

# Journal of the Senate

FIRST REGULAR SESSION

SIXTY-FOURTH DAY—MONDAY, MAY 3, 1999

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl R. Gauck offered the following prayer:

Martin Luther arrived at his chapel an hour earlier than expected. His assistant asked him "Why?" Luther said: "I have a very heavy schedule today, with much to be accomplished, so I need an extra hour of prayer."

Let us Pray. Gracious and Merciful Father: We each here have a very demanding day and week ahead of us so we need this time with You in prayer. We need Your guidance to lead us on the paths of righteousness as we discern the bills that demand our attention. We ask that Your Holy Spirit may stir up our hearts and strengthen us this week to do and accomplish what is needed. This we ask in Your Holy Name. 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.

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

Present—Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel—34		

Absent with leave—Senators—None  
The Lieutenant Governor was present.

## RESOLUTIONS

Senator Scott offered Senate Resolution No. 775, regarding the Seventy-fifth Anniversary of the Lions Club of South Side, St. Louis, which was adopted.

Senator Quick offered Senate Resolution No. 776, regarding Jared Wayne Summerville, Kearney, which was adopted.

## CONCURRENT RESOLUTIONS

Senator DePasco moved that **HCR 9** be taken up for adoption, which motion prevailed.

On motion of Senator DePasco, **HCR 9** was adopted by the following vote:

YEAS—Senators

Banks	Bentley	Caskey	Childers
DePasco	Flotron	Goode	Graves
House	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Scott	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel—26		

NAYS—Senators—None

Absent—Senators

Bland	Ehlmann	Howard	Jacob
Johnson	Schneider—6		

Absent with leave—Senators

Clay	Staples—2
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Senator Caskey moved that **HCS** for **HCR 19**, with **SCS**, be taken up for adoption, which motion prevailed.

**SCS** for **HCS** for **HCR 19** was taken up.

Senator Caskey moved that **SCS** for **HCS** for **HCR 19** be adopted, which motion prevailed.

**SCS** for **HCS** for **HCR 19** was adopted by the following vote:

## YEAS—Senators

Banks	Bentley	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel—29			

## NAYS—Senators—None

## Absent—Senators

Bland	Jacob	Schneider—3
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## Absent with leave—Senators

Clay	Staples—2
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Senator Childers moved that **HCS** for **HCR 3**, with **SCS**, be taken up for adoption, which motion prevailed.

**SCS** for **HCS** for **HCR 3** was taken up.

Senator Childers moved that **SCS** for **HCS** for **HCR 3** be adopted, which motion prevailed.

**SCS** for **HCS** for **HCR 3** was adopted by the following vote:

## YEAS—Senators

Banks	Bentley	Bland	Childers
DePasco	Flotron	Goode	House
Howard	Johnson	Kenney	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Scott	Sims	Singleton	Stoll
Westfall	Wiggins	Yeckel—23	

## NAYS—Senators

Caskey	Ehlmann	Graves	Kinder
Steelman—5			

## Absent—Senators

Jacob	Klarich	Russell	Schneider—4
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## Absent with leave—Senators

Clay	Staples—2
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President Wilson assumed the Chair.

President Pro Tem Quick assumed the Chair.

Senator DePasco announced that photographers from KOMU-TV and KRCG-TV had been given permission to take pictures in the Senate Chamber today.

## REPORTS OF STANDING COMMITTEES

Senator Johnson, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which were referred **SS** for **SCS** for **SBs 75, 381 and 204**; **SS** for **SCS** for **SBs 347, 40, 241 and 301**; **SB 472**; **HS** for **HB 516**, with **SCS**; **HB 401**, with **SCS**; **HCS** for **HB 490** and **HCS** for **HB 308**, with **SCS**; **HB 191**, with **SCS**; **HS** for **HCS** for **HB 701**, with **SCS**; **HCS** for **HBs 316, 660 and 203**, with **SCS**; and **HS** for **HCS** for **HB 793**, with **SCS**, begs leave to report that it has considered the same and recommends that the bills do pass.

## HOUSE BILLS ON THIRD READING

Senator House moved that **HS** for **HCS** for **HBs 427, 40, 196 and 404**, with **SCS** and **SS No. 2** for **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SS No. 2** for **SCS** for **HS** for **HCS** for **HBs 427, 40, 196 and 404**, as amended, was taken up.

Senators Klarich, Schneider and House offered **SA 13**:

## SENATE AMENDMENT NO. 13

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 427, 40, 196 and 404, Page 3, Section 565.300, Line 1, by putting a period "." after the word birth, and deleting the remainder of said lines, and the words "of the child" on line 2; additionally, add at the end of line 4, the following:

**"6. Only that person who performs the overt act required under subsection 3 of this section shall be culpable under this section,**

**unless a person, with the purpose of committing infanticide, does any act which is a substantial step towards the commission of the offense. A "substantial step" is conduct which is strongly corroborative of the firmness of the actor's purpose to complete the commission of the offense.**

**7. Nothing in this section shall be interpreted to exclude the defenses otherwise available to any person under the law including defenses provided pursuant to chapters 562 and 563, RSMo."**

Senator Klarich moved that the above amendment be adopted.

Senator Mathewson assumed the Chair.

Senator Maxwell offered **SSA 1** for **SA 13**, which was read:

**SENATE SUBSTITUTE AMENDMENT NO. 1  
FOR SENATE AMENDMENT NO. 13**

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 427, 40, 196 and 404, Page 3, Section 565.300, Line 4 of said page, by inserting immediately after said line the following:

**"6. The mother shall have the same defense of justification that is available to the physician pursuant to subsection 4 of section 563.061, RSMo."**

Senator Maxwell moved that the above substitute amendment be adopted.

Senator Klarich raised the point of order that **SSA 1** for **SA 13** is out of order as it is not a true substitute amendment, because it can be offered regardless of the outcome of the underlying amendment.

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

**SSA 1** for **SA 13** was again taken up.

At the request of Senator Maxwell, the above amendment was withdrawn.

President Pro Tem Quick assumed the Chair.

Senator Jacob offered **SA 1** to **SA 13**, which

was read:

**SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 13**

Amend Senate Amendment No. 13 to Senate Substitute No. 2 for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 427, 40, 196 and 404, Page 1, Line 5, by placing a period "." after the word "section" and striking the rest of said paragraph.

Senator Jacob moved that the above amendment be adopted.

Senators Schneider and Caskey offered **SSA 1** for **SA 1** to **SA 13**:

**SENATE SUBSTITUTE AMENDMENT NO. 1  
FOR SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 13**

Amend Senate Amendment No. 13 to Senate Substitute No. 2 for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 427, 40, 196 and 404, Line 7, by inserting after the word "offense" the words: "which results in the death of the living infant".

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

**SA 13**, as amended, was again taken up.

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

At the request of Senator House, **HS** for **HCS** for **HBs 427, 40, 196** and **404**, with **SCS** and **SS No. 2** for **SCS**, as amended (pending), was placed on the Informal Calendar.

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

## **RECESS**

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

## **RESOLUTIONS**

Senator Graves offered Senate Resolution No. 777, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Arthur Clark Nichols II,

Chillicothe, which was adopted.

Senator Graves offered Senate Resolution No. 778, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Dan Cornelison, Maryville, which was adopted.

Senator Graves offered Senate Resolution No. 779, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Lester Swaney, Maryville, which was adopted.

Senator Graves offered Senate Resolution No. 780, regarding the Seventieth Wedding Anniversary of Mr. and Mrs. Fred Newman, Albany, which was adopted.

Senator Graves offered Senate Resolution No. 781, regarding the Fifty-ninth Wedding Anniversary of Mr. and Mrs. C.W. Tompkins, Chillicothe, which was adopted.

Senators Bentley and Westfall offered Senate Resolution No. 782, regarding Dr. Arnold J. "Bud" Greve, Springfield, which was adopted.

**PRIVILEGED MOTIONS**

Senator Caskey, on behalf of the Conference Committee appointed to act with a like committee from the House on **HS** for **HCS** for **SB 291**, as amended, submitted the following conference committee report:

**CONFERENCE COMMITTEE REPORT ON HOUSE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 291**

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Substitute for House Committee Substitute for Senate Bill No. 291 with House Amendment No. 1 and House Amendment No. 2; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Bill No. 291;
2. That the House recede from its position on House Substitute for House Committee Substitute for Senate Bill No. 291 with House Amendment

No. 1 and House Amendment No. 2; and

3. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Bill No. 291 be truly agreed to and finally passed.

<b>FOR THE SENATE:</b>	<b>FOR THE HOUSE:</b>
/s/ Harold Caskey	/s/ Pat Dougherty
/s/ Ed Quick	/s/ Ralph Monaco
/s/ Jim Mathewson	/s/ Catherine L. Hanaway
/s/ Betty Sims	/s/ Emmy McClelland
/s/ Roseann Bentley	/s/ Marsha Campbell

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

YEAS—Senators

Caskey	Childers	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Staples
Steelman	Westfall	Wiggins	Yeckel—28

NAYS—Senators—None

Absent—Senators

Banks	Bentley	Bland	Singleton
Stoll—5			

Absent with leave—Senator Clay—1

On motion of Senator Caskey, **CCS** for **HS** for **HCS** for **SB 291**, entitled:

**CONFERENCE COMMITTEE SUBSTITUTE FOR HOUSE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 291**

An Act to repeal sections 210.843, 454.430, 454.520, 454.810 and 516.350, RSMo 1994, and sections 452.340, 452.345, 452.350, 454.415, 454.432, 454.433, 454.460, 454.495, 454.505, 454.530 and 483.163, RSMo Supp. 1998, relating to child support enforcement, and to enact in lieu thereof twenty-eight new sections relating to the same subject, with an emergency clause.

Was read the 3rd time and passed by the

following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Banks	Johnson	Schneider—3
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Absent with leave—Senator Clay—1

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Childers
DePasco	Ehlmann	Flotron	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel—28

NAYS—Senators—None

Absent—Senators

Banks	Goode	Schneider	Scott
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Staples—5

Absent with leave—Senator Clay—1

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

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

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

Senator Mathewson, on behalf of the Conference Committee appointed to act with a like committee from the House on **HCS** for **SCS** for **SB 334**, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 334

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 334; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 334;
2. That the attached Conference Committee Amendment No. 1 be adopted; and
3. That the House Committee Substitute for Senate Committee Substitute for Senate Bill No. 334 with Conference Committee Amendment No. 1 be truly agreed and finally passed.

FOR THE SENATE:	FOR THE HOUSE:
/s/ Jim Mathewson	/s/ Gary Wiggins
/s/ Jerry Howard	/s/ Brian May
/s/ Sidney Johnson	/s/ James M. Foley
/s/ Bill Kenney	/s/ Gary Marble
/s/ Morris Westfall	/s/ Larry Crawford

CONFERENCE COMMITTEE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 334, Page 2, Section 644.143, Line 17, by inserting after the word "other" the following: "**scientific**".

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

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Banks Maxwell Schneider—3

Absent with leave—Senator Clay—1

On motion of Senator Mathewson, **HCS** for **SCS** for **SB 334**, as amended by the conference committee report, was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Maxwell Schneider—2

Absent with leave—Senator Clay—1

The President Pro Tem declared the bill passed.

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

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

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

Senator Westfall, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HB 248**, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 248

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on Senate Committee Substitute for House Bill No. 248, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend

and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Bill No. 248;

2. That the Senate recede from its position on Senate Committee Substitute for House Bill No. 248;

3. That the attached Conference Committee Substitute be adopted.

FOR THE SENATE: FOR THE HOUSE:

/s/ John E. Scott	/s/ Don R. Kissell
/s/ Jim Mathewson	/s/ Dana L. Murray
/s/ Stephen M. Stoll	/s/ Mark Hampton
/s/ Morris Westfall	/s/ Carson Ross
/s/ Walt Mueller	/s/ Rex Barnett

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

YEAS—Senators

Banks	Bentley	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Mueller	Quick	Russell
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel—29			

NAYS—Senators

Bland Rohrbach—2

Absent—Senators

Maxwell Schneider—2

Absent with leave—Senator Clay—1

On motion of Senator Westfall, **CCS** for **SCS** for **HB 248**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE  
FOR SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 248

An Act to repeal section 575.010, RSMo 1994, relating to offenses against the administration of justice, and to enact in lieu thereof three new sections relating to the same subject, with penalty provisions.

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

## YEAS—Senators

Banks	Bentley	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Mueller	Quick	Russell
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel—29			

## NAYS—Senators

Bland	Rohrbach—2
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## Absent—Senators

Maxwell	Schneider—2
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Absent with leave—Senator Clay—1

The President Pro Tem declared the bill passed.

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

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

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

Senator DePasco announced that photographers from KMOV-TV, the Associated Press and the Kansas City Star had been given permission to take pictures in the Senate Chamber today.

### HOUSE BILLS ON SECOND READING

The following Bill was read the 2nd time and referred to the Committee indicated:

**HCS** for **HJR 26**—Agriculture, Conservation, Parks and Tourism.

### HOUSE BILLS ON THIRD READING

Senator House moved that **HS** for **HCS** for **HBs 427, 40, 196** and **404**, with **SCS** and **SS No. 2** for **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SS No. 2** for **SCS** for **HS** for **HCS** for **HBs 427, 40, 196** and **404**, as amended, was again taken up.

Senator Johnson assumed the Chair.

Senator Jacob offered **SA 14**:

#### SENATE AMENDMENT NO. 14

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 427, 40, 196 and 404, Page 3, Section 565.300.5, Line 1, by inserting after the word "mother" on said line the following: "or obviate conditions which medically compromise the life of the mother".

Senator Jacob moved that the above amendment be adopted.

Senator Bland offered **SA 1** to **SA 14**, which was read:

#### SENATE AMENDMENT NO. 1 TO SENATE AMENDMENT NO. 14

Amend Senate Amendment No. 14 to Senate Substitute No. 2 for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 427, 40, 196 and 404, Page 1, Line 3, by inserting after the word "obviate" the following: "permanent".

Senator Bland moved that the above amendment be adopted.

President Pro Tem Quick assumed the Chair.

Senator Sims offered **SSA 1** for **SA 1** to **SA 14**:

#### SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 1 TO SENATE AMENDMENT NO. 14

Amend Senate Amendment No. 14 to Senate Substitute No. 2 for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 427, 40, 196 and 404, Line 3, by inserting after the word "which" the following: "permanently and seriously".

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

**SA 14**, as amended, was again taken up.

Senator Jacob requested a roll call vote be taken on the adoption of the above amendment and was joined in his request by Senators Bland, DePasco, House and Mathewson.

**SA 14**, as amended, failed of adoption by the following vote:

## YEAS—Senators

Banks	Bland	Caskey	Clay
Goode	Howard	Jacob	Maxwell
Quick	Sims	Staples—11	

## NAYS—Senators

Bentley	Childers	DePasco	Ehlmann
Flotron	Graves	House	Johnson
Kenney	Kinder	Klarich	Mathewson
Mueller	Rohrbach	Russell	Schneider
Scott	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel—23	

Absent—Senators—None

Absent with leave—Senators—None

Senator Clay offered **SA 15**, which was read:

## SENATE AMENDMENT NO. 15

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 427, 40, 196 and 404, Page 3, Section 565.300.5, Line 1, by inserting after the word "mother" on said line the following: "or when the mother suffers from a medical emergency".

Senator Clay moved that the above amendment be adopted.

Senator Mathewson assumed the Chair.

President Pro Tem Quick assumed the Chair.

Senator Jacob offered **SSA 1** for **SA 15**:

SENATE SUBSTITUTE AMENDMENT NO. 1  
FOR SENATE AMENDMENT NO. 15

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 427, 40, 196 and 404, Page 3, Section 565.300, Line 1, by inserting after the word "mother" the following: "**or prevent any condition, which if left untreated, could progress to such a point that death or permanent injury could result, but not a condition which creates a negligible threat to life or health or a significant threat of only transient health problems,**".

Senator Jacob moved that the above substitute amendment be adopted.

At the request of Senator House, **HS** for **HCS** for **HBs 427, 40, 196** and **404**, with **SCS, SS No. 2** for **SCS, SA 15** and **SSA 1** for **SA 15** (pending), was placed on the Informal Calendar.

## MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HS** for **HB 454** and has again taken up and passed **SCS** for **HS** for **HB 454**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 403**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 19**, entitled:

An Act to appropriate money for expenses, grants, refunds, distributions and other purposes for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds designated herein.

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 **SCS** for **SBs 8** and **173**, entitled:

An Act to amend chapter 192, RSMo, by adding thereto twelve new sections relating to health, with an effective date for certain sections and a penalty provision.

With House Amendments Nos. 1, 2 and 3.



## HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 8 and 173, Page 1, In the Title, Line 3 of said page, by deleting the word "twelve" and inserting in lieu thereof the word "thirteen"; and

Further amend said bill, Page 1, Section A, Line 9 of said page, by deleting the word "twelve" and inserting in lieu thereof the word "thirteen"; and

Further amend said bill, Page 1, Section A, Line 10 of said page, by deleting the word and number "and 9" and inserting in lieu thereof the word and numbers ", 9 and 10"; and

Further amend said bill, Page 12, Section 9, Line 14 of said page, by inserting after all of said line the following:

**"Section 10. Notwithstanding any other provision of law to the contrary, a mother may breast feed her child in any public or private location where the mother is otherwise authorized to be."**

## HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 8 and 173, Page 12, Section 9, Line 14 of said page by inserting after said line the following:

**"143.136. 1. For all taxable years beginning after December 31, 1999, a resident individual may deduct from such individual's Missouri taxable income an amount equal to one hundred percent of the amount paid by such individual for health insurance premiums to the extent such amount is included in the individual's federal taxable income and to the extent such amount is not otherwise deductible from the individual's Missouri taxable income pursuant to Missouri law.**

**2. The deduction provided in this section shall be available to an individual whether such individual elects to itemize his or her deductions or elects to deduct the Missouri standard deduction. A married individual filing a**

**Missouri income tax return separately from his or her spouse shall be allowed to make a deduction pursuant to this section in an amount equal to the proportion of such individual's payment of health insurance premiums.**

**3. The director of the department of revenue shall place a line on all Missouri individual income tax returns for the deduction created by this section.";** and

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

## HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 8 and 173, Page 1, In the Title, Lines 2 and 3 on said page, by deleting all of said lines and inserting in lieu thereof the following:

"To repeal sections 324.475, 324.478, 324.481, 324.484, 324.487, 324.490, 334.655 and 334.660, RSMo Supp. 1998, relating to health, and to enact in lieu thereof twenty-two new sections relating to the same subject, with"; and

Further amend said bill, Page 1, Section A, Lines 8,9 and 10 of said page, by deleting all of said lines and inserting in lieu thereof the following:

"Section A. Sections 324.475, 324.478, 324.481, 324.484, 324.487, 324.490, 334.655 and 334.660, RSMo Supp. 1998, are repealed and twenty-two new sections enacted in lieu thereof, to be known as sections 192.031, 192.033, 192.036, 324.475, 324.478, 324.481, 324.484, 324.487, 324.490, 331.085, 334.506, 334.655, 334.660, 1, 2, 3, 4, 5, 6, 7, 8 and 9, to read as follows:"; and

Further amend said bill, Page 3, Section 192.036, Line 16 of said page, by inserting after all of said line the following:

"324.475. For the purposes of sections 324.475 to 324.499, the following terms mean:

(1) "Acupuncture", the use of needles inserted into the body by piercing of the skin and related modalities, for the assessment, evaluation, prevention, treatment or correction of any abnormal physiology or pain by means of controlling and

regulating the flow and balance of energy in the body so as to restore the body to its proper functioning and state of health;

(2) "Acupuncturist", any person licensed as provided in sections 324.475 to 324.499, to practice acupuncture as defined in subdivision (1) of this section;

(3) "Auricular detox technician", a person trained solely in, and who performs only, auricular detox treatment. An auricular detox technician shall practice under the supervision of a licensed acupuncturist [or a physician licensed pursuant to sections 334.010 to 334.265, RSMo, or a chiropractor licensed pursuant to chapter 331, RSMo]. Such treatment shall take place in a hospital, clinic or treatment facility which provides comprehensive substance abuse services, including counseling, and maintains all licenses and certifications necessary and applicable;

(4) "Auricular detox treatment", a very limited procedure consisting of acupuncture needles inserted into specified points in the outer ear of a person undergoing treatment for drug or alcohol abuse or both drug and alcohol abuse;

(5) "Board", the state board of chiropractic examiners established in chapter 331, RSMo;

(6) "Committee", the Missouri acupuncture advisory committee;

(7) "Department", the Missouri department of economic development;

(8) "Director", the director of the division of professional registration;

(9) "Division", the division of professional registration of the department of economic development;

(10) "License", the document of authorization issued by the [division] **board** for a person to engage in the practice of acupuncture.

324.478. 1. There is hereby created **within the division of professional registration a committee to be known as** the "Missouri Acupuncturist Advisory Committee"[, to be composed of five members to be appointed by the governor with the advice and consent of the senate]. **The committee shall consist of five members, all of whom shall**

**be citizens of the United States and registered voters of the state of Missouri.** The governor shall appoint [committee] **the members** [who are citizens of the United States and registered voters in the state of Missouri, from a list provided by the director of the department of economic development.] **of the committee with the advice and consent of the senate for terms of four years; except as provided in subsection 2 of this section. Three committee members shall be acupuncturists. Such members shall at all times be holders of licenses for the practice of acupuncture in this state; except for the members of the first committee who shall meet the requirements for licensure pursuant to sections 324.475 to 324.499. One member shall be a current board member of the Missouri state board for chiropractic examiners. The remaining member shall be a public member. All members shall be chosen from lists submitted by the director of the division of professional registration.**

**2. The initial appointments to the committee shall be one member for a term of one year, one member for a term of two years, one member for a term of three years and two members for a term of four years.**

**3. The public member of the committee shall not be and never has been a member of any profession regulated by the provisions of sections 324.475 to 324.499, or the spouse of any such person; and a person who does not have and never has had a material financial interest in either the providing of the professional services regulated by the provisions of sections 324.475 to 324.499 or an activity or organization directly related to the profession regulated pursuant to sections 324.475 to 324.499.**

**4. Any member of the committee may be removed from the committee by the governor for neglect of duty required by law, for incompetency or for unethical or dishonest conduct. Upon the death, resignation, disqualification or removal of any member of the committee, the governor shall appoint a successor. A vacancy in the office of any member shall only be filled for the unexpired term.**

[2.] **5.** The acupuncturist advisory committee shall:

(1) [Assist the division in the] Review [and issuance of] all [licenses] **applications for licensure;**

(2) Advise the board on all matters pertaining to the licensing of acupuncturists;

(3) Review all complaints and/or investigations wherein there is a possible violation of sections 324.475 to 324.499 or regulations promulgated pursuant thereto and make recommendations **and referrals** to the board on complaints the committee determines to warrant further action;

(4) Follow the provisions of the board's administrative practice procedures in conducting all official duties[.];

**(5) Recommend for prosecution violations of sections 324.475 to 324.499 to an appropriate prosecuting or circuit attorney;**

**(6) Assist the board, as needed and when requested by the board, in conducting any inquiry or disciplinary proceedings initiated as a result of committee recommendation and referral pursuant to subdivision (3) of this subsection.**

[3. The acupuncturist advisory committee shall:

(1) Be comprised of three licensed acupuncturists except for initial appointees who hold no other professional license in the state;

(2) One member shall be a physician duly licensed by the Missouri state board for chiropractic examiners; and

(3) One member shall be a general public member.

4. Except for the initial appointees, members shall hold office for terms of six years. The board shall designate one member for a term expiring in 1999, one member for a term expiring in 2000, one member for a term expiring in 2001, one member for a term expiring in 2002, and one member for a term expiring in 2003. In the event of death, resignation, or removal of any member, the vacancy of the unexpired term shall be filled by the board in the same manner as the other appointments.]

324.481. 1. The [division] **board** shall upon recommendation of the committee license applicants who meet the qualifications for acupuncturists, who file for licensure, and who pay all fees required for this licensure.

2. The division shall:

(1) Prescribe [application] **the design of all** forms to be furnished to all persons seeking licensure pursuant to sections 324.475 to 324.499;

(2) Prescribe the form and design of the license to be issued pursuant to sections 324.475 to 324.499[;

(3) Set the fee for licensure and renewal thereof].

3. The board shall:

(1) Maintain a record of all board and committee proceedings regarding sections 324.475 to 324.499 and of all acupuncturists licensed in this state;

(2) Annually prepare a roster of the names and addresses of all acupuncturists licensed in this state, copies of which shall be made available upon request to any person paying the fee therefor;

(3) Set the fee for the roster at an amount sufficient to cover the actual cost of publishing and distributing the roster;

(4) Adopt an official seal;

(5) Inform licensees of any changes in policy, rules or regulations[.];

**(6) Upon the recommendation of the committee, set all fees, by rule, necessary to administer the provisions of sections 324.475 to 324.499.**

4. The board may with the approval of the advisory committee:

(1) Issue subpoenas to compel witnesses to testify or produce evidence in proceedings to deny, suspend or revoke licensure;

(2) Promulgate rules pursuant to chapter 536, RSMo, in order to carry out the provisions of sections 324.475 to 324.499 including, but not limited to, regulations establishing:

(a) Standards for the practice of acupuncture;

(b) Standards for ethical conduct in the practice of acupuncture;

(c) Standards for continuing professional education;

(d) Standards for the training and practice of auricular detox technicians, including specific enumeration of points which may be used.

5. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated to administer and enforce sections 324.475 to 324.499, shall become effective only if the agency has fully complied with all of the requirements of chapter 536, RSMo, including but not limited to, section 536.028, RSMo, if applicable, after August 28, 1998. If the provisions of section 536.028, RSMo, apply, the provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028, RSMo, to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void, except that nothing in this [act] **section** shall affect the validity of any rule adopted and promulgated prior to August 28, 1998.

**6. All funds received by the board pursuant to the provisions of sections 324.240 to 324.275 shall be collected by the director who shall transmit the funds to the department of revenue for deposit in the state treasury to the credit of the "Acupuncturist Fund" which is hereby created.**

**7. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, money in this fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium exceeds three times the amount of the appropriation from the acupuncturist fund for the preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the fund which exceeds the appropriate multiple of the appropriations from the acupuncturist fund for the preceding fiscal year.**

324.484. 1. Nothing in sections 324.475 to 324.499 shall be construed to apply to physicians and surgeons licensed pursuant to sections 334.010 to 334.265, RSMo, or [chiropractors] **chiropractic physicians** licensed pursuant to chapter 331, RSMo; except that, if such physician or surgeon or [chiropractor] **chiropractic physician**, with or without a current certification in meridian therapy, uses the title, licensed acupuncturist, then the provisions of sections 324.475 to 324.499 shall apply.

2. No license to practice acupuncture shall be required for any person who is an auricular detox technician, provided that such person performs only auricular detox treatments as defined in section 324.475, under the supervision of a licensed acupuncturist [or a physician licensed pursuant to sections 334.010 to 334.265, RSMo, or a chiropractor licensed pursuant to chapter 331, RSMo,] and in accordance with regulations promulgated pursuant to sections 324.475 to 324.499 [by the division]. An auricular detox technician may not insert acupuncture needles in any other points of the ear or body or use the title, licensed acupuncturist.

324.487. 1. It is unlawful for any person to practice acupuncture in this state, unless such person:

(1) Possesses a valid license issued by the [division] **board** pursuant to sections 324.475 to 324.499; or

(2) Is engaged in a supervised course of study that has been authorized by the committee approved by the board, and is designated and identified by a title that clearly indicates status as a trainee, and is under the supervision of a licensed acupuncturist.

2. A person may be licensed to practice acupuncture in this state if the applicant:

(1) Is twenty-one years of age or older and meets one of the following requirements:

(a) Is actively certified as a Diplomate in Acupuncture by the National Commission for the Certification of Acupuncture and Oriental Medicine; or

(b) Is actively licensed, certified or registered in a state or jurisdiction of the United States which has eligibility and examination requirements that are at least equivalent to those of the National Commission for the Certification of Acupuncture and Oriental Medicine, as determined by the committee and approved by the board; and

(2) Submits to the committee an application on a form [provided] **prescribed** by the division; and

(3) Pays the **appropriate** fee [specified by the division].

3. The [division] **board** shall issue a certificate of licensure to each individual who satisfies the requirements of subsection 2 of this section, certifying that the holder is authorized to practice acupuncture in this state. The holder shall have in his or her possession at all times while practicing acupuncture, the license issued pursuant to sections 324.475 to 324.499.

324.490. 1. Licenses issued pursuant to sections 324.475 to 324.499 shall expire [on July first of each odd-numbered year] **every other year**. Renewal applications shall be submitted to the division along with [a] **the appropriate** renewal fee[, to be determined by the division].

2. A license to practice acupuncture which is not renewed on or before the date of its expiration becomes invalid. Such license may be restored by complying with the provisions of section 324.493.

324.493. Any acupuncturist who fails to renew such acupuncturist's license on or before the date of its expiration may restore such license as follows:

(1) If the application for renewal is submitted to the [division] **committee** not more than two years after the expiration of the applicant's last license, by payment of the **appropriate** fee [specified by the division] and by providing all documentation required by the [division] **committee** by rule; or

(2) If the application for renewal is submitted to the [division] **committee** more than two years after the expiration of the applicant's last license, by payment of the **appropriate** fee [specified by the division], and by reapplying as provided in subdivisions (1) and (2) of subsection 2 of section 324.487.

**331.085. 1. Upon application by the board, and the necessary burden having been met, a court of general jurisdiction may grant an injunction, restraining order or other order as may be appropriate to enjoin a person from:**

(1) **Offering to engage or engaging in the performance of any acts or practices for which a certificate of registration or authority, permit or license is required by this chapter upon a showing that such acts or practices were performed or offered to be performed without a certificate of registration or authority, permit or license; or**

(2) **Engaging in any practice or business authorized by a certificate of registration or authority, permit or license issued pursuant to this chapter upon a showing that the holder presents a substantial probability of serious danger to the health, safety or welfare of any resident of this state or client or patient of the licensee.**

**2. Any such action shall be commenced either in the county in which such conduct occurred or in the county in which the defendant resides.**

**3. Any action brought pursuant to this section shall be in addition to and not in lieu of any penalty provided in this chapter and may be brought concurrently with other actions to enforce the provisions of this chapter.**

**4. Nothing in this section shall be construed to prohibit a person licensed or registered pursuant to chapter 334, RSMo, whose license is in good standing from acting within the scope of his or her practice.**

**334.506. 1. Nothing in this chapter shall prevent a physical therapist, whose license is in good standing, from providing educational resources and training, developing fitness or wellness programs for asymptomatic persons, or providing screening or consultative services within the scope of physical therapy practice without the prescription and direction of a person licensed and registered as a physician and surgeon pursuant to this chapter, as a chiropractor pursuant to chapter 331, RSMo, as**

a dentist pursuant to chapter 332, RSMo, or a podiatrist pursuant to chapter 330, RSMo, whose license is in good standing, except that no physical therapist shall initiate treatment for a new injury or illness without the prescription or direction of a person licensed and registered as a physician and surgeon pursuant to this chapter, as chiropractor pursuant to chapter 331, RSMo, as a dentist pursuant to chapter 332, RSMo, or a podiatrist pursuant to chapter 330, RSMo, whose license is in good standing.

2. Nothing in this chapter shall prevent a physical therapist, whose license is in good standing, from examining and treating, without the prescription and direction of a person licensed and registered as a physician and surgeon pursuant to this chapter, as a chiropractor pursuant to chapter 331, RSMo, as a dentist pursuant to chapter 332, RSMo, or a podiatrist pursuant to chapter 330, RSMo, whose license is in good standing, any person with a recurring, self-limited injury within one year of diagnosis by a person licensed and registered as a physician and surgeon pursuant to this chapter, as a chiropractor pursuant to chapter 331, RSMo, as a dentist pursuant to chapter 332, RSMo, or a podiatrist pursuant to chapter 330, RSMo, whose license is in good standing, or any person with a chronic illness that has been previously diagnosed by a person licensed and registered as a physician and surgeon pursuant to this chapter, as a chiropractor pursuant to chapter 331, RSMo, as a dentist pursuant to chapter 332, RSMo, or a podiatrist pursuant to chapter 330, RSMo, whose license is in good standing, except that a physical therapist shall contact the patient's current physician, chiropractor, dentist, or podiatrist, within seven days of initiating physical therapy services, pursuant to this subsection, shall not change an existing physical therapy referral available to the physical therapist without approval of the patient's current physician, chiropractor, dentist, or podiatrist, and shall refer to a person licensed and registered as a physician and surgeon pursuant to this chapter, as a chiropractor pursuant to chapter 331, RSMo, as a dentist

pursuant to chapter 332, RSMo, or a podiatrist pursuant to chapter 330, RSMo, whose license is in good standing, any patient whose medical condition should, at the time of examination or treatment, be determined to be beyond the scope of practice of physical therapy. A physical therapist shall refer to a person licensed and registered as a physician and surgeon pursuant to this chapter, as a chiropractor pursuant to chapter 331, RSMo, as a dentist pursuant to chapter 332, RSMo, or as a podiatrist pursuant to chapter 330, RSMo, whose license is in good standing, any person whose condition, for which physical therapy services are rendered pursuant to this subsection, has not been documented to be progressing toward documented treatment goals after six visits or fourteen days, whichever shall come first. If the person's condition for which physical therapy services are rendered under this subsection shall be documented to be progressing toward documented treatment goals, a physical therapist may continue treatment without referral from a physician, chiropractor, dentist or podiatrist, whose license is in good standing. If treatment rendered under this subsection is to continue beyond thirty days, a physical therapist shall notify the patient's current physician, chiropractor, dentist, or podiatrist before continuing treatment beyond the thirty day limitation. A physical therapist shall also perform such notification before continuing treatment rendered under this subsection for each successive period of thirty days.

3. The provision of physical therapy services of evaluation and screening pursuant to this section, shall be limited to a physical therapist, and any authority for evaluation and screening granted within this section, may not be delegated. Upon each reinitiation of physical therapy services, a physical therapist shall provide a full physical therapy evaluation prior to the reinitiation of physical therapy treatment. Physical therapy treatment provided pursuant to the provisions of subsection 2 of this section, may be delegated by physical therapists to physical therapist assistants only if the patient's current physician, chiropractor, dentist, or

**podiatrist has been so informed as part of the physical therapist's seven day notification upon reinitiation of physical therapy services as required in subsection 2 of this section. Nothing in this subsection shall be construed as to limit the ability of physical therapists or physical therapist assistants to provide physical therapy services in accordance with the provisions of this chapter, and upon the referral of a physician and surgeon licensed pursuant to this chapter, a chiropractor pursuant to chapter 331, RSMo, a dentist pursuant to chapter 332, RSMo, or a podiatrist pursuant to chapter 330, RSMo, whose license is in good standing. Nothing in this subsection shall prohibit a person licensed or registered as a physician or surgeon licensed pursuant to this chapter, a chiropractor pursuant to chapter 331, RSMo, a dentist pursuant to chapter 332, RSMo, or a podiatrist pursuant to chapter 330, RSMo, whose license is in good standing, from acting within the scope of their practice as defined by the applicable chapters of RSMo.**

**4. No person licensed to practice, or applicant for licensure, as a physical therapist or physical therapist assistant shall make a medical diagnosis.**

334.655. 1. A candidate for licensure to practice as a physical therapist assistant shall be at least nineteen years of age. A candidate shall furnish evidence of the person's good moral character and of the person's educational qualifications. The educational requirements for licensure as a physical therapist assistant are:

(1) A certificate of graduation from an accredited high school or its equivalent; and

(2) Satisfactory evidence of completion of an associate degree program of physical therapy education accredited by the commission on accreditation of physical therapy education.

2. Persons desiring to practice as a physical therapist assistant in this state shall appear before the board at such time and place as the board may direct and be examined as to the person's fitness to engage in such practice. Applications for examination shall be in writing, on a form

furnished by the board and shall include evidence satisfactory to the board that the applicant possesses the qualifications provided in subsection 1 of this section. Each application shall contain a statement that the statement is made under oath of affirmation and that its representations are true and correct to the best knowledge and belief of the person signing the statement, subject to the penalties of making a false affidavit or declaration.

3. The examination of qualified candidates for licensure to practice as physical therapist assistants shall embrace a written examination and which shall cover the curriculum taught in accredited associate degree programs of physical therapy assistant education. Such examination shall be sufficient to test the qualification of the candidates as practitioners. The examination shall be given by the board at least once each year. **The board shall not issue a license to practice as a physical therapist assistant or allow any person to sit for the Missouri state board examination for physical therapist assistants who has failed three or more times any physical therapist licensing examination administered in one or more states or territories of the United States or the District of Columbia.** The examination given at any particular time shall be the same for all candidates and the same curriculum shall be included and the same questions shall be asked.

4. The examination shall include, as related to the human body, the subjects of anatomy, kinesiology, pathology, physiology, psychology, physical therapy theory and procedures as related to medicine and such other subjects, including medical ethics, as the board deems useful to test the fitness of the candidate to practice as a physical therapist assistant.

5. Examination grades or scores shall be preserved by the board subject to public inspection. Examination papers retained by the board shall be subject to public inspection for a period of three years and thereafter may be destroyed.

6. The board shall license without examination any legally qualified person who is a resident of this state and who was actively engaged in practice as a physical therapist assistant on August 28, 1993. The board may license such person pursuant

to this subsection until ninety days after rules developed by the state board of registration for the healing arts regarding physical therapist assistant licensing become effective.

7. A candidate to practice as a physical therapist assistant who does not meet the educational qualifications may submit to the board an application for examination if such person can furnish written evidence to the board that the person has been employed in this state for at least three of the last five years under the supervision of a licensed physical therapist and such person possesses the knowledge and training equivalent to that obtained in an accredited school. The board may license such persons pursuant to this subsection until ninety days after rules developed by the state board of healing arts regarding physical therapist assistant licensing become effective.

334.660. The board shall license without examination legally qualified persons who hold certificates of licensure, registration or certification in any state or territory of the United States or the District of Columbia, who has had no violations, suspensions or revocations of such license, registration or certification, if such persons have passed a written examination to practice as a physical therapist assistant that was substantially equal to the examination requirements of this state and in all other aspects, including education, the requirements for such certificates of licensure, registration or certification were, at the date of issuance, substantially equal to the requirements for licensure in this state. **The board shall not issue a license to any applicant who has failed three or more times any physical therapist assistant licensing examination administered in one or more states or territories of the United States or the District of Columbia.** Every applicant for a license pursuant to this section, upon making application and providing documentation of the necessary qualifications as provided in this section, shall pay the same fee required of applicants to take the examination before the board. Within the limits of this section, the board may negotiate reciprocal contracts with licensing boards of other states for the admission of licensed practitioners from Missouri in other states."

In which the concurrence of the Senate is respectfully requested.

## MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor:

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City, Missouri  
April 29, 1999

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

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

Robert C. Smith, Democrat, 709 Russell Boulevard, Columbia, Boone County, Missouri 65203, as a member of the Missouri Gaming Commission, for a term ending April 29, 2002, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
MEL CARNAHAN  
Governor

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

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City, Missouri  
April 30, 1999

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

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on April 6, 1999 for your advice and consent:

Melissa C. Thomas-Hunt, 6301 Washington Avenue, University City, St. Louis County, Missouri 63130, as a public member of the Interior Design Council, for a term ending April 6, 2003, and until her successor is duly appointed and qualified; vice, RSMo. 324.406.

Respectfully submitted,  
MEL CARNAHAN  
Governor

## RESOLUTIONS

Senator Westfall offered Senate Resolution No. 783, regarding Ruby Payne, Bolivar, which was adopted.

Senator Bentley offered Senate Resolution No. 784, regarding Service World Computer Center, Incorporated, Springfield, which was adopted.



Senator Mathewson offered Senate Resolution No. 785, regarding Brandon M. Boyd, Columbia, which was adopted.

Senator Bentley offered Senate Resolution No. 786, regarding the death of Milton Steele Phillips, Springfield, which was adopted.

**BILLS DELIVERED TO THE GOVERNOR**

HCS for **SB 276**, after having been duly signed by the Speaker of the House of Representatives in open session, was delivered to the Governor by the Secretary of the Senate.

**INTRODUCTIONS OF GUESTS**

Senator Howard introduced to the Senate, John and Luke Armbruster, Sikeston; and Luke was made an honorary page.

Senator Caskey introduced to the Senate, his wife, Kay, Butler; members of Women in Local Leadership, Warrensburg; and Whiteman Air Force Base Ladies.

Senator Yeckel introduced to the Senate, Dan West, Kansas City.

Senator Johnson introduced to the Senate, nineteen Girl Scouts from Weston.

Senator Wiggins introduced to the Senate, Mayor Kay Barnes and Joe Serviss, Kansas City.

Senator DePasco introduced to the Senate, City Councilperson Bonnie Sue Cooper and City Councilperson Becky Nace, Kansas City.

On behalf of Senator Quick, the President introduced to the Senate, Mike Burke, Kansas City.

On motion of Senator DePasco, the Senate adjourned until 9:30 a.m., Tuesday, May 4, 1999.

Journal  
SENATE CALENDAR

SIXTY-FIFTH DAY-TUESDAY, MAY 4, 1999

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 19-Franklin

THIRD READING OF SENATE BILLS

SB 472-House  
SCS for SB 440-Schneider  
(In Budget Control)

SS for SCS for SBs 347,  
40, 241 & 301-House  
SS for SCS for SBs 75,  
381 & 204-Wiggins

## SENATE BILLS FOR PERFECTION

- |  |  |
|--|--|
| 1. SB 274-House, et al,<br>with SCS            | 7. SB 98-Kenney                          |
| 2. SBs 18, 49 & 167-<br>Goode, et al, with SCS | 8. SJR 29-Caskey                         |
| 3. SBs 398 & 376-Maxwell,<br>with SCS          | 9. SB 16-Mathewson,<br>et al, with SCA 1 |
| 4. SB 507-Childers                             | 10. SB 52-Klarich and<br>Flotron         |
| 5. SB 413-Johnson, et al                       | 11. SB 236-Stoll                         |
| 6. SJR 16-Schneider,<br>with SCS               | 12. SB 447-Stoll                         |

## HOUSE BILLS ON THIRD READING

- |  |   |
|--|---|
| 1. HCS for HB 676, with<br>SCS (Stoll)<br>(In Budget Control)                    | 11. HCS for HB 60, with<br>SCS  |
| 2. HS for HB 516-Gaw,<br>with SCS (Jacob)  | 12. HCS for HBs 316, 660<br>& 203, with SCS<br>(Howard)                             |
| 3. HCS for HB 139, with<br>SCS (Russell)   | 13. HS for HCS for HBs<br>246 & 405-Bray,<br>with SCS (Clay)<br>(In Budget Control) |
| 4. HB 401-Barry, et al,<br>with SCS (Caskey)                                     | 14. HB 541-Kreider, et al<br>(Mathewson)  |
| 5. HCS for HB 490 & HCS<br>for HB 308, with SCS (Sims)                           | 15. HCS for HB 889<br>(In Budget Control)   |
| 6. HB 542-Barry, with<br>SCS (House)   | 16. HCS for HBs 603, 722<br>& 783, with SCS<br>(Goode)<br>(In Budget Control)       |
| 7. HB 191-Dougherty, et al,<br>with SCS (Maxwell)                                | 17. HCS for HB 780, with<br>SCS (Stoll)   |
| 8. HCS for HB 267, with<br>SCS (Scott)<br>(In Budget Control)                    | 18. HS for HCS for HB 793-<br>Treadway, with SCS<br>(Mathewson)                     |
| 9. HS for HCS for HB 852-<br>Hosmer, with SCS<br>(Caskey)<br>(In Budget Control) | 19. HB 368-Murray and<br>Franklin, with SCS<br>(Goode)                              |
| 10. HS for HCS for HB 701-<br>Rizzo, with SCS<br>(Mathewson)                     |   |

20. HB 64-Long (Russell)  
21. HS for HCS for HB 822-  
Liese, with SCS (Clay)  
(In Budget Control)

22. HCS for HBs 321 & 493,  
with SCAs 1 & 2  
(Jacob)

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 425-Stoll, et al

SENATE BILLS FOR PERFECTION

SB 5-Wiggins, with SS, SA 2  
& point of order (pending)  
SB 30-Howard, with SCS  
(pending)  
SB 78-Russell, with SA 4  
(pending)  
SB 97-Maxwell and Sims  
SB 179-Goode, with SA 3 &  
SSA 1 for SA 3 (pending)  
SB 203-Wiggins  
SB 208-House, with SCS &  
SS for SCS (pending)  
SB 235-Stoll, with SS &  
SA 2 (pending)  
SB 316-Schneider and Ehlmann

SB 318-Jacob, et al, with  
SCS & SS for SCS (pending)  
SB 336-Caskey, with SS#2  
(pending)  
SB 339-Howard and Sims,  
with SCS & SS#2 for  
SCS (pending)  
SB 345-Johnson, with SS  
(pending)  
SB 397-Maxwell, with SCS  
SB 417-Quick, with SS#2 &  
SA 1 (pending)  
SBs 429, 430 & 407-Jacob,  
with SCS & SA 2  
(pending)

HOUSE BILLS ON THIRD READING

HB 65-O'Toole and May  
(108th), with SCS (Scott)  
HS for HB 162-Luetkenhaus  
(House)  
HCS for HB 343, with SCS  
(pending) (Caskey)

HCS for HB 349, with SCS  
& SS for SCS (pending) (Clay)  
HS for HCS for HBs 427, 40, 196 &  
404-Luetkenhaus, with SCS,  
SS#2 for SCS, SA 15 & SSA 1 for  
SA 15 (pending) (House)

HS for HB 450-Relford,  
with SCS (Maxwell)  
HB 468-Koller, with SCS  
(pending) (Staples)  
HS for HCS for HB 618-  
Harlan, with SCS, SS  
for SCS & SA 6  
(pending) (Maxwell)

HB 779-Skaggs, with SCS  
(Quick)  
HCS for HB 888, with SCS  
(Mathewson)  
HJR 5-Barry, et al, with  
SCA 1 & SSA 1 for  
SCA 1 (pending)  
(Stoll)

# Unofficial

## CONSENT CALENDAR

### House Bills

Reported 4/13

HB 775-Hosmer, with SCS  
(Bentley)

Reported 4/14

HB 300-Green (Staples)  
HB 680-Leake, et al, with  
SCA 1 (Stoll)

HB 903-Auer (Jacob)  
HB 926-Liese and Ward  
(Jacob)

Reported 4/15

HB 326-Parker (Stoll)  
HB 415-Vogel and Gratz,  
with SCA 1 (Maxwell)  
HB 812-Berkowitz, et al,  
with SCS (Maxwell)  
HB 866-Treadway, with SCS  
(Scott)

HB 548-Kennedy, with SCS  
(Wiggins)  
HB 988-Backer (Wiggins)  
HB 399-Bray (Wiggins)  
HB 472-Nordwald (House)

## SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SBs 8 & 173-Banks,  
with HS for HCS, as  
amended

SB 33-Johnson, with HCS,  
as amended  
SB 115-Russell, with HCA 1

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SB 294-Staples, with HA 1,  
HA 2, HA 3, HA 4,  
HA 6 & HA 7

SB 310-Maxwell, with HS,  
as amended

SS for SCS for SB 467-  
Caskey, with HA 1 &  
HA 2

BILLS IN CONFERENCE AND BILLS  
CARRYING REQUEST MESSAGES

In Conference

SB 219-Caskey, with HCS,  
as amended

SB 291-Caskey, with HS  
for HCS, as amended  
(Senate adopted CCR  
and passed CCS)

SCS for SB 334-Mathewson,  
with HCS  
(Senate adopted CCR  
and passed the bill)

SCS for SB 436-Quick,  
with HS for HCS, as  
amended

HCS for HB 2, with SCS  
(Goode)

HCS for HB 3, with SCS  
(Goode)

HCS for HB 4, with SCS,  
as amended (Goode)

HCS for HB 5, with SCS,  
as amended (Goode)

HCS for HB 6, with SCS,  
as amended (Goode)

HCS for HB 7, with SCS  
(Goode)

HCS for HB 8, with SCS  
(Goode)

HCS for HB 9, with SCS  
(Goode)

HCS for HB 10, with SCS,  
as amended (Goode)

HCS for HB 11, with SCS,  
as amended (Goode)

HCS for HB 12, with SCS  
(Goode)

HCS for HB 348, with SCS  
(Caskey)

HB 789-Berkstresser and  
Bartelsmeyer, with SCS  
(Childers)

Requests to Recede or Grant Conference

HCS for HCRs 6 & 7 (Staples),  
with SA 1, as amended & SA 2  
(Senate refuses to recede and  
requests House grant conference)

## Requests to Concur

SCS for HB 792-Kissell &  
McKenna, with HPA 1  
(Mathewson)

## RESOLUTIONS

SR 359-Ehlmann	SCR 13-Stoll, with HA 1
SCR 9-Mueller	SCR 5-Caskey, with HCS, as amended
SCR 14-Quick, with HCA 1	SCR 1-Clay, with HA 1
SCR 2-Goode, et al, with HCS	

## Reported from Committee

HCR 11-Mays (Goode)	HCR 16-Leake, with SCS
SR 595-Flotron	HCS for HCR 29, with SCS
HCR 28-Ransdall, with SCS (Goode)	HCR 30-Clayton, with SCS (Wiggins)
HCR 21-Kissell & Kelly (27th), with SCS (DePasco)	HCS for HCRs 24 & 15, with SCS
HCR 17-Barnett (Graves)	SR 588-Sims

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