/10

SB 62-Caskey

Reported 3/13

SB 159-Bland, with SCS
(In Fiscal Oversight)

SB 694-Klindt
SB 490-Dolan

Unofficial
House Bills

Reported 4/7

HCS for HB 166 (Caskey)
HCS for HB 181 (Mathewson)
HCS for HB 277 (Champion)
HB 278-Davis (19) and
Parker (Dolan)
HB 292-Wagner

HB 358-Boykins
HCS for HB 133 (Quick)
HB 99-Seigfreid (Mathewson)
HB 521-Dethrow, et al, with
SCS (Childers)
HB 314-Engler (Gross)

Reported 4/8

HB 141-Mayer

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RESOLUTIONS

SCR 15-Dolan, et al

To be Referred

HCR 29-Jetton, et al

Reported from Committee

SR 30-Shields, with SCS, SS
for SCS & SA 1 (pending)
SCR 5-Cauthorn, et al

SCR 12-Gibbons, et al
SCR 3-Loudon
SCR 6-Stoll

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Unofficial

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