JOURNAL OF THE HOUSE

First Regular Session, 96th GENERAL ASSEMBLY

SIXTY-EIGHTH DAY, MONDAY, MAY 9, 2011

The House met pursuant to adjournment.

Speaker Tilley in the Chair.

Prayer by Marilyn Seaton, Senior Docket Clerk.

Let us pray.

The wonder of living is held within the beauty of silence, the glory of sunlight, the sweetness of fresh Spring air, the quiet strength of earth, and the love that lies at the very root of all things. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Sam Ward, Lydia Foss, Kelsi Bernskoetter, Nick Bernskoetter, Kylie Bernskoetter, Landon Fraker and Logan Fraker.

The Journal of the sixty-seventh day was approved as printed.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 3212 through House Resolution No. 3292

COMMITTEE REPORTS

Committee on Fiscal Review, Chairman Stream reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HB 658** (Fiscal Note), begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SB 243** (Fiscal Note), begs leave to report it has examined the same and recommends that it **Do Pass**.

THIRD READING OF SENATE BILL

HCS SB 59, relating to judicial procedures, was taken up by Representative Diehl.

Representative Diehl offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for Senate Bill No. 59, Page 4, Section 404.710, Lines 91-92, by deleting from said lines the words "**, including, but not limited to exercising and giving consent to a do-not-resuscitate order on behalf on the principal**"; and

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

On motion of Representative Diehl, **House Amendment No. 1** was adopted.

Representative Diehl offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Committee Substitute for Senate Bill No. 59, Page 3, Section 404.710, Lines 65-69, by deleting all of said lines and inserting in lieu thereof the following:

"(1) To execute, amend or revoke any trust agreement;"; and

Further amend said bill and page and section, Line 85, by deleting all of said line and inserting in lieu thereof the following:

"(8) To make **[**a**] an anatomical** gift of, or **[**decline to make a**] prohibit [**a**] an anatomical** gift of, **all**"; and

Further amend said bill and section, Page 4, Lines 91-92, by deleting all of said lines and inserting in lieu thereof the following:

"procedure to the extent authorized by sections 404.800 to 404.865;"; and

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

On motion of Representative Diehl, **House Amendment No. 2** was adopted.

Representative Cox offered **House Amendment No. 3**.

House Amendment No. 3

AMEND House Committee Substitute for Senate Bill No. 59, Page 18, Section 475.115, Lines 9 and 10, by deleting the phrase "**and the ward does not file an answer opposing the petition for transfer,**"; and

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

On motion of Representative Cox, **House Amendment No. 3** was adopted.

Representative Richardson offered **House Amendment No. 4**.

House Amendment No. 4

AMEND House Committee Substitute for Senate Bill No. 59, Page 27, Section 475.555, Line 5, by inserting after all of said section and line the following:

"**[**490.660. Sections 490.660 to 490.690 may be cited as "The Uniform Business Records as Evidence Law".**]**

[490.670. The term "business" shall include every kind of business, profession, occupation, calling or operation of institutions, whether carried on for profit or not.**]**

[490.680. A record of an act, condition or event, shall, insofar as relevant, be competent evidence if the custodian or other qualified witness testifies to its identity and the mode of its preparation, and if it was made in the regular course of business, at or near the time of the act, condition or event, and if, in the opinion of the court, the sources of information, method and time of preparation were such as to justify its admission.**]**

[490.690. Sections 490.660 to 490.690 shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.**]**

[490.692. 1. Any records or copies of records reproduced in the ordinary course of business by any photographic, photostatic, microfilm, microcard, miniature photographic, optical disk imaging, or other process which accurately reproduces or forms a durable medium for so reproducing the original that would be admissible under sections 490.660 to 490.690 shall be admissible as a business record, subject to other substantive or procedural objections, in any court in this state upon the affidavit of the person who would otherwise provide the prerequisites of sections 490.660 to 490.690, that the records attached to the affidavit were kept as required by section 490.680.

2. No party shall be permitted to offer such business records into evidence pursuant to this section unless all other parties to the action have been served with copies of such records and such affidavit at least seven days prior to the day upon which trial of the cause commences.

3. The affidavit permitted by this section may be in form and content substantially as follows: 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:

I am the custodian of the records of ..... . Attached hereto are ..... pages of records from ..... . These ..... pages of records are kept by ..... in the regular course of business, and it was the regular course of business of ..... for an employee or representative of ..... with knowledge of the act, event, condition, opinion, or diagnosis recorded to make the record or to transmit information thereof to be included in such record; and the record was made at or near the time of the act, event, condition, opinion or diagnosis. The records attached hereto are the original or exact duplicates of the original.

....

Affiant

In witness whereof I have hereunto subscribed my name and affixed my official seal this ..... day of ....., 20... . .....

.... (Signed)

(Seal)**]**

490.660. Sections 490.660 to 490.699 may be cited as "The Records of Regularly Conducted Activity as Evidence Law."

490.670. The term "business" includes business, institution, association, profession, occupation and calling of every kind, whether or not conducted for profit.

490.680. The following is not excluded by any hearsay rule, even though the declarant is available as a witness: A memorandum, report, record, or data compilation, in any form, of acts, events, conditions, opinions, or diagnoses, made at or near the time by, or from information transmitted by, a person with knowledge, if kept in the course of a regularly conducted business activity, and if it was the regular practice of that business activity to make the memorandum, report, record or data compilation.

490.690. Sections 490.660 to 490.699 shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states with such laws and/or rules of evidence regarding the admissibility of third party business records.

490.692. Extrinsic evidence of authenticity as a condition precedent to admissibility is not required with respect to the original or a duplicate of a record of regularly conducted activity if accompanied by a written certification of its custodian or other qualified person that the record

(A) was made at or near the time of the occurrence of the matters set forth by, or from information transmitted by, a person with knowledge of these matters;

(B) was kept in the course of the regularly conducted activity; and

(C) was made by the regularly conducted activity as a regular practice.

The word "certification" as used in this subsection means with respect to a domestic record, a written declaration under oath subject to the penalty of perjury and, with respect to a record maintained or located in a foreign country, or written declaration signed in a country which, if falsely made, would subject the maker to criminal penalty under the laws of the country. A party intending to offer a record into evidence under this paragraph must provide written notice of that intention to all adverse parties, and must make the record and certification available for inspection sufficiently in advance of their offer into evidence to provide an adverse party with a fair opportunity to challenge them."; and

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

On motion of Representative Richardson, **House Amendment No. 4** was adopted by the following vote:

AYES: 098

Allen	Asbury	Bahr	Barnes	Berry
Brandom	Brattin	Brown 85	Brown 116	Burlison
Cauthorn	Cierpiot	Conway 14	Cookson	Cox
Crawford	Cross	Curtman	Davis	Day
Denison	Diehl	Dugger	Elmer	Entlicher
Fisher	Fitzwater	Flanigan	Fraker	Franklin
Frederick	Fuhr	Gatschenberger	Gosen	Grisamore
Guernsey	Haefner	Hampton	Higdon	Hinson
Hoskins	Hough	Houghton	Johnson	Jones 89
Jones 117	Keeney	Kelley 126	Klippenstein	Koenig
Korman	Lair	Lant	Largent	Lasater
Lauer	Leach	Leara	Lichtenegger	Loehner
Long	McCaherty	McGhee	McNary	Molendorp
Nance	Neth	Nolte	Parkinson	Pollock
Redmon	Reiboldt	Richardson	Riddle	Rowland
Ruzicka	Sater	Schad	Scharnhorst	Schatz
Schieber	Schneider	Schoeller	Shumake	Silvey
Smith 150	Solon	Stream	Thomson	Torpey
Wallingford	Weter	White	Wieland	Wright
Wyatt	Zerr	Mr Speaker		

NOES: 050

Anders	Atkins	Aull	Black	Carlson
Carter	Casey	Colona	Conway 27	Ellinger
Fallert	Harris	Hodges	Holsman	Hummel
Jones 63	Kelly 24	Kirkton	Kratky	Lampe
Marshall	May	McCann Beatty	McDonald	McGeoghegan
McManus	McNeil	Meadows	Montecillo	Nasheed
Newman	Nichols	Oxford	Pace	Pierson

Quinn	Rizzo	Schieffer	Shively	Sifton
Smith 71	Spreng	Still	Swearingen	Swinger
Talboy	Taylor	Walton Gray	Webb	Webber

PRESENT: 000

ABSENT WITH LEAVE: 011

Bernskoetter	Brown 50	Dieckhaus	Franz	Funderburk
Hubbard	Hughes	Kander	Phillips	Schupp
Wells				

VACANCIES: 004

Speaker Pro Tem Schoeller assumed the Chair.

Representative Nance offered **House Amendment No. 5**.

House Amendment No. 5

AMEND House Committee Substitute for Senate Bill No. 59, Page 27, Section 475.555, Line 5, by inserting after all of said section and line, the following:

"482.305. When sitting as a small claims court, the judge shall have original jurisdiction of all civil cases, whether tort or contract, where the amount in controversy does not exceed **[**three**]** **five** thousand dollars, exclusive of interest or costs, or as provided in this chapter.

482.315. 1. If the amount in controversy in an action exceeds **[**three**]** **five** thousand dollars, a plaintiff may file and prosecute a small claims action for recovery of money, but such plaintiff waives any claim for any sum in excess of **[**three**]** **five** thousand dollars in that or in any subsequent proceeding involving the same parties and issues.

2. In an action transferred under section 482.325, the plaintiff or defendant may amend the claim or counterclaim to a dollar amount not to exceed the jurisdictional limit of the division of the circuit court to which the action was transferred."; and

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

On motion of Representative Nance, **House Amendment No. 5** was adopted.

Representative May offered **House Amendment No. 6**.

House Amendment No. 6

AMEND House Committee Substitute for Senate Bill No. 59, Page 27, Section 475.555, Line 5, by inserting after all of said section and line the following:

"568.040. 1. A person commits the crime of nonsupport if such person knowingly fails to provide, without good cause, adequate support for his or her spouse; a parent commits the crime of nonsupport if such parent knowingly fails to provide, without good cause, adequate support which such parent is legally obligated to provide for his or her child or stepchild who is not otherwise emancipated by operation of law.

2. For purposes of this section:

(1) **"Arrearage", includes any reduction or abatement of a support obligation for the period of time from the filing of a modification until such modification is awarded if a reduction or abatement of the support obligation is applied to such time period. Arrearage also includes any amount waived by the custodial parent under an order of support issued by a court of competent jurisdiction or any authorized administrative agency;**

(2) "Child" means any biological or adoptive child, or any child whose paternity has been established under chapter 454, or chapter 210, or any child whose relationship to the defendant has been determined, by a court of law in a proceeding for dissolution or legal separation, to be that of child to parent;

[(2)**] (3)** "Good cause" means any substantial reason why the defendant is unable to provide adequate support. Good cause does not exist if the defendant purposely maintains his **or her** inability to support;

[(3)**] (4)** "Support" means food, clothing, lodging, and medical or surgical attention;

[(4)**] (5)** It shall not constitute a failure to provide medical and surgical attention, if nonmedical remedial treatment recognized and permitted under the laws of this state is provided.

3. Inability to provide support for good cause shall be an affirmative defense under this section. A person who raises such affirmative defense has the burden of proving the defense by a preponderance of the evidence.

4. The defendant shall have the burden of injecting the issues raised by subdivisions (2) and (4) of subsection 2 and subsection 3 of this section.

5. Criminal nonsupport is a class A misdemeanor, unless the total arrearage is in excess of an aggregate of **[**twelve**] eighteen** monthly payments due under any order of support issued by any court of competent jurisdiction or any authorized administrative agency, in which case it is a class D felony. **In the event that the revisor of statutes is notified by the director of economic development that the Missouri unemployment rate has remained at six percent or lower for six consecutive months, the limit on the aggregate of eighteen monthly payments shall become twelve monthly payments effective on the July first immediately following such notification.**

6. **(1)** If at any time a defendant **who is** convicted of criminal nonsupport **or who pleads guilty or nolo contendere to a charge of criminal nonsupport** is placed on probation or parole, there may be ordered as a condition of probation or parole that the defendant commence payment of current support as well as satisfy the arrearages. Arrearages may be satisfied first by making such lump sum payment as the defendant is capable of paying, if any, as may be shown after examination of defendant's financial resources or assets, both real, personal, and mixed, and second by making periodic payments. Periodic payments toward satisfaction of arrears when added to current payments due **[**may**] shall** be in such aggregate sums as is not greater than fifty percent of the defendant's adjusted gross income after deduction of payroll taxes, medical insurance that also covers a dependent spouse or children, and any other court or administrative ordered support, only.

(2) If the defendant fails to pay the **[**current**]** support and arrearages **[**as ordered**] under the terms of his or her probation**, the court may revoke probation or parole and then impose an appropriate sentence within the range for the class of offense that the defendant was convicted of as provided by law, unless the defendant proves good cause for the failure to pay as required under subsection 3 of this section.

(3) If the defendant satisfies all current child support obligations as well as all periodic payments toward satisfaction of arrears for an additional twenty-four consecutive months after completion of probation or parole, any conviction of the defendant under this section may be expunged from the defendant's record.

7. During any period that a nonviolent defendant is incarcerated for criminal nonsupport, if the defendant is ready, willing, and able to be gainfully employed during said period of incarceration, the defendant, if he or she meets the criteria established by the department of corrections, may be placed on work release to allow the defendant to satisfy defendant's obligation to pay support. Arrearages shall be satisfied as outlined in the collection agreement.

8. Beginning August 28, 2009, every nonviolent first- and second-time offender then incarcerated for criminal nonsupport, who has not been previously placed on probation or parole for conviction of criminal nonsupport, may be considered for parole, under the conditions set forth in subsection 6 of this section, or work release, under the conditions set forth in subsection 7 of this section.

9. Beginning January 1, 1991, every prosecuting attorney in any county which has entered into a cooperative agreement with the **child support enforcement service of the family support** division **[**of child support enforcement**]** shall report to the division on a quarterly basis the number of charges filed and the number of convictions obtained under this section by the prosecuting attorney's office on all IV-D cases. The division shall consolidate the reported information into a statewide report by county and make the report available to the general public.

10. Persons accused of committing the offense of nonsupport of the child shall be prosecuted:

(1) In any county in which the child resided during the period of time for which the defendant is charged; or

(2) In any county in which the defendant resided during the period of time for which the defendant is charged."; and

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

On motion of Representative May, **House Amendment No. 6** was adopted.

Representative Cauthorn offered **House Amendment No. 7**.

House Amendment No. 7

AMEND House Committee Substitute for Senate Bill No. 59, Page 1, Section A, Line 7, by inserting after all of said section and line the following:

"11.010. The official manual, commonly known as the "Blue Book", compiled and electronically published by the secretary of state on its official website is the official manual of this state, and it is unlawful for any officer or employee of this state **except the secretary of state**, or any board, or department or any officer or employee thereof, to cause to be printed, at state expense, any duplication or rearrangement of any part of the manual. It is also unlawful for the secretary of state to publish, or permit to be published in the manual any duplication, or rearrangement of any part of any report, or other document, required to be printed at the expense of the state which has been submitted to and rejected by him or her as not suitable for publication in the manual.

11.025. Notwithstanding any other provision of law, the secretary of state may enter into an agreement directly with a nonprofit organization for such nonprofit organization to print and distribute copies of the official manual. The secretary of state shall provide to the organization the electronic version of the official manual prepared and published under this chapter. The nonprofit organization shall not alter, add, or delete any information provided by the secretary of state. Information published about the organization in the official manual shall be limited to the name of the organization and its contact information. The official manual shall not contain advertising or information promoting any entity or individual. The organization shall charge a fee for a copy of the official manual to cover the cost of production and distribution. The nonprofit organization shall be subject to an independent audit, ordered by the state and paid for by the nonprofit organization, to account for income and expenses for the sale, production, and distribution of the official manual. After such audit, any surplus funds generated by the nonprofit organization through the sale of the manual shall be transferred to the state treasurer for deposit in the state's general revenue fund."; and

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

Representative Molendorp offered **House Amendment No. 1 to House Amendment No. 7**.

House Amendment No. 1
to
House Amendment No. 7

AMEND House Amendment No. 7 to House Committee Substitute for Senate Bill No. 59, Page 1, Line 26, by inserting after all of said line the following:

'Further amend said bill, Section A, Page 1, Line 7, by inserting after all of said section and line the following:

"**34.376. 1. Sections 34.376 to 34.380 may be known as the "Transparency in Private Attorney Contracts Act".**

2. As used in sections 34.376 to 34.380, the following terms shall mean:

(1) "Government attorney", an attorney employed by the state as an assistant attorney general;

(2) "Private attorney", any private attorney or law firm;

(3) "State", the state of Missouri, in any action instituted by the attorney general pursuant to section 27.060.

34.378. 1. The state shall not enter into a contingency fee contract with a private attorney unless the attorney general makes a written determination prior to entering into such a contract that contingency fee representation is both cost-effective and in the public interest. Any written determination shall include specific findings for each of the following factors:

(1) Whether there exists sufficient and appropriate legal and financial resources within the attorney general's office to handle the matter;

(2) The time and labor required; the novelty, complexity, and difficulty of the questions involved; and the skill requisite to perform the attorney services properly;

(3) The geographic area where the attorney services are to be provided; and

(4) The amount of experience desired for the particular kind of attorney services to be provided and the nature of the private attorney's experience with similar issues or cases.

2. If the attorney general makes the determination described in subsection 1 of this section, the attorney general shall request written proposals from private attorneys to represent the state, unless the attorney general determines that requesting proposals is not feasible under the circumstances and sets forth the basis for this determination in writing. If a request for proposals is issued, the attorney general shall choose the lowest and best bid or request the office of administration establish an independent panel to evaluate the proposals and choose the lowest and best bid.

3. The state may not enter into a contingency fee contract that provides for the private attorney to receive an aggregate contingency fee in excess of twenty-five percent of the net recovery to the state.

4. The state shall not enter into a contract for contingency fee attorney services unless the following requirements are met throughout the contract period and any extensions to the contract:

(1) The government attorneys shall retain complete control over the course and conduct of the case;

(2) A government attorney with supervisory authority shall oversee the litigation;

(3) The government attorneys shall retain veto power over any decisions made by outside counsel;

(4) A government attorney with supervisory authority for the case shall attend all settlement conferences; and

(5) Decisions regarding settlement of the case shall be reserved exclusively to the discretion of the attorney general.

5. The attorney general shall develop a standard addendum to every contract for contingent fee attorney services that shall be used in all cases, describing in detail what is expected of both the contracted private attorney and the state, including, without limitation, the requirements listed in subsection 4 of this section.

6. Copies of any executed contingency fee contract and the attorney general's written determination to enter into a contingency fee contract with the private attorney shall be posted on the attorney general's website for public inspection within five business days after the date the contract is executed and shall remain posted on the website for the duration of the contingency fee contract, including any extensions or amendments to the contract. Any payment of contingency fees shall be posted on the attorney general's website within fifteen days after the payment of such contingency fees to the private attorney and shall remain posted on the website for at least three hundred sixty-five days.

7. Any private attorney under contract to provide services to the state on a contingency fee basis shall, from the inception of the contract until at least four years after the contract expires or is terminated, maintain detailed current records, including documentation of all expenses, disbursements, charges, credits, underlying receipts and invoices, and other financial transactions that concern the provision of such attorney services. The private attorney shall maintain detailed contemporaneous time records for the attorneys and paralegals working on the matter in increments of no greater than one tenth of an hour and shall promptly provide these records to the attorney general, upon request. Any request under chapter 610 for inspection and copying of such records shall be served upon and responded to by the attorney general's office.

8. By February first of each year, the attorney general shall submit a report to the president pro tem of the senate and the speaker of the house of representatives describing the use of contingency fee contracts with private attorneys in the preceding calendar year. At a minimum, the report shall:

(1) Identify all new contingency fee contracts entered into during the year and all previously executed contingency fee contracts that remain current during any part of the year, and for each contract describe:

(a) The name of the private attorney with whom the department has contracted, including the name of the attorney's law firm;

(b) The nature and status of the legal matter;

(c) The name of the parties to the legal matter;

(d) The amount of any recovery; and

(e) The amount of any contingency fee paid.

(2) Include copies of any written determinations made under subsections 1 and 2 of this section.

34.380. Nothing in sections 34.376 to 34.380 shall be construed to expand the authority of any state agency or state agent to enter into contracts where no such authority previously existed."; and'; and

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

On motion of Representative Molendorp, **House Amendment No. 1 to House Amendment No. 7** was adopted.

On motion of Representative Cauthorn, **House Amendment No. 7, as amended**, was adopted.

On motion of Representative Diehl, **HCS SB 59, as amended**, was adopted.

On motion of Representative Diehl, **HCS SB 59, as amended**, was read the third time and passed by the following vote:

AYES: 106

Allen	Asbury	Bahr	Barnes	Bernskoetter
Berry	Brandom	Brattin	Brown 85	Brown 116
Burlison	Cauthorn	Cierpiot	Conway 14	Cookson
Cox	Crawford	Cross	Curtman	Davis
Day	Denison	Dieckhaus	Diehl	Dugger
Elmer	Entlicher	Fisher	Fitzwater	Flanigan
Fraker	Franklin	Franz	Frederick	Fuhr
Gatschenberger	Gosen	Grisamore	Guernsey	Haefner
Hampton	Higdon	Hinson	Hoskins	Hough
Houghton	Johnson	Jones 89	Jones 117	Keeney
Kelley 126	Klippenstein	Koenig	Korman	Lair
Lant	Largent	Lasater	Lauer	Leach
Leara	Lichtenegger	Loehner	Long	Marshall
May	McCaherty	McGhee	Molendorp	Nance
Nasheed	Neth	Nolte	Parkinson	Pollock
Quinn	Redmon	Reiboldt	Richardson	Riddle
Rowland	Ruzicka	Sater	Schad	Scharnhorst
Schatz	Schieber	Schneider	Schoeller	Shumake
Silvey	Smith 150	Solon	Stream	Swinger
Taylor	Thomson	Torpey	Wallingford	Weter
White	Wieland	Wright	Wyatt	Zerr
Mr Speaker				

NOES: 044

Anders	Atkins	Aull	Black	Carlson
Carter	Casey	Colona	Conway 27	Ellinger
Fallert	Harris	Hodges	Holsman	Hummel
Jones 63	Kelly 24	Kirkton	Kratky	Lampe
McCann Beatty	McDonald	McGeoghegan	McManus	McNeil
Meadows	Montecillo	Newman	Nichols	Oxford
Pace	Pierson	Rizzo	Schieffer	Shively
Sifton	Smith 71	Spreng	Still	Swearingen
Talboy	Walton Gray	Webb	Webber	

PRESENT: 000

ABSENT WITH LEAVE: 009

Brown 50	Funderburk	Hubbard	Hughes	Kander
McNary	Phillips	Schupp	Wells	

VACANCIES: 004

Speaker Pro Tem Schoeller declared the bill passed.

THIRD READING OF HOUSE BILLS

HCS HB 732, relating to professional registration, was taken up by Representative Brandom.

On motion of Representative Brandom, **HCS HB 732** was read the third time and passed by the following vote:

AYES: 130

Allen	Asbury	Aull	Bahr	Barnes
Bernskoetter	Black	Brandom	Brattin	Brown 85
Brown 116	Carlson	Carter	Casey	Cauthorn
Cierpiot	Conway 27	Cookson	Cox	Crawford
Cross	Davis	Day	Denison	Dieckhaus
Diehl	Dugger	Ellinger	Elmer	Entlicher
Fallert	Fisher	Fitzwater	Flanigan	Fraker
Franz	Frederick	Fuhr	Gatschenberger	Gosen
Grisamore	Hampton	Harris	Higdon	Hinson
Hodges	Holsman	Hoskins	Hough	Houghton
Hummel	Johnson	Jones 89	Jones 117	Keeney
Kelley 126	Kelly 24	Kirkton	Klippenstein	Korman
Kratky	Lair	Lampe	Lant	Largent
Lasater	Lauer	Leara	Lichtenegger	Loehner
Long	McCaherty	McCann Beatty	McDonald	McGhee
McManus	McNary	McNeil	Meadows	Molendorp
Montecillo	Nance	Nasheed	Neth	Newman
Nichols	Nolte	Oxford	Pace	Parkinson
Pollock	Quinn	Redmon	Reiboldt	Richardson
Riddle	Rizzo	Rowland	Ruzicka	Sater
Schad	Scharnhorst	Schatz	Schieber	Schieffer
Schneider	Schoeller	Shively	Shumake	Sifton
Silvey	Smith 71	Smith 150	Solon	Stream
Swearingen	Swinger	Talboy	Taylor	Thomson
Torpey	Wallingford	Webb	Webber	Weter
White	Wieland	Wright	Zerr	Mr Speaker

NOES: 020

Anders	Atkins	Burlison	Colona	Conway 14
Curtman	Franklin	Guernsey	Haefner	Jones 63
Koenig	Leach	Marshall	May	McGeoghegan
Pierson	Spreng	Still	Walton Gray	Wyatt

PRESENT: 000

ABSENT WITH LEAVE: 009

Berry	Brown 50	Funderburk	Hubbard	Hughes
Kander	Phillips	Schupp	Wells	

VACANCIES: 004

Speaker Pro Tem Schoeller declared the bill passed.

HB 658, relating to the Meth Lab Elimination Act, was taken up by Representative Schatz.

Representative Keeney assumed the Chair.

Representative Jones (89) moved the previous question.

Which motion was adopted by the following vote:

AYES: 100

Allen	Asbury	Bahr	Barnes	Bernskoetter
Berry	Brandom	Brattin	Brown 85	Brown 116
Burlison	Cauthorn	Cierpiot	Conway 14	Cookson
Cox	Crawford	Cross	Curtman	Davis
Day	Denison	Dieckhaus	Diehl	Dugger
Elmer	Entlicher	Fisher	Fitzwater	Flanigan
Fraker	Franklin	Franz	Frederick	Fuhr
Gatschenberger	Gosen	Grisamore	Guernsey	Haefner
Hampton	Higdon	Hinson	Hoskins	Hough
Houghton	Johnson	Jones 89	Jones 117	Keeney
Kelley 126	Klippenstein	Koenig	Korman	Lair
Lant	Largent	Lasater	Lauer	Leach
Leara	Lichtenegger	Loehner	Long	Marshall
McCaherty	McNary	Molendorp	Nance	Neth
Parkinson	Pollock	Redmon	Reiboldt	Richardson
Riddle	Rowland	Ruzicka	Sater	Schad
Scharnhorst	Schatz	Schieber	Schneider	Schoeller
Shumake	Silvey	Smith 150	Solon	Stream
Thomson	Torpey	Wallingford	Weter	White
Wieland	Wright	Wyatt	Zerr	Mr Speaker

NOES: 050

Anders	Atkins	Aull	Black	Brown 50
Carlson	Carter	Casey	Colona	Conway 27
Ellinger	Fallert	Harris	Hodges	Hubbard
Hummel	Jones 63	Kelly 24	Kirkton	Kratky
Lampe	May	McCann Beatty	McDonald	McGeoghegan
McManus	McNeil	Meadows	Montecillo	Nasheed
Newman	Nichols	Oxford	Pace	Pierson
Quinn	Rizzo	Schieffer	Shively	Sifton
Smith 71	Spreng	Still	Swearingen	Swinger
Talboy	Taylor	Walton Gray	Webb	Webber

PRESENT: 000

ABSENT WITH LEAVE: 009

Funderburk	Holsman	Hughes	Kander	McGhee
Nolte	Phillips	Schupp	Wells	

VACANCIES: 004

On motion of Representative Schatz, **HB 658** was read the third time and passed by the following vote:

AYES: 086

Allen	Atkins	Aull	Berry	Black
Brandom	Brown 50	Brown 85	Carlson	Carter
Casey	Cauthorn	Conway 14	Cookson	Cross
Denison	Dieckhaus	Diehl	Ellinger	Elmer
Entlicher	Fallert	Fisher	Fitzwater	Fraker
Franklin	Fuhr	Gosen	Hampton	Higdon
Hinson	Hodges	Houghton	Hubbard	Kelley 126
Kirkton	Klippenstein	Korman	Lair	Lant
Largent	Lasater	Lauer	Leach	Lichtenegger
Loehner	May	McCaherty	McCann Beatty	McGeoghegan
McGhee	McManus	McNary	McNeil	Montecillo
Neth	Newman	Oxford	Pace	Pierson
Redmon	Reiboldt	Richardson	Riddle	Rizzo
Rowland	Schatz	Schieffer	Schneider	Shumake
Smith 71	Smith 150	Spreng	Stream	Swearingen
Swinger	Thomson	Torpey	Wallingford	Walton Gray
Webb	Weter	Wright	Wyatt	Zerr
Mr Speaker				

NOES: 064

Anders	Asbury	Bahr	Barnes	Bernskoetter
Brattin	Brown 116	Burlison	Cierpiot	Colona
Conway 27	Cox	Crawford	Curtman	Davis
Day	Dugger	Flanigan	Franz	Frederick
Gatschenberger	Guernsey	Haefner	Harris	Holsman
Hoskins	Hough	Hummel	Johnson	Jones 63
Jones 89	Jones 117	Keeney	Kelly 24	Koenig
Kratky	Lampe	Leara	Long	Marshall
McDonald	Meadows	Molendorp	Nance	Nasheed
Nichols	Parkinson	Pollock	Quinn	Ruzicka
Sater	Schad	Scharnhorst	Schieber	Schoeller
Shively	Silvey	Solon	Still	Talboy
Taylor	Webber	White	Wieland	

PRESENT: 001

Sifton

ABSENT WITH LEAVE: 008

Funderburk	Grisamore	Hughes	Kander	Nolte
Phillips	Schupp	Wells		

VACANCIES: 004

Representative Keeney declared the bill passed.

HCS HBs 504, 505 & 874, relating to domestic violence, was taken up by Representative Silvey.

On motion of Representative Silvey, **HCS HBs 504, 505 & 874** was read the third time and passed by the following vote:

AYES: 151

Allen	Anders	Asbury	Atkins	Aull
Bahr	Barnes	Bernskoetter	Berry	Black
Brandom	Brattin	Brown 50	Brown 85	Brown 116
Burlison	Carlson	Carter	Casey	Cauthorn
Cierpiot	Colona	Conway 27	Cookson	Cox
Crawford	Cross	Curtman	Davis	Day
Denison	Diehl	Dugger	Ellinger	Elmer
Entlicher	Fallert	Fisher	Fitzwater	Flanigan
Fraker	Franklin	Franz	Frederick	Fuhr
Gatschenberger	Gosen	Grisamore	Guernsey	Haefner
Hampton	Harris	Higdon	Hinson	Hodges
Holsman	Hoskins	Hough	Houghton	Hubbard
Hummel	Johnson	Jones 63	Jones 89	Jones 117
Keeney	Kelley 126	Kelly 24	Kirkton	Klippenstein
Koenig	Korman	Kratky	Lair	Lampe
Lant	Largent	Lasater	Lauer	Leach
Leara	Lichtenegger	Loehner	Long	Marshall
May	McCaherty	McCann Beatty	McDonald	McGeoghegan
McGhee	McManus	McNary	McNeil	Meadows
Molendorp	Montecillo	Nance	Nasheed	Neth
Newman	Nichols	Nolte	Oxford	Pace
Parkinson	Pierson	Pollock	Quinn	Redmon
Reiboldt	Richardson	Riddle	Rizzo	Rowland
Ruzicka	Sater	Schad	Scharnhorst	Schatz
Schieber	Schieffer	Schneider	Schoeller	Shively
Shumake	Sifton	Silvey	Smith 71	Smith 150
Solon	Spreng	Still	Stream	Swearingen
Swinger	Talboy	Thomson	Torpey	Wallingford
Walton Gray	Webb	Webber	Wells	Weter
White	Wieland	Wright	Wyatt	Zerr
Mr Speaker				

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 008

Conway 14	Dieckhaus	Funderburk	Hughes	Kander
Phillips	Schupp	Taylor		

VACANCIES: 004

Representative Keeney declared the bill passed.

HCS HB 707, relating to a land bank agency, was taken up by Representative Brown (50).

Representative Jones (89) moved the previous question.

Which motion was adopted by the following vote:

AYES: 100

Allen	Asbury	Bahr	Barnes	Bernskoetter
Berry	Brandom	Brattin	Brown 85	Brown 116
Burlison	Cauthorn	Cierpiot	Conway 14	Cookson
Cox	Crawford	Cross	Curtman	Davis
Day	Denison	Dieckhaus	Diehl	Dugger
Elmer	Entlicher	Fisher	Fitzwater	Flanigan
Fraker	Franklin	Franz	Frederick	Fuhr
Gatschenberger	Gosen	Grisamore	Haefner	Hampton
Higdon	Hinson	Hoskins	Hough	Houghton
Johnson	Jones 89	Jones 117	Keeney	Kelley 126
Klippenstein	Koenig	Korman	Lair	Lant
Largent	Lasater	Lauer	Leach	Leara
Lichtenegger	Loehner	Long	Marshall	McCaherty
McNary	Molendorp	Nance	Neth	Parkinson
Pollock	Redmon	Reiboldt	Richardson	Riddle
Rowland	Ruzicka	Sater	Schad	Scharnhorst
Schatz	Schieber	Schneider	Schoeller	Shumake
Silvey	Smith 150	Solon	Stream	Thomson
Torpey	Wallingford	Wells	Weter	White
Wieland	Wright	Wyatt	Zerr	Mr Speaker

NOES: 047

Anders	Atkins	Aull	Black	Brown 50
Carlson	Casey	Colona	Conway 27	Ellinger
Fallert	Harris	Hodges	Holsman	Hummel
Jones 63	Kelly 24	Kirkton	Kratky	Lampe
May	McCann Beatty	McDonald	McGeoghegan	McManus
McNeil	Meadows	Montecillo	Nasheed	Newman
Nichols	Oxford	Pace	Pierson	Quinn
Rizzo	Schieffer	Shively	Sifton	Smith 71
Still	Swearingen	Swinger	Talboy	Taylor
Walton Gray	Webber			

PRESENT: 000

ABSENT WITH LEAVE: 012

Carter	Funderburk	Guernsey	Hubbard	Hughes
Kander	McGhee	Nolte	Phillips	Schupp
Spreng	Webb			

VACANCIES: 004

On motion of Representative Brown (50), **HCS HB 707** was read the third time and passed by the following vote:

AYES: 113

Allen	Anders	Asbury	Bahr	Barnes
Bernskoetter	Berry	Black	Brandom	Brattin
Brown 50	Brown 85	Brown 116	Burlison	Carlson
Casey	Cierpiot	Conway 14	Conway 27	Cookson
Cox	Crawford	Cross	Davis	Day
Denison	Dieckhaus	Diehl	Dugger	Elmer
Entlicher	Fisher	Fitzwater	Flanigan	Fraker
Franklin	Franz	Frederick	Fuhr	Gatschenberger
Gosen	Grisamore	Haefner	Hampton	Higdon
Holsman	Hoskins	Hough	Houghton	Johnson
Jones 63	Jones 89	Jones 117	Keeney	Kelley 126
Kelly 24	Klippenstein	Korman	Lair	Lant
Largent	Lasater	Lauer	Leach	Lichtenegger
Loehner	Long	May	McCaherty	McCann Beatty
McDonald	McGhee	McManus	McNary	Nance
Nasheed	Neth	Oxford	Pace	Parkinson
Pollock	Redmon	Reiboldt	Richardson	Riddle
Rizzo	Rowland	Ruzicka	Sater	Scharnhorst
Schatz	Schneider	Schoeller	Shumake	Silvey
Smith 71	Smith 150	Spreng	Still	Stream
Swearingen	Thomson	Torpey	Wallingford	Walton Gray
Wells	Weter	White	Wieland	Wright
Wyatt	Zerr	Mr Speaker		

NOES: 034

Atkins	Aull	Cauthorn	Colona	Curtman
Ellinger	Fallert	Guernsey	Harris	Hinson
Hodges	Hummel	Kirkton	Koenig	Kratky
Lampe	Leara	Marshall	McGeoghegan	McNeil
Meadows	Montecillo	Newman	Nichols	Pierson
Quinn	Schieber	Schieffer	Shively	Sifton
Solon	Swinger	Taylor	Webber	

PRESENT: 001

Molendorp

ABSENT WITH LEAVE: 011

Carter	Funderburk	Hubbard	Hughes	Kander
Nolte	Phillips	Schad	Schupp	Talboy
Webb				

VACANCIES: 004

Representative Keeney declared the bill passed.

HB 138, relating to the School Construction Act, was taken up by Representative Thomson.

Representative Jones (89) moved the previous question.

Which motion was adopted by the following vote:

AYES: 095

Allen	Asbury	Bahr	Barnes	Bernskoetter
Berry	Brandom	Brown 85	Brown 116	Burlison
Cauthorn	Cierpiot	Conway 14	Cookson	Cox
Crawford	Cross	Curtman	Davis	Day
Denison	Elmer	Entlicher	Fisher	Fitzwater
Flanigan	Fraker	Franklin	Franz	Frederick
Fuhr	Gatschenberger	Gosen	Grisamore	Guernsey
Haefner	Hampton	Higdon	Hinson	Hoskins
Hough	Houghton	Johnson	Jones 89	Jones 117
Keeney	Kelley 126	Klippenstein	Koenig	Korman
Lair	Lant	Largent	Lasater	Lauer
Leach	Leara	Lichtenegger	Loehner	Long
Marshall	McCaherty	McGhee	McNary	Molendorp
Nance	Neth	Parkinson	Redmon	Reiboldt
Richardson	Riddle	Rowland	Ruzicka	Sater
Schad	Scharnhorst	Schatz	Schneider	Schoeller
Shumake	Silvey	Smith 150	Stream	Thomson
Torpey	Wallingford	Wells	Weter	White
Wieland	Wright	Wyatt	Zerr	Mr Speaker

NOES: 051

Anders	Atkins	Aull	Black	Brown 50
Carlson	Carter	Casey	Colona	Conway 27
Ellinger	Fallert	Harris	Hodges	Holsman
Hubbard	Hummel	Jones 63	Kelly 24	Kirkton
Kratky	Lampe	May	McCann Beatty	McDonald
McGeoghegan	McManus	McNeil	Meadows	Montecillo
Nasheed	Newman	Nichols	Oxford	Pace
Pierson	Quinn	Rizzo	Schieffer	Shively
Sifton	Smith 71	Spreng	Still	Swearingen
Swinger	Talboy	Taylor	Walton Gray	Webb
Webber				

PRESENT: 000

ABSENT WITH LEAVE: 013

Brattin	Dieckhaus	Diehl	Dugger	Funderburk
Hughes	Kander	Nolte	Phillips	Pollock
Schieber	Schupp	Solon		

VACANCIES: 004

On motion of Representative Thomson, **HB 138** was read the third time and passed by the following vote:

AYES: 085

Allen	Asbury	Aull	Bahr	Barnes
Bernskoetter	Brandom	Brown 85	Brown 116	Burlison
Cauthorn	Cierpiot	Conway 14	Cookson	Cox
Crawford	Cross	Curtman	Davis	Day
Diehl	Dugger	Elmer	Entlicher	Fisher
Fitzwater	Flanigan	Fraker	Franklin	Franz
Frederick	Fuhr	Gosen	Grisamore	Guernsey
Haefner	Hampton	Higdon	Hinson	Hoskins
Hough	Houghton	Johnson	Jones 89	Jones 117
Keeney	Kelley 126	Klippenstein	Koenig	Lair
Lant	Largent	Lauer	Leach	Lichtenegger
Long	Marshall	McGhee	McNary	Nance
Neth	Nolte	Parkinson	Pollock	Redmon
Reiboldt	Richardson	Riddle	Rowland	Ruzicka
Sater	Schad	Scharnhorst	Schatz	Schieber
Schoeller	Shumake	Smith 150	Stream	Thomson
Torpey	Wells	White	Wyatt	Mr Speaker

NOES: 066

Anders	Atkins	Berry	Black	Brown 50
Carlson	Carter	Casey	Colona	Conway 27
Denison	Ellinger	Fallert	Gatschenberger	Harris
Hodges	Holsman	Hubbard	Hummel	Jones 63
Kelly 24	Kirkton	Korman	Kratky	Lampe
Lasater	Leara	Loehner	May	McCaherty
McCann Beatty	McDonald	McGeoghegan	McManus	McNeil
Meadows	Molendorp	Montecillo	Nasheed	Newman
Nichols	Oxford	Pace	Pierson	Quinn
Rizzo	Schieffer	Schneider	Shively	Sifton
Silvey	Smith 71	Spreng	Still	Swearingen
Swinger	Talboy	Taylor	Wallingford	Walton Gray
Webb	Webber	Weter	Wieland	Wright
Zerr				

PRESENT: 000

ABSENT WITH LEAVE: 008

Brattin	Dieckhaus	Funderburk	Hughes	Kander
Phillips	Schupp	Solon		

VACANCIES: 004

Representative Keeney declared the bill passed.

Speaker Tilley resumed the Chair.

THIRD READING OF SENATE BILL

SB 71, relating to the Missouri Real Estate Appraisers Commission, was taken up by Representative Largent.

Representative Jones (89) offered **House Amendment No. 1**.

House Amendment No. 1

AMEND Senate Bill No. 71, Section A, Page 1, Line 2, by inserting the following after all of said line:

"215.020. 1. There is hereby created and established as a governmental instrumentality of the state of Missouri the "Missouri Housing Development Commission" which shall constitute a body corporate and politic.

2. The commission shall consist of the governor, lieutenant governor, the state treasurer, the state attorney general, and six members to be selected by the governor, with the advice and consent of the senate. The persons to be selected by the governor shall be individuals knowledgeable in the areas of housing, finance or construction. Not more than four of the members appointed by the governor shall be from the same political party. The members of the commission appointed by the governor shall serve the following terms: Two shall serve two years, two shall serve three years, and two shall serve four years, respectively. Thereafter, each appointment shall be for a term of four years. If for any reason a vacancy occurs, the governor, with the advice and consent of the senate, shall appoint a new member to fill the unexpired term. Members are eligible for reappointment.

3. Six members of the commission shall constitute a quorum. No vacancy in the membership of the commission shall impair the right of a quorum to exercise all the rights and perform all the duties of the commission. No action shall be taken by the commission except upon the affirmative vote of at least six of the members of the commission.

4. Each member of the commission appointed by the governor is entitled to compensation of fifty dollars per diem plus his reasonable and necessary expenses actually incurred in discharging his duties under sections 215.010 to 215.250.

5. The employment of an executive director or chief executive officer by the commission shall be for a term of three years and subject to reappointment for additional terms; each term shall be subject to the advice and consent of the senate in the same manner as an appointment subject to the provisions of article IV, section 51, of the Missouri Constitution. The term of the executive director or chief executive officer serving in such capacity on the effective date of this act shall expire on December 31, 2011, and such person may be reappointed under the provisions of this section."; and

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

Representative Diehl offered **House Substitute Amendment No. 1 for House Amendment No. 1**.

House Substitute Amendment No. 1
for
House Amendment No. 1

AMEND Senate Bill No. 71, Page 1, In the Title, Line 2, by deleting all of said line and inserting in lieu thereof the following:

"To repeal sections 215.020 and 339.1115, RSMo, and to enact in lieu thereof two new sections"; and

Further amend said bill, Page 1, Section A, Lines 1 and 2, by deleting all of said lines and inserting in lieu thereof the following:

"Section A. Sections 215.020 and 339.1115, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 215.020 and 339.1115, to read as follows:

215.020. 1. There is hereby created and established as a governmental instrumentality of the state of Missouri the "Missouri Housing Development Commission" which shall constitute a body corporate and politic.

2. The commission shall consist of the governor, lieutenant governor, the state treasurer, the state attorney general, and six members to be selected by the governor, with the advice and consent of the senate. The persons to be selected by the governor shall be individuals knowledgeable in the areas of housing, finance or construction. Not more than four of the members appointed by the governor shall be from the same political party. The members of the commission appointed by the governor shall serve the following terms: Two shall serve two years, two shall serve three years, and two shall serve four years, respectively. Thereafter, each appointment shall be for a term of four years. If for any reason a vacancy occurs, the governor, with the advice and consent of the senate, shall appoint a new member to fill the unexpired term. Members are eligible for reappointment.

3. Six members of the commission shall constitute a quorum. No vacancy in the membership of the commission shall impair the right of a quorum to exercise all the rights and perform all the duties of the commission. No action shall be taken by the commission except upon the affirmative vote of at least six of the members of the commission.

4. Each member of the commission appointed by the governor is entitled to compensation of fifty dollars per diem plus his reasonable and necessary expenses actually incurred in discharging his duties under sections 215.010 to 215.250.

5. The department staff shall report to an executive director who shall be appointed by the governor and such executive director shall implement only those policies which are presented by the executive director and approved by the commission.

6. The employment of the executive director, including the executive director serving in such capacity on the effective date of this section, shall be subject to the advice and consent of the senate in the same manner as an appointment subject to the provisions of article IV, section 51 of the Missouri Constitution and shall be for a term of three years subject to reappointment for additional terms. Each additional term shall be subject to the advice and consent of the senate."; and

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

Representative Kelly (24) offered **House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 1**.

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

AMEND House Substitute Amendment No. 1 for House Amendment No. 1 to Senate Bill No. 71, Page 2, Section 6, Line 29, by adding the following:

"The operating budget of the M.H.D.C. shall be subject to annual appropriation".

On motion of Representative Kelly (24), **House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 1** was adopted.

On motion of Representative Diehl, **House Substitute Amendment No. 1 for House Amendment No. 1, as amended**, was adopted.

Representative Nichols offered **House Amendment No. 2**.

House Amendment No. 2

AMEND Senate Bill No. 71, Page 2, Section 339.1115, Line 22, by inserting after all of said line the following:

"523.040. 1. The court, or judge thereof in vacation, on being satisfied that due notice of the pendency of the petition has been given, shall appoint three disinterested commissioners, who shall be residents of the county in which the real estate or a part thereof is situated**, and in any city not within a county, any county with a charter form of government and with more than one million inhabitants, or any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants at least one of the commissioners shall be either a licensed real estate broker or a state-licensed or state-certified real estate appraiser**, to assess the damages which the owners may severally sustain by reason of such appropriation, who, within forty-five days after appointment by the court, which forty-five days may be extended by the court to a date certain with good cause shown, after applying the definition of fair market value contained in subdivision (1) of section 523.001, and after having viewed the property, shall return to the clerk of such court, under oath, their report in duplicate of such assessment of damages, setting forth the amount of damages allowed to the person or persons named as owning or claiming the tract of land condemned, and should more than one tract be condemned in the petition, then the damages allowed to the owner, owners, claimant or claimants of each tract, respectively, shall be stated separately, together with a specific description of the tracts for which such damages are assessed; and the clerk shall file one copy of said report in his office and record the same in the order book of the court, and he shall deliver the other copy, duly certified by him, to the recorder of deeds of the county where the land lies (or to the recorder of deeds of the city of St. Louis, if the land lies in said city) who shall record the same in his office, and index each tract separately as provided in section 59.440, and the fee for so recording shall be taxed by the clerk as costs in the proceedings; and thereupon such company shall pay to the clerk the amount thus assessed for the party in whose favor such damages have been assessed; and on making such payment it shall be lawful for such company to hold the interest in the property so appropriated for the uses prescribed in this section; and upon failure to pay the assessment, the court may, upon motion and notice by the party entitled to such damages, enforce the payment of the same by execution, unless the said company shall, within ten days from the return of such assessment, elect to abandon the proposed appropriation of any parcel of land, by an instrument in writing to that effect, to be filed with the clerk of the court, and entered on the minutes of the court, and as to so much as is thus abandoned, the assessment of damages shall be void.

2. Prior to the issuance of any report under subsection 1 of this section, a commissioner shall notify all parties named in the condemnation petition no less than ten days prior to the commissioners' viewing of the property of the named parties' opportunity to accompany the commissioners on the commissioners' viewing of the property and of the named parties' opportunity to present information to the commissioners.

3. The commissioners shall view the property, hear arguments, and review other relevant information that may be offered by the parties."; and

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

On motion of Representative Nichols, **House Amendment No. 2** was adopted.

Representative Scharnhorst moved the previous question.

Which motion was adopted by the following vote:

AYES: 100

Allen	Asbury	Bahr	Barnes	Bernskoetter
Berry	Brandom	Brattin	Brown 85	Brown 116
Burlison	Cauthorn	Cierpiot	Conway 14	Cookson
Cox	Crawford	Cross	Curtman	Davis
Denison	Diehl	Dugger	Elmer	Entlicher
Fisher	Fitzwater	Flanigan	Fraker	Franklin
Franz	Frederick	Fuhr	Funderburk	Gatschenberger
Gosen	Grisamore	Guernsey	Haefner	Hampton
Higdon	Hinson	Hoskins	Hough	Houghton

Johnson	Jones 89	Jones 117	Keeney	Kelley 126
Klippenstein	Koenig	Korman	Lair	Lant
Largent	Lasater	Lauer	Leach	Leara
Lichtenegger	Long	Marshall	McCaherty	McGhee
McNary	Molendorp	Nance	Neth	Nolte
Parkinson	Pollock	Redmon	Reiboldt	Richardson
Riddle	Rowland	Ruzicka	Sater	Schad
Scharnhorst	Schatz	Schieber	Schoeller	Shumake
Silvey	Smith 150	Solon	Stream	Thomson
Torpey	Wallingford	Wells	Weter	White
Wieland	Wright	Wyatt	Zerr	Mr Speaker

NOES: 047

Anders	Atkins	Aull	Black	Brown 50
Carlson	Carter	Casey	Conway 27	Ellinger
Fallert	Harris	Hodges	Hubbard	Hummel
Jones 63	Kelly 24	Kirkton	Kratky	Lampe
May	McCann Beatty	McDonald	McGeoghegan	McManus
McNeil	Meadows	Montecillo	Nasheed	Newman
Nichols	Oxford	Pierson	Quinn	Rizzo
Schieffer	Shively	Sifton	Smith 71	Still
Swearingen	Swinger	Talboy	Taylor	Walton Gray
Webb	Webber			

PRESENT: 000

ABSENT WITH LEAVE: 012

Colona	Day	Dieckhaus	Holsman	Hughes
Kander	Loehner	Pace	Phillips	Schneider
Schupp	Spreng			

VACANCIES: 004

On motion of Representative Largent, **SB 71, as amended**, was read the third time and passed by the following vote:

AYES: 145

Allen	Anders	Asbury	Atkins	Aull
Bahr	Barnes	Bernskoetter	Berry	Black
Brandom	Brattin	Brown 50	Brown 85	Brown 116
Burlison	Carlson	Carter	Casey	Cauthorn
Cierpiot	Conway 14	Conway 27	Cookson	Cox
Crawford	Cross	Curtman	Davis	Denison
Diehl	Dugger	Ellinger	Elmer	Fallert
Fisher	Fitzwater	Flanigan	Fraker	Franklin
Franz	Frederick	Fuhr	Funderburk	Gatschenberger
Gosen	Grisamore	Guernsey	Haefner	Hampton
Harris	Higdon	Hinson	Hodges	Hoskins
Hough	Houghton	Hubbard	Hummel	Johnson
Jones 63	Jones 89	Jones 117	Keeney	Kelley 126
Kelly 24	Kirkton	Klippenstein	Koenig	Korman
Kratky	Lair	Lampe	Lant	Largent
Lasater	Lauer	Leach	Leara	Lichtenegger
Loehner	Long	Marshall	May	McCaherty

McDonald	McGeoghegan	McGhee	McManus	McNary
McNeil	Meadows	Montecillo	Nance	Nasheed
Neth	Newman	Nichols	Nolte	Oxford
Parkinson	Pierson	Pollock	Quinn	Redmon
Reiboldt	Richardson	Riddle	Rizzo	Rowland
Ruzicka	Sater	Schad	Scharnhorst	Schatz
Schieber	Schieffer	Schoeller	Shively	Shumake
Sifton	Silvey	Smith 71	Smith 150	Solon
Still	Stream	Swearingen	Swinger	Talboy
Taylor	Thomson	Torpey	Wallingford	Walton Gray
Webb	Webber	Wells	Weter	White
Wieland	Wright	Wyatt	Zerr	Mr Speaker

NOES: 000

PRESENT: 001

McCann Beatty

ABSENT WITH LEAVE: 013

Colona	Day	Dieckhaus	Entlicher	Holsman
Hughes	Kander	Molendorp	Pace	Phillips
Schneider	Schupp	Spreng		

VACANCIES: 004

Speaker Tilley declared the bill passed.

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HB 101, as amended**, and grants the House a conference thereon and that the conferees be allowed to exceed the differences on sections 311.088 and 311.486.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS#2 SJR 2** and has taken up and passed **HCS#2 SJR 2**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House on **HCS SS SB 135, as amended**: Senators Schaefer, Lager, Munzlinger, Justus and Green.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SB 145, as amended**, and requests the House to recede from its position and, failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House on **HCS SB 220, as amended**: Senators Wasson, Richard, Parson, Callahan and Justus.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House on **HCS SB 282, as amended**: Senators Engler, Wasson, Richard, Justus and Wright-Jones.

APPOINTMENT OF CONFERENCE COMMITTEE

The Speaker appointed the following Conference Committee to act with a like committee from the Senate on the following bill:

SCS HB 101: Representatives Loehner, Fitzwater, Johnson, Quinn and Talboy

BILL CARRYING REQUEST MESSAGE

HCS SB 145, as amended, relating to political subdivisions, was taken up by Representative Gatschenberger.

Representative Gatschenberger moved that the House refuse to recede from its position on **HCS SB 145, as amended**, and grant the Senate a conference.

Which motion was adopted.

THIRD READING OF SENATE BILLS

HCS#2 SB 97, relating to conveyances of state properties, was taken up by Representative Fitzwater.

Representative Riddle offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute No. 2 for Senate Bill No. 97, Page 3, Section 3, Line 10, by inserting after all of said section and line, the following:

"**Section 4. 1. The governor is hereby authorized and empowered to sell, transfer, grant, and convey all interest in fee simple absolute in property owned by the state in Callaway County to the City of Fulton. The property to be conveyed is more particularly described as follows:**

Part of Section 16 in Township 47 North, Range 9 West, in the City of Fulton, Callaway County, Missouri, more particularly described as follows:

TRACT 1: Commencing at the northwest corner of the Northeast Quarter of the Southwest Quarter of said Section 16; thence S1°34'55"W, along the Quarter-Quarter Section Line, 1553.12 feet to the southerly right of way of Missouri State Route "O", as described in Book 154, Page 119, Callaway County Recorder's Office; thence S89°01'33"E, along the southerly right of way of said Missouri State Route "O", 525.24 feet; thence on a curve to the left having a radius of 1940.39 feet, an arc distance of 11.95 feet (Ch=S89°12'08"E, 11.95 feet) to the POINT OF BEGINNING for this description; thence continuing along the southerly right of way line of said Missouri State Route "O" the following courses and distances: on a curve to the left having a radius of 1940.39 feet, an arc distance of 388.23 feet (Ch=N84°53'22"E, 387.59 feet);

thence N79°09'27"E, 245.94 feet; thence leaving the said Hwy. right of way S04°40'06"E, 77.57 feet; thence on a curve to the right having a radius of 72.00 feet, an arc distance of 61.43 feet (Ch=S19°46'31"W, 59.59 feet); thence on a curve to the left having a radius of 280 feet, an arc distance of 148.34 feet (Ch=S29°02'28"W, 146.62 feet); thence S13°51'49"W, 453.89 feet; thence on a curve to the left having a radius of 270 feet, an arc distance of 212.47 feet (Ch=S08°40'47"E, 207.03 feet); thence S20°19'55"W, 261.02 feet; thence N87°23'57"W, 418.88 feet; thence N02°23'59"E, 1052.77 feet to the point of beginning.

Containing 12.66

TRACT 2: Being a 60 feet wide public right of way, described as follows:
Commending at the Northeast corner of the above described tract; thence continuing N79°09'27"E, 47.86 feet; thence on a curve to the right having a radius of 686.52 feet, an arc distance of 12.48 feet (Ch=N79°40'39"E, 12.48 feet); thence leaving the said Hwy. right of way S04°40'06"E, 83.94 feet; thence on a curve to the right having a radius of 132.00 feet, an arc distance of 112.63 feet (Ch=S19°41'06"W, 108.87 feet); thence on a curve to the left having a radius of 220.00 feet, an arc distance of 116.56 feet (Ch=S29°05'42"W, 115.60 feet); thence S13°51'49"E, 435.89 feet; thence on a curve to the left having a radius of 210.00 feet, an arc distance of 111.64 feet (Ch=S01°21'56"E, 110.33 feet); thence S20°19'55"W, 85.30 feet to a point; thence on a curve to the right having a radius of 270.00 feet, an arc distance of 212.47 feet (Ch=N08°40'47"W, 207.03 feet); thence N13°51'49"E, 453.89 feet; thence on a curve to the right having a radius of 280.00 feet, an arc distance of 148.34 feet (Ch=N29°02'28"E, 146.62 feet); thence on a curve to the left having a radius of 72.00 feet, an arc distance of 61.43 feet (Ch=N19°46'31"E, 59.59 feet); thence N04°40'06"W, 77.57 feet to the point of beginning.

Containing 1.26

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but are not limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve the form of the instrument of conveyance."; and

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

On motion of Representative Riddle, **House Amendment No. 1** was adopted.

On motion of Representative Fitzwater, **HCS#2 SB 97, as amended**, was adopted.

On motion of Representative Fitzwater, **HCS#2 SB 97, as amended**, was read the third time and passed by the following vote:

AYES: 141

Allen	Anders	Asbury	Atkins	Aull
Bahr	Barnes	Bernskoetter	Berry	Brandom
Brown 85	Brown 116	Burlison	Carlson	Carter
Casey	Cauthorn	Cierpiot	Colona	Conway 14
Conway 27	Cookson	Cox	Crawford	Cross
Curtman	Davis	Denison	Dieckhaus	Diehl
Dugger	Ellinger	Elmer	Entlicher	Fallert
Fisher	Fitzwater	Flanigan	Fraker	Franklin
Franz	Frederick	Fuhr	Funderburk	Gosen
Grisamore	Guernsey	Haefner	Hampton	Harris
Higdon	Hinson	Hodges	Holsman	Hoskins
Hough	Houghton	Hubbard	Hummel	Johnson

Jones 63	Jones 89	Jones 117	Keeney	Kelley 126
Kelly 24	Klippenstein	Koenig	Korman	Kratky
Lair	Lampe	Lant	Largent	Lasater
Lauer	Leach	Lichtenegger	Loehner	Long
May	McCaherty	McCann Beatty	McDonald	McGeoghegan
McGhee	McManus	McNary	McNeil	Meadows
Molendorp	Montecillo	Nance	Nasheed	Neth
Newman	Nichols	Pace	Parkinson	Pierson
Pollock	Quinn	Redmon	Reiboldt	Riddle
Rizzo	Rowland	Ruzicka	Sater	Schad
Schatz	Schieber	Schieffer	Schneider	Schoeller
Shively	Shumake	Sifton	Silvey	Smith 71
Smith 150	Solon	Spreng	Stream	Swearingen
Swinger	Talboy	Taylor	Thomson	Torpey
Wallingford	Walton Gray	Webb	Wells	Weter
White	Wieland	Wright	Wyatt	Zerr
Mr Speaker				

NOES: 007

Black	Brattin	Kirkton	Marshall	Oxford
Still	Webber			

PRESENT: 001

Brown 50

ABSENT WITH LEAVE: 010

Day	Gatschenberger	Hughes	Kander	Leara
Nolte	Phillips	Richardson	Scharnhorst	Schupp

VACANCIES: 004

Speaker Tilley declared the bill passed.

HCS SS SB 118, relating to sprinkler system requirements, was taken up by Representative Sater.

Representative Sater offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 118, Page 6, Section 198.074, Line 37, by inserting an opening bracket "**[**" immediately before the word "If"; and

Further amend said bill, section and page, Line 40, by inserting a closing bracket "**]**" immediately after the date "2013."; and

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

On motion of Representative Sater, **House Amendment No. 1** was adopted.

Representative Jones (89) moved the previous question.

Which motion was adopted by the following vote:

AYES: 093

Allen	Asbury	Bahr	Barnes	Bernskoetter
Berry	Brandom	Brattin	Brown 85	Brown 116
Burlison	Cauthorn	Cierpiot	Conway 14	Cookson
Cox	Crawford	Cross	Curtman	Day
Denison	Dieckhaus	Diehl	Dugger	Elmer
Entlicher	Fisher	Fitzwater	Flanigan	Fraker
Franklin	Franz	Frederick	Fuhr	Gosen
Grisamore	Guernsey	Haefner	Hampton	Higdon
Hinson	Hoskins	Houghton	Johnson	Jones 89
Jones 117	Keeney	Kelley 126	Klippenstein	Koenig
Korman	Lair	Lant	Largent	Lasater
Lauer	Leach	Leara	Lichtenegger	Loehner
Long	Marshall	McGhee	McNary	Molendorp
Nance	Neth	Parkinson	Redmon	Reiboldt
Richardson	Riddle	Rowland	Ruzicka	Sater
Schad	Schatz	Schieber	Schoeller	Silvey
Smith 150	Solon	Stream	Thomson	Torpey
Wallingford	Wells	Weter	White	Wieland
Wyatt	Zerr	Mr Speaker		

NOES: 045

Anders	Atkins	Aull	Black	Brown 50
Carlson	Carter	Casey	Colona	Ellinger
Harris	Hodges	Holsman	Hubbard	Hummel
Jones 63	Kelly 24	Kirkton	Kratky	Lampe
McCann Beatty	McDonald	McGeoghegan	McManus	McNeil
Meadows	Montecillo	Newman	Nichols	Oxford
Pierson	Quinn	Rizzo	Schieffer	Sifton
Smith 71	Spreng	Still	Swearingen	Swinger
Talboy	Taylor	Walton Gray	Webb	Webber

PRESENT: 000

ABSENT WITH LEAVE: 021

Conway 27	Davis	Fallert	Funderburk	Gatschenberger
Hough	Hughes	Kander	May	McCaherty
Nasheed	Nolte	Pace	Phillips	Pollock
Scharnhorst	Schneider	Schupp	Shively	Shumake
Wright				

VACANCIES: 004

Speaker Pro Tem Schoeller resumed the Chair.

On motion of Representative Sater, **HCS SS SB 118, as amended**, was adopted.

On motion of Representative Sater, **HCS SS SB 118, as amended**, was read the third time and passed by the following vote:

AYES: 148

Allen	Anders	Asbury	Atkins	Aull
Bahr	Barnes	Bernskoetter	Berry	Black
Brandom	Brattin	Brown 50	Brown 85	Brown 116
Burlison	Carlson	Carter	Casey	Cauthorn
Cierpiot	Colona	Conway 14	Conway 27	Cookson
Cox	Crawford	Cross	Curtman	Davis
Day	Denison	Dieckhaus	Diehl	Dugger
Elmer	Entlicher	Fallert	Fisher	Fitzwater
Flanigan	Fraker	Franklin	Franz	Frederick
Fuhr	Gosen	Grisamore	Guernsey	Haefner
Hampton	Harris	Higdon	Hinson	Hodges
Holsman	Hoskins	Hough	Houghton	Hubbard
Hummel	Johnson	Jones 63	Jones 89	Jones 117
Keeney	Kelley 126	Kelly 24	Kirkton	Klippenstein
Koenig	Korman	Kratky	Lair	Lampe
Lant	Largent	Lasater	Lauer	Leach
Leara	Lichtenegger	Loehner	Long	Marshall
May	McCaherty	McCann Beatty	McDonald	McGeoghegan
McGhee	McManus	McNary	McNeil	Meadows
Molendorp	Montecillo	Nance	Nasheed	Neth
Newman	Nichols	Oxford	Pace	Parkinson
Pierson	Pollock	Quinn	Redmon	Reiboldt
Richardson	Riddle	Rizzo	Rowland	Ruzicka
Sater	Scharnhorst	Schatz	Schieber	Schieffer
Schoeller	Shively	Shumake	Sifton	Silvey
Smith 71	Smith 150	Solon	Spreng	Still
Stream	Swearingen	Swinger	Talboy	Taylor
Thomson	Torpey	Wallingford	Walton Gray	Webb
Webber	Wells	Weter	White	Wieland
Wright	Wyatt	Zerr		

NOES: 001

Ellinger

PRESENT: 000

ABSENT WITH LEAVE: 010

Funderburk	Gatschenberger	Hughes	Kander	Nolte
Phillips	Schad	Schneider	Schupp	Mr Speaker

VACANCIES: 004

Speaker Pro Tem Schoeller declared the bill passed.

HCS SB 325, relating to professional registration, was taken up by Representative Smith (150).

HCS SB 325 was laid over.

HCS SCS SB 29, relating to professional registration, was taken up by Representative Jones (117).

Representative Schad offered **House Amendment No. 1**.

House Amendment No. 1 was withdrawn.

Representative Diehl offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 29, Page 2, Section 197.705, Line 41, by inserting after all of said section and line the following:

"215.020. 1. There is hereby created and established as a governmental instrumentality of the state of Missouri the "Missouri Housing Development Commission" which shall constitute a body corporate and politic.

2. The commission shall consist of the governor, lieutenant governor, the state treasurer, the state attorney general, and six members to be selected by the governor, with the advice and consent of the senate. The persons to be selected by the governor shall be individuals knowledgeable in the areas of housing, finance or construction. Not more than four of the members appointed by the governor shall be from the same political party. The members of the commission appointed by the governor shall serve the following terms: Two shall serve two years, two shall serve three years, and two shall serve four years, respectively. Thereafter, each appointment shall be for a term of four years. If for any reason a vacancy occurs, the governor, with the advice and consent of the senate, shall appoint a new member to fill the unexpired term. Members are eligible for reappointment.

3. Six members of the commission shall constitute a quorum. No vacancy in the membership of the commission shall impair the right of a quorum to exercise all the rights and perform all the duties of the commission. No action shall be taken by the commission except upon the affirmative vote of at least six of the members of the commission.

4. Each member of the commission appointed by the governor is entitled to compensation of fifty dollars per diem plus his reasonable and necessary expenses actually incurred in discharging his duties under sections 215.010 to 215.250.

5. The department staff shall report to an executive director who shall be appointed by the governor and such executive director shall implement only those policies which are presented by the executive director and approved by the commission.

6. The employment of the executive director including the executive director serving in such capacity on the effective date of this act shall be subject to the advice and consent of the senate in the same manner as an appointment subject to the provisions of Article IV, Section 51 of the Missouri Constitution; and shall be for a term of 3 years subject to the reappointment for additional terms; each such additional term shall also be subject to the advice and consent of the senate."; and

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

On motion of Representative Diehl, **House Amendment No. 2** was adopted.

Representative Brandom offered **House Amendment No. 3**.

House Amendment No. 3

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 29, Pages 5 and 6, Section 324.043, Lines 1 to 37, by deleting all of said lines and inserting in lieu thereof the following:

"324.043. 1. Except as provided in this section, no disciplinary proceeding against any person or entity licensed, registered, or certified to practice a profession within the division of professional registration shall be initiated

unless such action is commenced within three years of the date upon which the licensing, registering, or certifying agency received notice of an alleged violation of an applicable statute or regulation.

2. For the purpose of this section, notice shall be limited to:

(1) A written complaint;

(2) Notice of final disposition of a malpractice claim, including exhaustion of all extraordinary remedies and appeals;

(3) Notice of exhaustion of all extraordinary remedies and appeals of a conviction based upon a criminal statute of this state, any other state, or the federal government;

(4) Notice of exhaustion of all extraordinary remedies and appeals in a disciplinary action by a hospital, state licensing, registering or certifying agency, or an agency of the federal government.

3. For the purposes of this section, an action is commenced when a complaint is filed by the agency with the administrative hearing commission, any other appropriate agency, or in a court; or when a complaint is filed by the agency's legal counsel with the agency in respect to an automatic revocation or a probation violation.

4. Disciplinary proceedings based upon repeated negligence shall be exempt from all limitations set forth in this section.

5. Disciplinary proceedings based upon a complaint involving sexual misconduct shall be exempt from all limitations set forth in this section.

6. Any time limitation provided in this section shall be tolled:

(1) During any time the accused licensee, registrant, or certificant is practicing exclusively outside the state of Missouri or residing outside the state of Missouri and not practicing in Missouri;

(2) As to an individual complainant, during the time when such complainant is less than eighteen years of age;

(3) During any time the accused licensee, registrant, or certificant maintains legal action against the agency; or

(4) When a settlement agreement is offered to the accused licensee, registrant, or certificant, in an attempt to settle such disciplinary matter without formal proceeding pursuant to section 621.045 until the accused licensee, registrant, or certificant rejects or accepts the settlement agreement.

7. The licensing agency may, in its discretion, toll any time limitation when the accused **applicant,** licensee, registrant, or certificant enters into and participates in a treatment program for chemical dependency or mental impairment."; and

Further amend said bill, Page 6, Section 324.045, Lines 1 to 17, by deleting all of said lines and inserting in lieu thereof the following:

"**324.045. 1. Notwithstanding any provision of chapter 536, in any proceeding initiated by the division of professional registration or any board, committee, commission, or office within the division of professional registration to determine the appropriate level of discipline or additional discipline, if any, against a licensee of the board, committee, commission, or office within the division, if the licensee against whom the proceeding has been initiated upon a properly pled writing filed to initiate the contested case and upon proper notice fails to plead or otherwise defend against the proceeding, the board, commission, committee, or office within the division shall enter a default decision against the licensee without further proceedings. The terms of the default decision shall not exceed the terms of discipline authorized by law for the division, board, commission, or committee. The division, office, board, commission, or committee shall provide the licensee notice of the default decision in writing.**

2. Upon motion stating facts constituting a meritorious defense and for good cause shown, a default decision may be set aside. The motion shall be made within a reasonable time, not to exceed thirty days after entry of the default decision. "Good cause" includes a mistake or conduct that is not intentionally or recklessly designed to impede the administrative process."; and

Further amend said bill, Pages 7 and 8, Section 334.001, Lines 1 to 36, by deleting all of said lines and inserting in lieu thereof the following:

"**334.001. 1. Notwithstanding any other provision of law to the contrary, the following information is an open record and shall be released upon request of any person and may be published on the board's website:**

(1) The name of a licensee or applicant;

(2) The licensee's business address;

(3) Registration type;

(4) Currency of the license, certificate, or registration;

(5) Professional schools attended;

(6) Degrees and certifications, including certification by the American Board of Medical Specialties, the American Osteopathic Association, or other certifying agency approved by the board by rule;

(7) To the extent provided to the board after August 28, 2011, discipline by another state or administrative agency;

(8) Limitations on practice placed by a court of competent jurisdiction;

(9) Any final discipline by the board, including the content of the settlement agreement or order issued; and

(10) Whether a discipline case brought by the board is pending in the administrative hearing commission or any court.

2. All other information pertaining to a licensee or applicant not specifically denominated an open record in subsection 1 of this section is a closed record and confidential.

3. The board shall disclose confidential information without charge or fee upon written request of the licensee or applicant if the information is less than five years old. If the information requested is more than five years old, the board may charge a fee equivalent to the fee specified by regulation.

4. At its discretion, the board may disclose confidential information, without the consent of the licensee or applicant, to a licensee or applicant for a license in order to further a board investigation or to facilitate settlement negotiations with the board, in the course of voluntary exchange of information with another state's licensing authority, pursuant to a court order, or to other administrative or law enforcement agencies acting within the scope of their statutory authority.

5. Information obtained from a federal administrative or law enforcement agency shall be disclosed only after the board has obtained written consent to the disclosure from the federal administrative or law enforcement agency.

6. The board is entitled to the attorney/client privilege and work product privilege to the same extent as any other person."; and

Further amend said bill, Pages 8 and 9, Section 334.040, Lines 1 to 52, by deleting all of said lines and inserting in lieu thereof the following:

"334.040. 1. Except as provided in section 334.260, all persons desiring to practice as physicians and surgeons in this state shall be examined as to their fitness to engage in such practice by the board. All persons applying for examination shall file a completed application with the board **[**at least eighty days before the date set for examination upon blanks**] upon forms** furnished by the board.

2. The examination shall be sufficient to test the applicant's fitness to practice as a physician and surgeon. The examination shall be conducted in such a manner as to conceal the identity of the applicant until all examinations have been scored. In all such examinations an average score of not less than seventy-five percent is required to pass; provided, however, that the board may require applicants to take the Federation Licensing Examination, also known as FLEX, or the United States Medical Licensing Examination (USMLE). If the FLEX examination is required, a weighted average score of no less than seventy-five **[**percent**]** is required to pass. **Scores from one test administration of the FLEX shall not be combined or averaged with scores from other test administrations to achieve a passing score.** The passing score of the United States Medical Licensing Examination shall be determined by the board through rule and regulation. The board shall not issue a permanent license as a physician and surgeon or allow the Missouri state board examination to be administered to any applicant who has failed to achieve a passing score within three attempts on licensing examinations administered in one or more states or territories of the United States, the District of Columbia or Canada. The steps one, two and three of the United States Medical Licensing Examination shall be taken within a seven-year period with no more than three attempts on any step of the examination; however, the board may grant an extension of the seven-year period if the applicant has obtained a MD/PhD degree in a program accredited by the **[**liaison committee on medical education**] Liaison Committee on Medical Education** (LCME) and a regional university accrediting body **or a DO/PhD degree accredited by the American Osteopathic Association and a regional university accrediting body**. The board may waive the provisions of this section if the applicant is licensed to practice as a physician and surgeon in another state of the United States, the District of Columbia or Canada and the applicant has achieved a passing score on a licensing examination administered in a state or territory of the United States or the District of Columbia and no license issued to the applicant has been disciplined in any state or territory of the United States or the District of Columbia**[**. Prior to waiving the provisions of this section, the board may require the applicant to achieve a passing score on one of the following:

(1) The American Specialty Board's certifying examination in the physician's field of specialization;

(2) Part II of the FLEX; or

(3) The Federation portion of the State Medical Board's Special Purpose Examination (SPEX)**] and the applicant is certified in the applicant's area of specialty by the American Board of Medical Specialties, the American Osteopathic Association, or other certifying agency approved by the board by rule**.

3. If the board waives the provisions of this section, then the license issued to the applicant may be limited or restricted to the applicant's board specialty. **[**Scores from one test administration shall not be combined or averaged with scores from other test administrations to achieve a passing score.**]** The board shall not be permitted to favor any particular school or system of healing.

4. If an applicant has not actively engaged in the practice of clinical medicine or held a teaching or faculty position in a medical or osteopathic school approved by the American Medical Association, the Liaison Committee on Medical Education, or the American Osteopathic Association for any two years in the three year period immediately preceding the filing of his or her application for licensure, the board may require successful completion of another examination, continuing medical education, or further training before issuing a permanent license. The board shall adopt rules to prescribe the form and manner of such reexamination, continuing medical education, and training."; and

Further amend said bill, Page 10, Section 334.070, Lines 1 to 13, by deleting all of said lines and inserting in lieu thereof the following:

"334.070. 1. Upon due application therefor and upon submission by such person of evidence satisfactory to the board that he **or she** is licensed to practice in this state, and upon the payment of fees required to be paid by this chapter, the board shall issue to **[**him**] such person** a certificate of registration. The certificate of registration shall contain the name of the person to whom it is issued and his **or her** office address **[**and residence address**]**, the expiration date, and the date and number of the license to practice.

2. **[**Every person shall, upon receiving such certificate, cause it to be conspicuously displayed at all times in every office maintained by him in the state. If he maintains more than one office in this state, the board shall without additional fee issue to him duplicate certificates of registration for each office so maintained.**]** If any registrant shall change the location of his **or her** office during the period for which any certificate of registration has been issued, **[**he**] the registrant** shall, within fifteen days thereafter, notify the board of such change **[**and it shall issue to him without additional fee a new registration certificate showing the new location**]**."; and

Further amend said bill, Page 10, Section 334.090, Lines 1 to 13, by deleting all of said lines and inserting in lieu thereof the following:

"334.090. 1. Each applicant for registration under this chapter shall accompany the application for registration with a registration fee to be paid to the **[**director of revenue**] board**. If the application is filed and the fee paid after the registration renewal date, a delinquent fee shall be paid; but whenever in the opinion of the board the applicant's failure to register is caused by extenuating circumstances including illness of the applicant, as defined by rule and regulation, the delinquent fee may be waived by the board. Whenever any new license is granted to any person under the provisions of this chapter, the board shall, upon application therefor, issue to such licensee a certificate of registration covering a period from the date of the issuance of the license to the next renewal date without the payment of any registration fee.

2. The board shall set the amount of the fees which this chapter authorizes and requires by rules and regulations promulgated pursuant to section 536.021. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering this chapter."; and

Further amend said bill, Pages 10 to 12, Section 334.099, Lines 1 to 58, by deleting all of said lines and inserting in lieu thereof the following:

"**334.099. 1. The board may initiate a contested hearing to determine if reasonable cause exists to believe that a licensee or applicant is unable to practice his or her profession with reasonable skill and safety to the public by reason of medical or osteopathic incompetency, mental or physical incapacity, or due to the excessive use or abuse of alcohol or controlled substances:**

(1) The board shall serve notice pursuant to section 536.067 of the contested hearing at least fifteen days prior to the hearing. Such notice shall include a statement of the reasons the board believes there is reasonable cause to believe that a licensee or applicant is unable to practice his or her profession with reasonable skill and

safety to the public by reason of medical or osteopathic incompetency, mental, or physical incapacity, or due to the excessive use or abuse of alcohol or controlled substances;

(2) For purposes of this section and prior to any contested hearing, the board may, notwithstanding any other law limiting access to medical or other health data, obtain medical data and health records relating to the licensee or applicant without the licensee's or applicant's consent, upon issuance of a subpoena by the board. These data and records shall be admissible without further authentication by either board or licensee at any hearing held pursuant to this section;

(3) After a contested hearing before the board, and upon a showing of reasonable cause to believe that a licensee or applicant is unable to practice his or her profession with reasonable skill and safety to the public by reason of medical or osteopathic incompetency, mental, or physical incapacity, or due to the excessive use or abuse of alcohol or controlled substances the board may require a licensee or applicant to submit to an examination. The board shall maintain a list of facilities approved to perform such examinations. The licensee or applicant may propose a facility not previously approved to the board and the board may accept such facility as an approved facility for such licensee or applicant by a majority vote;

(4) For purposes of this subsection, every licensee or applicant is deemed to have consented to an examination upon a showing of reasonable cause. The applicant or licensee shall be deemed to have waived all objections to the admissibility of testimony by the provider of the examination and to the admissibility of examination reports on the grounds that the provider of the examination's testimony or the examination is confidential or privileged;

(5) Written notice of the order for an examination shall be sent to the applicant or licensee by registered mail, addressed to the licensee or applicant at the licensee's or applicant's last known address on file with the board, or shall be personally served on the applicant or licensee. The order shall state the cause for the examination, how to obtain information about approved facilities, and a time limit for obtaining the examination. The licensee or applicant shall cause a report of the examination to be sent to the board;

(6) The licensee or applicant shall sign all necessary releases for the board to obtain and use the examination during a hearing and to disclose the recommendations of the examination as part of a disciplinary order;

(7) After receiving the report of the examination ordered in subdivision (3) of this subsection, the board may hold a contested hearing to determine if by clear and convincing evidence the licensee or applicant is unable to practice with reasonable skill or safety to the public by reasons of medical or osteopathic incompetency, reason of mental or physical incapacity, or due to the excessive use or abuse of alcohol or controlled substances. If the board finds that the licensee or applicant is unable to practice with reasonable skill or safety to the public by reasons of medical or osteopathic incompetency, reason of mental or physical incapacity, or excessive use or abuse of controlled substances, the board shall, after a hearing, enter an order imposing one or more of the disciplinary measures set forth in subsection 4 of section 334.100; and

(8) The provisions of chapter 536 for a contested case, except those provisions or amendments which are in conflict with this section, shall apply to and govern the proceedings contained in this subsection and the rights and duties of the parties involved. The person appealing such an action shall be entitled to present evidence under chapter 536 relevant to the allegations.

2. Failure to submit to the examination when directed shall be cause for the revocation of the license of the licensee or denial of the application. No license may be reinstated or application granted until such time as the examination is completed and delivered to the board or the board withdraws its order.

3. Neither the record of proceedings nor the orders entered by the board shall be used against a licensee or applicant in any other proceeding, except for a proceeding in which the board or its members are a party or in a proceeding involving any state or federal agency.

4. A licensee or applicant whose right to practice has been affected under this section shall, at reasonable intervals not to exceed twelve months, be afforded an opportunity to demonstrate that he or she can resume the competent practice of his or her profession or should be granted a license. The board may hear such motion more often upon good cause shown.

5. The board shall promulgate rules and regulations to carry out the provisions of this section.

6. For purposes of this section, "examination" means a skills, multidisciplinary, or substance abuse evaluation."; and

Further amend said bill, Pages 12 to 19, Section 334.100, Lines 1 to 268, by deleting all of said lines and inserting in lieu thereof the following:

"334.100. 1. The board may refuse to issue or renew any certificate of registration or authority, permit or license required pursuant to this chapter for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the applicant's right to file a complaint with the administrative hearing commission as provided by chapter 621. As an alternative to a refusal to issue or renew any certificate, registration or authority, the board may, at its discretion, issue a license which is subject to probation, restriction or limitation to an applicant for licensure for any one or any combination of causes stated in subsection 2 of this section. The board's order of probation, limitation or restriction shall contain a statement of the discipline imposed, the basis therefor, the date such action shall become effective, and a statement that the applicant has thirty days to request in writing a hearing before the administrative hearing commission. If the board issues a probationary, limited or restricted license to an applicant for licensure, either party may file a written petition with the administrative hearing commission within thirty days of the effective date of the probationary, limited or restricted license seeking review of the board's determination. If no written request for a hearing is received by the administrative hearing commission within the thirty-day period, the right to seek review of the board's decision shall be considered as waived.

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered the person's certificate of registration or authority, permit or license for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by this chapter;

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated pursuant to this chapter, for any offense **[**an essential element of which is**] involving** fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of registration or authority, permit or license issued pursuant to this chapter or in obtaining permission to take any examination given or required pursuant to this chapter;

(4) Misconduct, fraud, misrepresentation, dishonesty, unethical conduct or unprofessional conduct in the performance of the functions or duties of any profession licensed or regulated by this chapter, including, but not limited to, the following:

(a) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation; willfully and continually overcharging or overtreating patients; or charging for visits to the physician's office which did not occur unless the services were contracted for in advance, or for services which were not rendered or documented in the patient's records;

(b) Attempting, directly or indirectly, by way of intimidation, coercion or deception, to obtain or retain a patient or discourage the use of a second opinion or consultation;

(c) Willfully and continually performing inappropriate or unnecessary treatment, diagnostic tests or medical or surgical services;

(d) Delegating professional responsibilities to a person who is not qualified by training, skill, competency, age, experience or licensure to perform such responsibilities;

(e) Misrepresenting that any disease, ailment or infirmity can be cured by a method, procedure, treatment, medicine or device;

(f) Performing or prescribing medical services which have been declared by board rule to be of no medical or osteopathic value;

(g) Final disciplinary action by any professional medical or osteopathic association or society or licensed hospital or medical staff of such hospital in this or any other state or territory, whether agreed to voluntarily or not, and including, but not limited to, any removal, suspension, limitation, or restriction of the person's license or staff or hospital privileges, failure to renew such privileges or license for cause, or other final disciplinary action, if the action was in any way related to unprofessional conduct, professional incompetence, malpractice or any other violation of any provision of this chapter;

(h) Signing a blank prescription form; or dispensing, prescribing, administering or otherwise distributing any drug, controlled substance or other treatment without sufficient examination **including failing to establish a valid**

physician-patient relationship pursuant to section 334.108, or for other than medically accepted therapeutic or experimental or investigative purposes duly authorized by a state or federal agency, or not in the course of professional practice, or not in good faith to relieve pain and suffering, or not to cure an ailment, physical infirmity or disease, except as authorized in section 334.104;

(i) Exercising influence within a physician-patient relationship for purposes of engaging a patient in sexual activity;

(j) **Being listed on any state or federal sexual offender registry;**

(k) Terminating the medical care of a patient without adequate notice or without making other arrangements for the continued care of the patient;

[(k)**] (l)** Failing to furnish details of a patient's medical records to other treating physicians or hospitals upon proper request; or failing to comply with any other law relating to medical records;

[(l)**] (m)** Failure of any applicant or licensee**[**, other than the licensee subject to the investigation,**]** to cooperate with the board during any investigation;

[(m)**] (n)** Failure to comply with any subpoena or subpoena duces tecum from the board or an order of the board;

[(n)**] (o)** Failure to timely pay license renewal fees specified in this chapter;

[(o)**] (p)** Violating a probation agreement**, order, or other settlement agreement** with this board or any other licensing agency;

[(p)**] (q)** Failing to inform the board of the physician's current residence and business address;

[(q)**] (r)** Advertising by an applicant or licensee which is false or misleading, or which violates any rule of the board, or which claims without substantiation the positive cure of any disease, or professional superiority to or greater skill than that possessed by any other physician. An applicant or licensee shall also be in violation of this provision if the applicant or licensee has a financial interest in any organization, corporation or association which issues or conducts such advertising;

(s) Any other conduct that is unethical or unprofessional involving a minor;

(5) Any conduct or practice which is or might be harmful or dangerous to the mental or physical health of a patient or the public; or incompetency, gross negligence or repeated negligence in the performance of the functions or duties of any profession licensed or regulated by this chapter. For the purposes of this subdivision, "repeated negligence" means the failure, on more than one occasion, to use that degree of skill and learning ordinarily used under the same or similar circumstances by the member of the applicant's or licensee's profession;

(6) Violation of, or attempting to violate, directly or indirectly, or assisting or enabling any person to violate, any provision of this chapter **or chapter 324**, or of any lawful rule or regulation adopted pursuant to this chapter **or chapter 324**;

(7) Impersonation of any person holding a certificate of registration or authority, permit or license or allowing any person to use his or her certificate of registration or authority, permit, license or diploma from any school;

(8) Revocation, suspension, restriction, modification, limitation, reprimand, warning, censure, probation or other final disciplinary action against the holder of or applicant for a license or other right to practice any profession regulated by this chapter by another state, territory, federal agency or country, whether or not voluntarily agreed to by the licensee or applicant, including, but not limited to, the denial of licensure, surrender of the license, allowing the license to expire or lapse, or discontinuing or limiting the practice of medicine while subject to an investigation or while actually under investigation by any licensing authority, medical facility, branch of the armed forces of the United States of America, insurance company, court, agency of the state or federal government, or employer;

(9) A person is finally adjudged incapacitated or disabled by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by this chapter who is not registered and currently eligible to practice pursuant to this chapter; or knowingly performing any act which in any way aids, assists, procures, advises, or encourages any person to practice medicine who is not registered and currently eligible to practice pursuant to this chapter. A physician who works in accordance with standing orders or protocols or in accordance with the provisions of section 334.104 shall not be in violation of this subdivision;

(11) Issuance of a certificate of registration or authority, permit or license based upon a material mistake of fact;

(12) Failure to display a valid certificate or license if so required by this chapter or any rule promulgated pursuant to this chapter;

(13) Violation of the drug laws or rules and regulations of this state, **including but not limited to any provision of chapter 195,** any other state**,** or the federal government;

(14) Knowingly making, or causing to be made, or aiding, or abetting in the making of, a false statement in any birth, death or other certificate or document executed in connection with the practice of the person's profession;

(15) **Knowingly making a false statement, orally or in writing to the board;**

(16) Soliciting patronage in person or by agents or representatives, or by any other means or manner, under the person's own name or under the name of another person or concern, actual or pretended, in such a manner as to confuse, deceive, or mislead the public as to the need or necessity for or appropriateness of health care services for all patients, or the qualifications of an individual person or persons to diagnose, render, or perform health care services;

[(16)**] (17)** Using, or permitting the use of, the person's name under the designation of "Doctor", "Dr.", "M.D.", or "D.O.", or any similar designation with reference to the commercial exploitation of any goods, wares or merchandise;

[(17)**] (18)** Knowingly making or causing to be made a false statement or misrepresentation of a material fact, with intent to defraud, for payment pursuant to the provisions of chapter 208 or chapter 630 or for payment from Title XVIII or Title XIX of the federal Medicare program;

[(18)**] (19)** Failure or refusal to properly guard against contagious, infectious or communicable diseases or the spread thereof; maintaining an unsanitary office or performing professional services under unsanitary conditions; or failure to report the existence of an unsanitary condition in the office of a physician or in any health care facility to the board, in writing, within thirty days after the discovery thereof;

[(19)**] (20)** Any candidate for licensure or person licensed to practice as a physical therapist, paying or offering to pay a referral fee or, notwithstanding section 334.010 to the contrary, practicing or offering to practice professional physical therapy independent of the prescription and direction of a person licensed and registered as a physician and surgeon pursuant to this chapter, as a dentist pursuant to chapter 332, as a podiatrist pursuant to chapter 330, as an advanced practice registered nurse under chapter 335, or any licensed and registered physician, dentist, podiatrist, or advanced practice registered nurse practicing in another jurisdiction, whose license is in good standing;

[(20)**] (21)** Any candidate for licensure or person licensed to practice as a physical therapist, treating or attempting to treat ailments or other health conditions of human beings other than by professional physical therapy and as authorized by sections 334.500 to 334.620;

[(21)**] (22)** Any person licensed to practice as a physician or surgeon, requiring, as a condition of the physician-patient relationship, that the patient receive prescribed drugs, devices or other professional services directly from facilities of that physician's office or other entities under that physician's ownership or control. A physician shall provide the patient with a prescription which may be taken to the facility selected by the patient and a physician knowingly failing to disclose to a patient on a form approved by the advisory commission for professional physical therapists as established by section 334.625 which is dated and signed by a patient or guardian acknowledging that the patient or guardian has read and understands that the physician has a pecuniary interest in a physical therapy or rehabilitation service providing prescribed treatment and that the prescribed treatment is available on a competitive basis. This subdivision shall not apply to a referral by one physician to another physician within a group of physicians practicing together;

[(22)**] (23)** A pattern of personal use or consumption of any controlled substance unless it is prescribed, dispensed or administered by another physician who is authorized by law to do so;

[(23)**] (24) Habitual intoxication or dependence on alcohol, evidence of which may include more than one alcohol-related enforcement contact as defined by section 302.525;**

(25) Failure to comply with a treatment program or an aftercare program entered into as part of a board order, settlement agreement or licensee's professional health program;

(26) Revocation, suspension, limitation**, probation,** or restriction of any kind whatsoever of any controlled substance authority, whether agreed to voluntarily or not**, or voluntary termination of a controlled substance authority while under investigation**;

[(24)**] (27)** For a physician to operate, conduct, manage, or establish an abortion facility, or for a physician to perform an abortion in an abortion facility, if such facility comes under the definition of an ambulatory surgical center pursuant to sections 197.200 to 197.240, and such facility has failed to obtain or renew a license as an ambulatory surgical center**[**;

(25) Being unable to practice as a physician and surgeon or with a specialty with reasonable skill and safety to patients by reasons of medical or osteopathic incompetency, or because of illness, drunkenness, excessive use of drugs, narcotics, chemicals, or as a result of any mental or physical condition. The following shall apply to this subdivision:

(a) In enforcing this subdivision the board shall, after a hearing by the board, upon a finding of probable cause, require a physician to submit to a reexamination for the purpose of establishing his or her competency to practice as a physician or surgeon or with a specialty conducted in accordance with rules adopted for this purpose by the board, including rules to allow the examination of the pattern and practice of such physician's or surgeon's professional conduct, or to submit to a mental or physical examination or combination thereof by at least three physicians, one selected by the physician compelled to take the examination, one selected by the board, and one selected by the two physicians so

selected who are graduates of a professional school approved and accredited as reputable by the association which has approved and accredited as reputable the professional school from which the licentiate graduated. However, if the physician is a graduate of a medical school not accredited by the American Medical Association or American Osteopathic Association, then each party shall choose any physician who is a graduate of a medical school accredited by the American Medical Association or the American Osteopathic Association;

(b) For the purpose of this subdivision, every physician licensed pursuant to this chapter is deemed to have consented to submit to a mental or physical examination when directed in writing by the board and further to have waived all objections to the admissibility of the examining physician's testimony or examination reports on the ground that the examining physician's testimony or examination is privileged;

(c) In addition to ordering a physical or mental examination to determine competency, the board may, notwithstanding any other law limiting access to medical or other health data, obtain medical data and health records relating to a physician or applicant without the physician's or applicant's consent;

(d) Written notice of the reexamination or the physical or mental examination shall be sent to the physician, by registered mail, addressed to the physician at the physician's last known address. Failure of a physician to designate an examining physician to the board or failure to submit to the examination when directed shall constitute an admission of the allegations against the physician, in which case the board may enter a final order without the presentation of evidence, unless the failure was due to circumstances beyond the physician's control. A physician whose right to practice has been affected under this subdivision shall, at reasonable intervals, be afforded an opportunity to demonstrate that the physician can resume the competent practice as a physician and surgeon with reasonable skill and safety to patients;

(e) In any proceeding pursuant to this subdivision neither the record of proceedings nor the orders entered by the board shall be used against a physician in any other proceeding. Proceedings under this subdivision shall be conducted by the board without the filing of a complaint with the administrative hearing commission;

(f) When the board finds any person unqualified because of any of the grounds set forth in this subdivision, it may enter an order imposing one or more of the disciplinary measures set forth in subsection 4 of this section**]**.

3. Collaborative practice arrangements, protocols and standing orders shall be in writing and signed and dated by a physician prior to their implementation.

4. After the filing of such complaint before the administrative hearing commission, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the board may, singly or in combination, warn, censure or place the person named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed ten years, or may suspend the person's license, certificate or permit for a period not to exceed three years, or restrict or limit the person's license, certificate or permit for an indefinite period of time, or revoke the person's license, certificate, or permit, or administer a public or private reprimand, or deny the person's application for a license, or permanently withhold issuance of a license or require the person to submit to the care, counseling or treatment of physicians designated by the board at the expense of the individual to be examined, or require the person to attend such continuing educational courses and pass such examinations as the board may direct.

5. In any order of revocation, the board may provide that the person may not apply for reinstatement of the person's license for a period of time ranging from two to seven years following the date of the order of revocation. All stay orders shall toll this time period.

6. Before restoring to good standing a license, certificate or permit issued pursuant to this chapter which has been in a revoked, suspended or inactive state for any cause for more than two years, the board may require the applicant to attend such continuing medical education courses and pass such examinations as the board may direct.

7. In any investigation, hearing or other proceeding to determine a licensee's or applicant's fitness to practice, any record relating to any patient of the licensee or applicant shall be discoverable by the board and admissible into evidence, regardless of any statutory or common law privilege which such licensee, applicant, record custodian or patient might otherwise invoke. In addition, no such licensee, applicant, or record custodian may withhold records or testimony bearing upon a licensee's or applicant's fitness to practice on the ground of privilege between such licensee, applicant or record custodian and a patient."; and

Further amend said bill, Pages 19 to 24, Section 334.102, Lines 1 to 158, by deleting all of said lines and inserting in lieu thereof the following:

"334.102. 1. **[**Upon receipt of information that the holder of any certificate of registration or authority, permit or license issued pursuant to this chapter may present a clear and present danger to the public health and safety, the executive secretary or director shall direct that the information be brought to the board in the form of sworn testimony or affidavits during a meeting of the board.

2. The board may issue an order suspending and/or restricting the holder of a certificate of registration or authority, permit or license if it believes:

(1) The licensee's acts, conduct or condition may have violated subsection 2 of section 334.100; and

(2) A licensee is practicing, attempting or intending to practice in Missouri; and

(3) Either a licensee is unable by reason of any physical or mental condition to receive and evaluate information or to communicate decisions to the extent that the licensee's condition or actions significantly affect the licensee's ability to practice, or another state, territory, federal agency or country has issued an order suspending or restricting the holder of a license or other right to practice a profession regulated by this chapter, or the licensee has engaged in repeated acts of life-threatening negligence as defined in subsection 2 of section 334.100; and

(4) The acts, conduct or condition of the licensee constitute a clear and present danger to the public health and safety.

3. (1) The order of suspension or restriction:

(a) Shall be based on the sworn testimony or affidavits presented to the board;

(b) May be issued without notice and hearing to the licensee;

(c) Shall include the facts which lead the board to conclude that the acts, conduct or condition of the licensee constitute a clear and present danger to the public health and safety; and

(2) The board or the administrative hearing commission shall serve the licensee, in person or by certified mail, with a copy of the order of suspension or restriction and all sworn testimony or affidavits presented to the board, a copy of the complaint and the request for expedited hearing, and a notice of the place of and the date upon which the preliminary hearing will be held.

(3) The order of restriction shall be effective upon service of the documents required in subdivision (2) of this subsection.

(4) The order of suspension shall become effective upon the entry of the preliminary order of the administrative hearing commission.

(5) The licensee may seek a stay order from the circuit court of Cole County from the preliminary order of suspension, pending the issuance of a final order by the administrative hearing commission.

4. The board shall file a complaint in the administrative hearing commission with a request for expedited preliminary hearing and shall certify the order of suspension or restriction and all sworn testimony or affidavits presented to the board. Immediately upon receipt of a complaint filed pursuant to this section, the administrative hearing commission shall set the place and date of the expedited preliminary hearing which shall be conducted as soon as possible, but not later than five days after the date of service upon the licensee. The administrative hearing commission shall grant a licensee's request for a continuance of the preliminary hearing; however, the board's order shall remain in full force and effect until the preliminary hearing, which shall be held not later than forty-five days after service of the documents required in subdivision (2) of subsection 3.

5. At the preliminary hearing, the administrative hearing commission shall receive into evidence all information certified by the board and shall only hear evidence on the issue of whether the board's order of suspension or restriction should be terminated or modified. Within one hour after the preliminary hearing, the administrative hearing commission shall issue its oral or written preliminary order, with or without findings of fact and conclusions of law, that either adopts, terminates or modifies the board's order. The administrative hearing commission shall reduce to writing any oral preliminary order within five business days, but the effective date of the order shall be the date orally issued.

6. The preliminary order of the administrative hearing commission shall become a final order and shall remain in effect for three years unless either party files a request for a full hearing on the merits of the complaint filed by the board within thirty days from the date of the issuance of the preliminary order of the administrative hearing commission.

7. Upon receipt of a request for full hearing, the administrative hearing commission shall set a date for hearing and notify the parties in writing of the time and place of the hearing. If a request for full hearing is timely filed, the preliminary order of the administrative hearing commission shall remain in effect until the administrative hearing commission enters an order terminating, modifying, or dismissing its preliminary order or until the board issues an order of discipline following its consideration of the decision of the administrative hearing commission pursuant to section 621.110 and subsection 3 of section 334.100.

8. In cases where the board initiates summary suspension or restriction proceedings against a physician licensed pursuant to this chapter, and said petition is subsequently denied by the administrative hearing commission, in addition to any award made pursuant to sections 536.085 and 536.087, the board, but not individual members of the board, shall pay actual damages incurred during any period of suspension or restriction.

9. Notwithstanding the provisions of this chapter or chapter 610 or chapter 621 to the contrary, the proceedings under this section shall be closed and no order shall be made public until it is final, for purposes of appeal.

10. The burden of proving the elements listed in subsection 2 of this section shall be upon the state board of registration for the healing arts.**] The board may apply to the administrative hearing commission for an emergency suspension or restriction of a licensee for the following causes:**

(1) Engaging in sexual conduct, as defined in section 566.010, with a patient who is not the licensee's spouse, regardless of whether the patient consented;

(2) Engaging in sexual misconduct with a minor or person the licensee believes to be a minor. "Sexual misconduct" means any conduct of a sexual nature which would be illegal under state or federal law;

(3) Possession of a controlled substance in violation of chapter 195 or any state or federal law, rule, or regulation, excluding record keeping violations;

(4) Use of a controlled substance without a valid prescription;

(5) The licensee is adjudicated incapacitated or disabled by a court of competent jurisdiction;

(6) Habitual intoxication or dependence upon alcohol or controlled substances or failure to comply with a treatment or aftercare program entered into pursuant to a board order, settlement agreement, or as part of the licensee's professional health program;

(7) A report from a board approved facility or a professional health program stating the licensee is not fit to practice. For purposes of this section, a licensee is deemed to have waived all objections to the admissibility of testimony from the provider of the examination and admissibility of the examination reports. The licensee shall sign all necessary releases for the board to obtain and use the examination during a hearing; or

(8) Any conduct for which the board may discipline that constitutes a serious danger to the health, safety, or welfare of a patient or the public.

2. The board shall submit existing affidavits and existing certified court records together with a complaint alleging the facts in support of the board's request for an emergency suspension or restriction to the administrative hearing commission and shall supply the administrative hearing commission with the last home or business addresses on file with the board for the licensee. Within one business day of the filing of the complaint, the administrative hearing commission shall return a service packet to the board. The service packet shall include the board's complaint and any affidavits or records the board intends to rely on that have been filed with the administrative hearing commission. The service packet may contain other information in the discretion of the administrative hearing commission. Within twenty-four hours of receiving the packet, the board shall either personally serve the licensee or leave a copy of the service packet at all of the licensee's current addresses on file with the board. Prior to the hearing, the licensee may file affidavits and certified court records for consideration by the administrative hearing commission.

3. Within five days of the board's filing of the complaint, the administrative hearing commission shall review the information submitted by the board and the licensee and shall determine based on that information if probable cause exists pursuant to subsection 1 of this section and shall issue its findings of fact and conclusions of law. If the administrative hearing commission finds that there is probable cause, the administrative hearing commission shall enter the order requested by the board. The order shall be effective upon personal service or by leaving a copy at all of the licensee's current addresses on file with the board.

4. The administrative hearing commission shall hold a hearing within forty-five days of the board's filing of the complaint to determine if cause for discipline exists. The administrative hearing commission may grant a request for a continuance, but shall in any event, hold the hearing within one hundred twenty days of the board's initial filing. The board shall be granted leave to amend its complaint if it is more than thirty days prior to the hearing. If less than thirty days, the board may be granted leave to amend if public safety requires.

(1) If no cause for discipline exists, the administrative hearing commission shall issue findings of fact, conclusions of law, and an order terminating the emergency suspension or restriction.

(2) If cause for discipline exists, the administrative hearing commission shall issue findings of fact and conclusions of law and order the emergency suspension or restriction to remain in full force and effect pending a disciplinary hearing before the board. The board shall hold a hearing following the certification of the record by the administrative hearing commission and may impose any discipline otherwise authorized by state law.

6. Any action under this section shall be in addition to and not in lieu of any discipline otherwise in the board's power to impose and may be brought concurrently with other actions.

7. If the administrative hearing commission does not find probable cause and does not grant the emergency suspension or restriction, the board shall remove all reference to such emergency suspension or restriction from its public records. Records relating to the suspension or restriction shall be maintained in the board's files. The board or licensee may use such records in the course of any litigation to which they are both parties. Additionally, such records may be released upon a specific, written request of the licensee.

8. (1) The board may initiate a hearing before the board, for discipline of any licensee's license or certificate upon receipt of one of the following:

(a) Certified court records of a finding of guilt or plea of guilty or nolo contendere in a criminal prosecution under the laws of any state or of the United States for any offense involving the qualifications, functions, or duties of any profession licensed or regulated under this chapter, for any offense involving fraud, dishonesty, or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

(b) Evidence of final disciplinary action against the licensee's license, certification or registration issued by any other state, by any other agency or entity of this state or any other state or the United States or its territories, or any other country;

(c) Evidence of certified court records finding the licensee has been judged incapacitated or disabled under Missouri law or under the laws of any other state or of the United States or its territories.

(2) The board shall provide the licensee not less than ten days notice of any hearing held pursuant to chapter 536.

(3) Upon a finding that cause exists to discipline a licensee's license the board may impose any discipline otherwise available when disciplining licensees of that same profession.

9. A final decision of the administrative hearing commission or the board shall be subject to judicial review pursuant to chapter 536."; and

Further amend said bill, Page 24, Section 334.103, Lines 1 to 18, by deleting all of said lines and inserting in lieu thereof the following:

"334.103. 1. A license issued under this chapter by the Missouri State Board of Registration for the Healing Arts shall be automatically revoked at such time as the final trial proceedings are concluded whereby a licensee has been adjudicated and found guilty, or has entered a plea of guilty or nolo contendere, in a felony criminal prosecution under the laws of the state of Missouri, the laws of any other state, or the laws of the United States of America for any offense reasonably related to the qualifications, functions or duties of their profession, or for any felony offense**[**, an essential element of which is**]** **involving** fraud, dishonesty or an act of violence, or for any felony offense involving moral turpitude, whether or not sentence is imposed, or, upon the final and unconditional revocation of the license to practice their profession in another state or territory upon grounds for which revocation is authorized in this state following a review of the record of the proceedings and upon a formal motion of the state board of registration for the healing arts. The license of any such licensee shall be automatically reinstated if the conviction or the revocation is ultimately set aside upon final appeal in any court of competent jurisdiction.

2. Anyone who has been denied a license, permit or certificate to practice in another state shall automatically be denied a license to practice in this state. However, the board of healing arts may set up other qualifications by which such person may ultimately be qualified and licensed to practice in Missouri."; and

Further amend said bill, Pages 24 and 25, Section 334.108, Lines 1 to 22, by deleting all of said lines and inserting in lieu thereof the following:

"**334.108. 1. Prior to prescribing any drug, controlled substance, or other treatment through the internet, a physician shall establish a valid physician-patient relationship. This relationship shall include:**

(1) Obtaining a reliable medical history and performing a physical examination of the patient, adequate to establish the diagnosis for which the drug is being prescribed and to identify underlying conditions or contraindications to the treatment recommended or provided;

(2) Having sufficient dialogue with the patient regarding treatment options and the risks and benefits of treatment or treatments;

(3) If appropriate, following up with the patient to assess the therapeutic outcome;

(4) Maintaining a contemporaneous medical record that is readily available to the patient and, subject to the patient's consent, to the patient's other health care professionals; and

(5) Including the electronic prescription information as part of the patient's medical record.

2. The requirements of subsection 1 of this section may be satisfied by the prescribing physician's designee when treatment is provided in:

(1) A hospital as defined in section 197.020;

(2) A hospice program as defined in section 197.250;

(3) Accordance with a collaborative practice agreement as defined in section 334.104;

(4) Conjunction with a physician assistant licensed pursuant to section 334.738;

(5) Consultation with another physician who has an ongoing physician-patient relationship with the patient, and who has agreed to supervise the patient's treatment, including use of any prescribed medications; or

(6) On-call or cross-coverage situations."; and

Further amend said bill, Pages 25 to 27, Section 334.715, Lines 1 to 63, by deleting all of said lines and inserting in lieu thereof the following:

"334.715. 1. The board may refuse to **issue or renew any** license **[**any applicant or may suspend, revoke, or refuse to renew the license of any licensee for any one or any combination of the causes provided in section 334.100, or if the applicant or licensee**] required under sections 334.700 to 334.725 for one or any combination of causes listed in subsection 2 of this section or any cause listed in section 334.100. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the applicant's right to file a complaint with the administrative hearing commission as provided in chapter 621. As an alternative to a refusal to issue or renew any certificate, registration, or authority, the board may, in its discretion, issue a license which is subject to reprimand, probation, restriction, or limitation to an applicant for licensure for any one or any combination of causes listed in subsection 2 of this section or section 334.100. The board's order of reprimand, probation, limitation, or restriction shall contain a statement of the discipline imposed, the basis therefor, the date such action shall become effective, and a statement that the applicant has thirty days to request in writing a hearing before the administrative hearing commission. If the board issues a probationary, limited, or restricted license to an applicant for licensure, either party may file a written petition with the administrative hearing commission within thirty days of the effective date of the probationary, limited, or restricted license seeking review of the board's determination. If no written request for a hearing is received by the administrative hearing commission within the thirty-day period, the right to seek review of the board's decision shall be considered waived.**

2. The board may cause a complaint to be filed with the administrative hearing commission as provided in chapter 621 against any holder of a certificate of registration or authority, permit, or license required by sections 334.700 to 334.725 or any person who has failed to renew or has surrendered the person's certification of registration or license for any one or any combination of the following causes:

(1) Violated or conspired to violate any provision of sections 334.700 to 334.725 or any provision of any rule promulgated pursuant to sections 334.700 to 334.725; or

(2) Has been found guilty of unethical conduct as defined in the ethical standards of the National Athletic Trainers Association or the National Athletic Trainers Association Board of Certification, or its successor agency, as adopted and published by the committee and the board and filed with the secretary of state**; or**

(3) Any cause listed in section 334.100.

[2. Upon receipt of a written application made in the form and manner prescribed by the board, the board may reinstate any license which has expired, been suspended or been revoked or may issue any license which has been denied; provided, that no application for reinstatement or issuance of license or licensure shall be considered until at least six months have elapsed from the date of denial, expiration, suspension, or revocation when the license to be reinstated or issued was denied issuance or renewal or was suspended or revoked for one of the causes listed in subsection 1 of this section.**]**

3. After the filing of such complaint before the administrative hearing commission, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds provided in subsection 2 of this section for disciplinary action are met, the board may, singly or in combination:

(1) Warn, censure, or place the person named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed ten years; or

(2) Suspend the person's license, certificate, or permit for a period not to exceed three years; or

(3) Administer a public or private reprimand; or

(4) Deny the person's application for a license; or

(5) Permanently withhold issuance of a license or require the person to submit to the care, counseling, or treatment of physicians designated by the board at the expense of the individual to be examined; or

(6) Require the person to attend such continuing education courses and pass such examinations as the board may direct.

4. In any order of revocation, the board may provide that the person shall not apply for reinstatement of the person's license for a period of time ranging from two to seven years following the date of the order of revocation. All stay orders shall toll such time period.

5. Before restoring to good standing a license, certificate, or permit issued under this chapter which has been in a revoked, suspended, or inactive state for any cause for more than two years, the board may require the applicant to attend such continuing education courses and pass such examinations as the board may direct."; and

Further amend said bill, Pages 33 and 34, Section 536.063, Lines 1 to 43, by deleting all of said lines and inserting in lieu thereof the following:

"536.063. In any contested case:

(1) The contested case shall be commenced by the filing of a writing by which the party or agency instituting the proceeding seeks such action as by law can be taken by the agency only after opportunity for hearing, or seeks a hearing for the purpose of obtaining a decision reviewable upon the record of the proceedings and evidence at such hearing, or upon such record and additional evidence, either by a court or by another agency. Answering, intervening and amendatory writings and motions may be filed in any case and shall be filed where required by rule of the agency, except that no answering instrument shall be required unless the notice of institution of the case states such requirement. Entries of appearance shall be permitted**[**.**];**

(2) Any writing filed whereby affirmative relief is sought shall state what relief is sought or proposed and the reason for granting it, and shall not consist merely of statements or charges phrased in the language of a statute or rule; provided, however, that this subdivision shall not apply when the writing is a notice of appeal as authorized by law**[**.**];**

(3) Reasonable opportunity shall be given for the preparation and presentation of evidence bearing on any issue raised or decided or relief sought or granted. Where issues are tried without objection or by consent, such issues shall be deemed to have been properly before the agency. Any formality of procedure may be waived by mutual consent**[**.**];**

(4) Every writing seeking relief or answering any other writing, and any motion shall state the name and address of the attorney, if any, filing it; otherwise the name and address of the party filing it**[**.**];**

(5) By rule the agency may require any party filing such a writing to furnish, in addition to the original of such writing, the number of copies required for the agency's own use and the number of copies necessary to enable the agency to comply with the provisions of this subdivision hereinafter set forth. The agency shall, without charge therefor, mail one copy of each such writing, as promptly as possible after it is filed, to every party or his **or her** attorney who has filed a writing or who has entered his **or her** appearance in the case, and who has not theretofore been furnished with a copy of such writing and shall have requested copies of the writings; provided that in any case where the parties are so numerous that the requirements of this subdivision would be unduly onerous, the agency may in lieu thereof (a) notify all parties of the fact of the filing of such writing, and (b) permit any party to copy such writing**[**.**];**

(6) When a holder of a license, registration, permit, or certificate of authority issued by the division of professional registration or a board, commission, or committee of the division of professional registration against whom an affirmative decision is sought has failed to plead or otherwise respond in the contested case and adequate notice has been given under section 536.067 upon a properly pled writing filed to initiate the contested case under this chapter, a default decision shall be entered against the licensee without further proceedings. The default decision shall grant such relief as requested by the division of professional registration, board, committee, commission, or office in the writing initiating the contested case as allowed by law. Upon motion stating facts constituting a meritorious defense and for good cause shown, a default decision may be set aside. The motion shall be made within a reasonable time, not to exceed thirty days after entry of the default decision. "Good cause" includes a mistake or conduct that is not intentionally or recklessly designed to impede the administrative process."; and

Further amend said bill, Pages 34 and 35, Section 536.067, Lines 1 to 54, by deleting all of said lines and inserting in lieu thereof the following:

"536.067. In any contested case:

(1) The agency shall promptly mail a notice of institution of the case to all necessary parties, if any, and to all persons designated by the moving party and to any other persons to whom the agency may determine that notice should be given. The agency or its clerk or secretary shall keep a permanent record of the persons to whom such notice was sent and of the addresses to which sent and the time when sent. Where a contested case would affect the rights, privileges or duties of a large number of persons whose interests are sufficiently similar that they may be considered as a class, notice may in a proper case be given to a reasonable number thereof as representatives of such class. In any case where the name or address of any proper or designated party or person is not known to the agency, and where notice by publication is permitted by law, then notice by publication may be given in accordance with any rule or regulation of

the agency or if there is no such rule or regulation, then, in a proper case, the agency may by a special order fix the time and manner of such publication**[**.**];**

(2) The notice of institution of the case to be mailed as provided in this section shall state in substance:

(a) The caption and number of the case;

(b) That a writing seeking relief has been filed in such case, the date it was filed, and the name of the party filing the same;

(c) A brief statement of the matter involved in the case unless a copy of the writing accompanies said notice;

(d) Whether an answer to the writing is required, and if so the date when it must be filed;

(e) That a copy of the writing may be obtained from the agency, giving the address to which application for such a copy may be made. This may be omitted if the notice is accompanied by a copy of such writing;

(f) The location in the Code of State Regulations of any rules of the agency regarding discovery or a statement that the agency shall send a copy of such rules on request;

(3) Unless the notice of hearing hereinafter provided for shall have been included in the notice of institution of the case, the agency shall, as promptly as possible after the time and place of hearing have been determined, mail a notice of hearing to the moving party and to all persons and parties to whom a notice of institution of the case was required to be or was mailed, and also to any other persons who may thereafter have become or have been made parties to the proceeding. The notice of hearing shall state:

(a) The caption and number of the case;

(b) The time and place of hearing;

(4) No hearing in a contested case shall be had, except by consent, until a notice of hearing shall have been given substantially as provided in this section, and such notice shall in every case be given a reasonable time before the hearing. Such reasonable time shall be at least ten days except in cases where the public morals, health, safety or interest may make a shorter time reasonable; provided that when a longer time than ten days is prescribed by statute, no time shorter than that so prescribed shall be deemed reasonable**;**

(5) When a holder of a license, registration, permit, or certificate of authority issued by the division of professional registration or a board, commission, or committee of the division of professional registration against whom an affirmative decision is sought has failed to plead or otherwise respond in the contested case and adequate notice has been given under this section upon a properly pled writing filed to initiate the contested case under this chapter, a default decision shall be entered against the holder of a license, registration, permit, or certificate of authority without further proceedings. The default decision shall grant such relief as requested by the division of professional registration, board, committee, commission, or office in the writing initiating the contested case as allowed by law. Upon motion stating facts constituting a meritorious defense and for good cause shown, a default decision may be set aside. The motion shall be made within a reasonable time, not to exceed thirty days after entry of the default decision. "Good cause" includes a mistake or conduct that is not intentionally or recklessly designed to impede the administrative process."; and

Further amend said bill, Pages 35 to 38, Section 536.070, Lines 1 to 93, by deleting all of said lines and inserting in lieu thereof the following:

"536.070. In any contested case:

(1) Oral evidence shall be taken only on oath or affirmation**[**.**];**

(2) Each party shall have the right to call and examine witnesses, to introduce exhibits, to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not the subject of the direct examination, to impeach any witness regardless of which party first called him **or her** to testify, and to rebut the evidence against him**[**.**] or her;**

(3) A party who does not testify in his **or her** own behalf may be called and examined as if under cross-examination**[**.**];**

(4) Each agency shall cause all proceedings in hearings before it to be suitably recorded and preserved. A copy of the transcript of such a proceeding shall be made available to any interested person upon the payment of a fee which shall in no case exceed the reasonable cost of preparation and supply**[**.**];**

(5) Records and documents of the agency which are to be considered in the case shall be offered in evidence so as to become a part of the record, the same as any other evidence, but the records and documents may be considered as a part of the record by reference thereto when so offered**[**.**];**

(6) Agencies shall take official notice of all matters of which the courts take judicial notice. They may also take official notice of technical or scientific facts, not judicially cognizable, within their competence, if they notify the parties, either during a hearing or in writing before a hearing, or before findings are made after hearing, of the facts of

which they propose to take such notice and give the parties reasonable opportunity to contest such facts or otherwise show that it would not be proper for the agency to take such notice of them**[**.**];**

(7) Evidence to which an objection is sustained shall, at the request of the party seeking to introduce the same, or at the instance of the agency, nevertheless be heard and preserved in the record, together with any cross-examination with respect thereto and any rebuttal thereof, unless it is wholly irrelevant, repetitious, privileged, or unduly long**[**.**];**

(8) Any evidence received without objection which has probative value shall be considered by the agency along with the other evidence in the case. The rules of privilege shall be effective to the same extent that they are now or may hereafter be in civil actions. Irrelevant and unduly repetitious evidence shall be excluded**[**.**];**

(9) Copies of writings, documents and records shall be admissible without proof that the originals thereof cannot be produced, if it shall appear by testimony or otherwise that the copy offered is a true copy of the original, but the agency may, nevertheless, if it believes the interests of justice so require, sustain any objection to such evidence which would be sustained were the proffered evidence offered in a civil action in the circuit court, but if it does sustain such an objection, it shall give the party offering such evidence reasonable opportunity and, if necessary, opportunity at a later date, to establish by evidence the facts sought to be proved by the evidence to which such objection is sustained**[**.**];**

(10) Any writing or record, whether in the form of an entry in a book or otherwise, made as a memorandum or record of an act, transaction, occurrence or event, shall be admissible as evidence of the act, transaction, occurrence or event, if it shall appear that it was made in the regular course of any business, and that it was the regular course of such business to make such memorandum or record at the time of such act, transaction, occurrence, or event or within a reasonable time thereafter. All other circumstances of the making of such writing or record, including lack of personal knowledge by the entrant or maker, may be shown to affect the weight of such evidence, but such showing shall not affect its admissibility. The term "business" shall include business, profession, occupation and calling of every kind**[**.**];**

(11) The results of statistical examinations or studies, or of audits, compilations of figures, or surveys, involving interviews with many persons, or examination of many records, or of long or complicated accounts, or of a large number of figures, or involving the ascertainment of many related facts, shall be admissible as evidence of such results, if it shall appear that such examination, study, audit, compilation of figures, or survey was made by or under the supervision of a witness, who is present at the hearing, who testifies to the accuracy of such results, and who is subject to cross-examination, and if it shall further appear by evidence adduced that the witness making or under whose supervision such examination, study, audit, compilation of figures, or survey was made was basically qualified to make it. All the circumstances relating to the making of such an examination, study, audit, compilation of figures or survey, including the nature and extent of the qualifications of the maker, may be shown to affect the weight of such evidence but such showing shall not affect its admissibility**[**.**];**

(12) Any party or the agency desiring to introduce an affidavit in evidence at a hearing in a contested case may serve on all other parties (including, in a proper case, the agency) copies of such affidavit in the manner hereinafter provided, at any time before the hearing, or at such later time as may be stipulated. Not later than seven days after such service, or at such later time as may be stipulated, any other party (or, in a proper case, the agency) may serve on the party or the agency who served such affidavit an objection to the use of the affidavit or some designated portion or portions thereof on the ground that it is in the form of an affidavit; provided, however, that if such affidavit shall have been served less than eight days before the hearing such objection may be served at any time before the hearing or may be made orally at the hearing. If such objection is so served, the affidavit or the part thereof to which objection was made, may not be used except in ways that would have been permissible in the absence of this subdivision; provided, however, that such objection may be waived by the party or the agency making the same. Failure to serve an objection as aforesaid, based on the ground aforesaid, shall constitute a waiver of all objections to the introduction of such affidavit, or of the parts thereof with respect to which no such objection was so served, on the ground that it is in the form of an affidavit, or that it constitutes or contains hearsay evidence, or that it is not, or contains matters which are not, the best evidence, but any and all other objections may be made at the hearing. Nothing herein contained shall prevent the cross-examination of the affiant if he **or she** is present in obedience to a subpoena or otherwise and if he **or she** is present, he **or she** may be called for cross-examination during the case of the party who introduced the affidavit in evidence. If the affidavit is admissible in part only it shall be admitted as to such part, without the necessity of preparing a new affidavit. The manner of service of such affidavit and of such objection shall be by delivering or mailing copies thereof to the attorneys of record of the parties being served, if any, otherwise, to such parties, and service shall be deemed complete upon mailing; provided, however, that when the parties are so numerous as to make service of copies of the affidavit on all of them unduly onerous, the agency may make an order specifying on what parties service of copies of such affidavit shall be made, and in that case a copy of such affidavit shall be filed with the agency and kept available for inspection and copying. Nothing in this subdivision shall prevent any use of affidavits that would be proper in the absence of this subdivision."; and

Further amend said bill, Pages 40 and 41, Section 621.045, Lines 1 to 72, by deleting all of said lines and inserting in lieu thereof the following:

"621.045. 1. The administrative hearing commission shall conduct hearings and make findings of fact and conclusions of law in those cases when, under the law, a license issued by any of the following agencies may be revoked or suspended or when the licensee may be placed on probation or when an agency refuses to permit an applicant to be examined upon his **or her** qualifications or refuses to issue or renew a license of an applicant who has passed an examination for licensure or who possesses the qualifications for licensure without examination:

Missouri State Board of Accountancy

Missouri State Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects

Board of Barber Examiners

Board of Cosmetology

Board of Chiropody and Podiatry

Board of Chiropractic Examiners

Missouri Dental Board

Board of Embalmers and Funeral Directors

Board of Registration for the Healing Arts

Board of Nursing

Board of Optometry

Board of Pharmacy

Missouri Real Estate Commission

Missouri Veterinary Medical Board

Supervisor of Liquor Control

Department of Health and Senior Services

Department of Insurance, Financial Institutions and Professional Registration

Department of Mental Health

Board of Private Investigator Examiners.

2. If in the future there are created by law any new or additional administrative agencies which have the power to issue, revoke, suspend, or place on probation any license, then those agencies are under the provisions of this law.

3. The administrative hearing commission is authorized to conduct hearings and make findings of fact and conclusions of law in those cases brought by the Missouri state board for architects, professional engineers, professional land surveyors and landscape architects against unlicensed persons under section 327.076.

4. Notwithstanding any other provision of this section to the contrary, after August 28, 1995, in order to encourage settlement of disputes between any agency described in subsection 1 or 2 of this section and its licensees, any such agency shall:

(1) Provide the licensee with a written description of the specific conduct for which discipline is sought and a citation to the law and rules allegedly violated, together with copies of any documents which are the basis thereof and the agency's initial settlement offer, or file a contested case against the licensee;

(2) If no contested case has been filed against the licensee, allow the licensee at least sixty days, from the date of mailing, to consider the agency's initial settlement offer and to contact the agency to discuss the terms of such settlement offer;

(3) If no contested case has been filed against the licensee, advise the licensee that the licensee may, either at the time the settlement agreement is signed by all parties, or within fifteen days thereafter, submit the agreement to the administrative hearing commission for determination that the facts agreed to by the parties to the settlement constitute grounds for denying or disciplining the license of the licensee; and

(4) In any contact under this subsection by the agency or its counsel with a licensee who is not represented by counsel, advise the licensee that the licensee has the right to consult an attorney at the licensee's own expense.

5. If the licensee desires review by the administrative hearing commission under subdivision (3) of subsection 4 of this section at any time prior to the settlement becoming final, the licensee may rescind and withdraw from the settlement and any admissions of fact or law in the agreement shall be deemed withdrawn and not admissible for any purposes under the law against the licensee. Any settlement submitted to the administrative hearing commission shall not be effective and final unless and until findings of fact and conclusions of law are entered by the administrative hearing commission that the facts agreed to by the parties to the settlement constitute grounds for denying or disciplining the license of the licensee.

6. When a holder of a license, registration, permit, or certificate of authority issued by the division of professional registration or a board, commission, or committee of the division of professional registration against whom an affirmative decision is sought has failed to plead or otherwise respond in the contested case and adequate notice has been given under sections 536.067 and 621.100 upon a properly pled writing filed to initiate the contested case under this chapter or chapter 536, a default decision shall be entered against the licensee without further proceedings. The default decision shall grant such relief as requested by the division of professional registration, board, committee, commission, or office in the writing initiating the contested case as allowed by law. Upon motion stating facts constituting a meritorious defense and for good cause shown, a default decision may be set aside. The motion shall be made within a reasonable time, not to exceed thirty days after entry of the default decision. "Good cause" includes a mistake or conduct that is not intentionally or recklessly designed to impede the administrative process."; and

Further amend said bill, Pages 42 and 43, Section 621.100, Lines 1 to 42, by deleting all of said lines and inserting in lieu thereof the following:

"621.100. 1. Upon receipt of a written complaint from an agency named in section 621.045 in a case relating to a holder of a license granted by such agency, or upon receipt of such complaint from the attorney general, the administrative hearing commission shall cause a copy of said complaint to be served upon such licensee in person**, or by leaving a copy of the complaint at the licensee's dwelling house or usual place of abode or last address given to the agency by the licensee with some person residing or present therein over the age of fifteen,** or by certified mail, together with a notice of the place of and the date upon which the hearing on said complaint will be held. If service cannot be accomplished **[**in person or by certified mail**] as described in this section**, notice by publication as described in subsection 3 of section 506.160 shall be allowed; any commissioner is authorized to act as a court or judge would in that section, and any employee of the commission is authorized to act as a clerk would in that section. In any case initiated upon complaint of the attorney general, the agency which issued the license shall be given notice of such complaint and the date upon which the hearing will be held by delivery of a copy of such complaint and notice to the office of such agency or by certified mail. Such agency may intervene and may retain the services of legal counsel to represent it in such case.

2. **When a holder of a license, registration, permit, or certificate of authority issued by the division of professional registration or a board, commission, or committee of the division of professional registration against whom an affirmative decision is sought has failed to plead or otherwise respond in the contested case and adequate notice has been given under this section and section 536.067 upon a properly pled writing filed to initiate the contested case under this chapter or chapter 536, a default decision shall be entered against the licensee without further proceedings. The default decision shall grant such relief as requested by the division of professional registration, board, committee, commission, or office in the writing initiating the contested case as allowed by law. Upon motion stating facts constituting a meritorious defense and for good cause shown, a default decision may be set aside. The motion shall be made within a reasonable time, not to exceed thirty days after entry of the default decision. "Good cause" includes a mistake or conduct that is not intentionally or recklessly designed to impede the administrative process.**

3. In any case initiated under this section, the custodian of the records of an agency may prepare a sworn affidavit stating truthfully pertinent information regarding the license status of the licensee charged in the complaint, including only: the name of the licensee; his **or her** license number; its designated date of expiration; the date of his **or her** original Missouri licensure; the particular profession, practice or privilege licensed; and the status of his **or her** license as current and active or otherwise. This affidavit shall be received as substantial and competent evidence of the facts stated therein notwithstanding any objection as to the form, manner of presentment or admissibility of this evidence, and shall create a rebuttable presumption of the veracity of the statements therein; provided, however, that the procedures specified in section 536.070 shall apply to the introduction of this affidavit in any case where the status of this license constitutes a material issue of fact in the proof of the cause charged in the complaint."; and

Further amend said bill, Page 43, Section 621.110, Lines 1 to 22, by deleting all of said lines and inserting in lieu thereof the following:

"621.110. Upon a finding in any cause charged by the complaint for which the license may be suspended or revoked as provided in the statutes and regulations relating to the profession or vocation of the licensee **and within one hundred twenty days of the date the case became ready for decision**, the commission shall deliver or transmit by mail to the agency which issued the license the record and a transcript of the proceedings before the commission together with

the commission's findings of fact and conclusions of law. The commission may make recommendations as to appropriate disciplinary action but any such recommendations shall not be binding upon the agency. A copy of the findings of fact, conclusions of law and the commission's recommendations, if any, shall be delivered or transmitted by mail to the licensee if the licensee's whereabouts are known, and to any attorney who represented the licensee. Within thirty days after receipt of the record of the proceedings before the commission and the findings of fact, conclusions of law, and recommendations, if any, of the commission, the agency shall set the matter for hearing upon the issue of appropriate disciplinary action and shall notify the licensee of the time and place of the hearing, provided that such hearing may be waived by consent of the agency and licensee where the commission has made recommendations as to appropriate disciplinary action. In case of such waiver by the agency and licensee, the recommendations of the commission shall become the order of the agency. The licensee may appear at said hearing and be represented by counsel. The agency may receive evidence relevant to said issue from the licensee or any other source. After such hearing the agency may order any disciplinary measure it deems appropriate and which is authorized by law. In any case where the commission fails to find any cause charged by the complaint for which the license may be suspended or revoked, the commission shall dismiss the complaint, and so notify all parties."; and

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

Representative Smith (150) offered **House Amendment No. 1 to House Amendment No. 3**.

House Amendment No. 1
to
House Amendment No. 3

AMEND House Amendment No. 3 to House Committee Substitute for Senate Committee Substitute for Senate Bill 29, Page 29, Section 334.108, Line 1, by inserting immediately after said line the following:

"**(3) Home health services provided by a home health agency as defined in section 197.400;**"; and

Further amend said amendment by renumbering said section accordingly; and

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

On motion of Representative Smith (150), **House Amendment No. 1 to House Amendment No. 3** was adopted.

On motion of Representative Brandom, **House Amendment No. 3, as amended**, was adopted.

Representative Franz offered **House Amendment No. 4**.

House Amendment No. 4

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 29, Page 1, Section A, Line 7, by inserting after all of said section and line the following:

"167.194. 1. Beginning July 1, 2008, every child enrolling in kindergarten or first grade in a public elementary school in this state shall receive one comprehensive vision examination performed by a state licensed optometrist or physician. Evidence of the examination shall be submitted to the school no later than January first of the first year in which the student is enrolled at the school, provided that the evidence submitted in no way violates any provisions of Public Law 104-191, 42 U.S.C. 201, et seq, Health Insurance Portability and Accountability Act of 1996.

2. The state board of education, in conjunction with the department of health and senior services, shall promulgate rules establishing the criteria for meeting the requirements of subsection 1 of this section, which may include, but are not limited to, forms or other proof of such examination, or other rules as are necessary for the enforcement of this section. The form or other proof of such examination shall include but not be limited to identifying the result of the

examinations performed under subsection 4 of this section, the cost for the examination, the examiner's qualifications, and method of payment through either:

(1) Insurance;

(2) The state Medicaid program;

(3) Complimentary; or

(4) Other form of payment.

3. The department of elementary and secondary education, in conjunction with the department of health and senior services, shall compile and maintain a list of sources to which children who may need vision examinations or children who have been found to need further examination or vision correction may be referred for treatment on a free or reduced-cost basis. The sources may include individuals, and federal, state, local government, and private programs. The department of elementary and secondary education shall ensure that the superintendent of schools, the principal of each elementary school, the school nurse or other person responsible for school health services, and the parent organization for each district elementary school receives an updated copy of the list each year prior to school opening. Professional and service organizations concerned with vision health may assist in gathering and disseminating the information, at the direction of the department of elementary and secondary education.

4. For purposes of this section, the following comprehensive vision examinations shall include but not be limited to:

(1) Complete case history;

(2) Visual acuity at distance (aided and unaided);

(3) External examination and internal examination (ophthalmoscopic examination);

(4) Subjective refraction to best visual acuity.

5. Findings from the evidence of examination shall be provided to the department of health and senior services and kept by the optometrist or physician for a period of seven years.

6. In the event that a parent or legal guardian of a child subject to this section shall submit to the appropriate school administrator a written request that the child be excused from taking a vision examination as provided in this section, that child shall be so excused.

[7. Pursuant to section 23.253, RSMo, of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset on June 30, 2012, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset eight years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.**]**"; and

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

On motion of Representative Franz, **House Amendment No. 4** was adopted.

Representative Wallingford offered **House Amendment No. 5**.

House Amendment No. 5

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 29, Page 27, Section 334.715, Line 63, by inserting after all of said line the following:

"335.036. 1. The board shall:

(1) Elect for a one-year term a president and a secretary, who shall also be treasurer, and the board may appoint, employ and fix the compensation of a legal counsel and such board personnel as defined in subdivision (4) of subsection 10 of section 324.001 as are necessary to administer the provisions of sections 335.011 to 335.096;

(2) Adopt and revise such rules and regulations as may be necessary to enable it to carry into effect the provisions of sections 335.011 to 335.096;

(3) Prescribe minimum standards for educational programs preparing persons for licensure pursuant to the provisions of sections 335.011 to 335.096;

(4) Provide for surveys of such programs every five years and in addition at such times as it may deem necessary;

(5) Designate as "approved" such programs as meet the requirements of sections 335.011 to 335.096 and the rules and regulations enacted pursuant to such sections; and the board shall annually publish a list of such programs;

(6) Deny or withdraw approval from educational programs for failure to meet prescribed minimum standards;

(7) Examine, license, and cause to be renewed the licenses of duly qualified applicants;

(8) Cause the prosecution of all persons violating provisions of sections 335.011 to 335.096, and may incur such necessary expenses therefor;

(9) Keep a record of all the proceedings; and make an annual report to the governor and to the director of the department of insurance, financial institutions and professional registration;

(10) Establish an impaired nurse program.

2. The board shall set the amount of the fees which this chapter authorizes and requires by rules and regulations. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering this chapter.

3. All fees received by the board pursuant to the provisions of sections 335.011 to 335.096 shall be deposited in the state treasury and be placed to the credit of the state board of nursing fund. All administrative costs and expenses of the board shall be paid from appropriations made for those purposes. **The board is authorized to provide funding for the nursing education incentive program established in sections 335.200 to 335.203.**

4. The provisions of section 33.080 to the contrary notwithstanding, 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 two times the amount of the appropriation from the board's funds for the preceding fiscal year or, if the board requires by rule, permit renewal less frequently than yearly, then three times the appropriation from the board's funds 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 board's funds for the preceding fiscal year.

5. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this chapter shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void.

335.200. As used in sections 335.200 to **[**335.209**]** **335.203**, the following terms mean:

(1) "Board", the **[**Missouri coordinating board for higher education**]** **state board of nursing**;

(2) **"Department", the Missouri department of higher education;**

(3) "Eligible **[**nursing program**]** **institution of higher education**", **a Missouri institution of higher education accredited by the higher learning commission of the north central association which offers** a nursing education program **[**accredited under this chapter**]**;

[(3) "Fund", the nurse training incentive fund, established in section 335.203;**]**

(4) "**[**Incentive**]** Grant", a grant awarded to **[**a nurse education program**]** **an eligible institution of higher education** under the guidelines set forth in sections **335.200 to** 335.203 **[**to 335.209;

(5) "Nontraditional student", a person admitted to an eligible nursing program that is older than twenty-two years of age at the time he is admitted to the nursing program;

(6) "Nurse", a person holding a license as a registered nurse, pursuant to this chapter; and

(7) "Professional nursing education program", a program of education accredited by the state board of nursing, pursuant to this chapter, designed to prepare persons for licensure as registered professional nurses with an enrollment of no less than sixty-five percent of the enrollment approved by the state board of nursing**]**.

335.203. **[**The "Nurse Training Incentive Fund" is hereby established in the state treasury. The fund shall be administered by the coordinating board for higher education. The board shall base its appropriation request on enrollment, graduation and licensure figures for the previous year. The board may accept funds from private, federal and other sources for the purposes of sections 335.200 to 335.209. All appropriations, private donations, and other funds provided to the board for the implementation of sections 335.200 to 335.209 shall be placed in the nurse training incentive fund. Notwithstanding the provisions of section 33.080 to the contrary, funds in the nurse training incentive fund shall not revert to the general revenue fund. Interest accruing to the fund shall be part of the fund. Grants provided pursuant to section 335.206 shall be made within the amounts appropriated therefor.**] 1. There is hereby established the "Nursing Education Incentive Program" within the department of higher education.**

2. Subject to appropriation, grants shall be awarded through the nursing education incentive program to eligible institutions of higher education based on criteria jointly determined by the board and the department. Grant award amounts shall not exceed one hundred fifty thousand dollars. No campus shall receive more than one grant per year.

3. To be considered for a grant, an eligible institution of higher education shall offer a program of nursing that meets the predetermined category and area of need as established by the board and the department under subsection 4 of this section.

4. The board and the department shall determine categories and areas of need for designating grants to eligible institutions of higher education. In establishing categories and areas of need, the board and department may consider criteria including, but not limited to:

(1) Data generated from licensure renewal data and the department of health and senior services; and

(2) National nursing statistical data and trends that have identified nursing shortages.

5. The department shall be the administrative agency responsible for implementation of the program established under sections 335.200 to 335.203, and shall promulgate reasonable rules for the exercise of its functions and the effectuation of the purposes of sections 335.200 to 335.203. The department shall, by rule, prescribe the form, time, and method of filing applications and shall supervise the processing of such applications.

6. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2011, shall be invalid and void."; and

Further amend said bill, Page 43, Section 621.110, Line 22, by inserting after all of said line the following:

"**[**335.206. 1. The nurse training incentive fund shall, upon appropriation, be used to provide incentive grants to eligible nursing programs which increase enrollment. Grants shall not be awarded to classes begun on or after July 1, 1996.

2. Grants shall be awarded to eligible nursing programs which increase enrollment pursuant to subsection 3 of this section. Eligible programs receiving grants provided under sections 335.200 to 335.209 shall monitor the enrollment of nontraditional students in their program and shall annually report to the board the number of nontraditional students enrolled therein. It shall be the intent of sections 335.200 to 335.209 to encourage the enrollment and graduation of nontraditional students in nursing education programs.

3. Incentive grants shall be awarded to professional nurse education programs, as follows:

(1) A grant of eight thousand dollars for each entering class of ten students by which the program increases its enrollment over the number of entering students admitted in the fall of 1989; and

(2) A grant of four hundred dollars for each student from each entering class cited in subdivision (1) of this section by which the program increases its number of graduates over the number of students graduated in the preceding year; or

(3) Beginning with the first graduating class of the classes which enter and are enrolled after August 28, 1990, a grant of four hundred dollars for each student by which the program increases its number of graduates over the number of graduates of the preceding year, if the program is not otherwise qualified to receive the grant provided pursuant to subdivision (1) of this section.**]**

[335.209. No rule or portion of a rule promulgated under the authority of sections 335.200 to 335.209 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.**]**"; and

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

On motion of Representative Wallingford, **House Amendment No. 5** was adopted.

Representative Lichtenegger offered **House Amendment No. 6**.

House Amendment No. 6

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill 29, Page 7, Section 332.425, Line 7, Lines 24 & 25, by striking all of said lines and inserting in lieu thereof the following:

"**(7) Submit to the board evidence of successful passage of an examination approved by the board of spoken and written proficiency in the English language.**"; and

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

On motion of Representative Lichtenegger, **House Amendment No. 6** was adopted.

Representative White offered **House Amendment No. 7**.

House Amendment No. 7

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 29, Page 2, Section 197.705, Line 9, by deleting the words, "**in a single line**"; and

Further amend said section and page, Line 10, by deleting the words, "**one-half inch**"; and

Further amend said section, page, and line, by inserting before the word, "**bottom**" the words, "**top or**"; and

Further amend said section and page, Line 14, by deleting all of said line and inserting correct punctuation, "**:**" after the word, "'**Physician'**" on Line 13; and

Further amend said section and page, Line 41, by deleting the word, "**five**" and inserting in lieu thereof the word, "**ten**"; and

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

On motion of Representative White, **House Amendment No. 7** was adopted.

Representative Frederick offered **House Amendment No. 8**.

House Amendment No. 8

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 29, Page 1, Section A, Line 7, by inserting after all of said section and line the following:

"197.071. Any person aggrieved by an official action of the department of health and senior services affecting the licensed status of a person under the provisions of sections 197.010 to **[**197.120**]** **197.162**, including the refusal to grant, the grant, the revocation, the suspension, or the failure to renew a license, may seek a determination thereon by the administrative hearing commission pursuant to the provisions of section 621.045, and it shall not be a condition to such determination that the person aggrieved seek a reconsideration, a rehearing, or exhaust any other procedure within the department of health and senior services.

2. The department shall review and revise its regulations governing hospital licensure and enforcement as to promote hospital and regulatory efficiencies and eliminate duplicative regulation and inspections by or on behalf of state and federal agencies. The hospital licensure regulations adopted under this section shall incorporate standards which shall include, but not be limited to, the following:

(1) Each citation or finding of a regulatory deficiency shall refer to the specific written and publicly available standard and associated written interpretative guidance that are the basis of the citation or finding;

(2) Subject to appropriations, the department shall ensure that its hospital licensure regulatory standards are consistent with and do not contradict the federal Centers for Medicare and Medicaid Services' Conditions of Participation for hospitals and associated interpretive guidance;

(3) The department shall establish and publish a process and standards for complaint investigation, including but not limited to:

(a) A process and standards for determining which complaints warrant an onsite investigation based on a preliminary review of available information from the complainant and the hospital. The process and standards shall, at a minimum, provide for a departmental determination independent of any recommendation for investigation by or in consultation with the federal Centers for Medicare and Medicaid Services (CMS). For purposes of evaluating such process and standards, the number and nature of complaints filed and the recommended actions by the department and, as appropriate, CMS shall be disclosed upon request to hospitals, so long as the otherwise confidential identity of the complainant or the patient for whom the complaint was filed is not disclosed;

(b) The scope of a departmental investigation of a complaint shall be limited to the specific regulatory standard or standards raised by the complaint, unless a threat of immediate jeopardy of safety is observed or identified during such investigation;

(c) A hospital shall be provided with a report of all complaints made against the hospital. Such report shall include the nature of the complaint, the date of the complaint, the department conclusions regarding the complaint, the number of investigators and days of investigation resulting from each complaint;

(4) Subject to appropriations, the department shall designate adequate and sufficient resources to the annual inspection of hospitals necessary for licensure, including but not limited to resources for consultation services and collaboration with hospital personnel to facilitate improvements;

(5) Hospitals and hospital personnel shall have the opportunity to participate in:

(a) Training sessions provided to state licensure surveyors, which shall be provided at least annually subject to appropriations. Hospitals and hospital personnel shall assume all costs associated with their participation in training sessions and use of curriculum materials; and

(b) Training of surveyors assigned to inspection of hospitals to the fullest extent possible, including the training of surveyors previously designated as a surveyor specific, which resulted in the exclusion of all hospital personnel from such training sessions;

(6) The regulations shall establish specific time lines for state hospital officials to provide responses to hospitals regarding the status and outcome of pending investigations and regulatory actions and questions about interpretations of regulations. Such time lines shall be identical to, to the extent practicable, to the time lines established for the federal hospital certification and enforcement system in CMS's State Operations Manual, as amended.

3. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2011, shall be invalid and void.

197.080. The department of health and senior services, with the advice of the state advisory council and pursuant to the provisions of this section and chapter 536, shall adopt, amend, promulgate and enforce such rules, regulations and standards with respect to all hospitals or different types of hospitals to be licensed hereunder as may be designed to further the accomplishment of the purposes of this law in promoting safe and adequate treatment of individuals in hospitals in the interest of public health, safety and welfare. No rule or portion of a rule promulgated under the authority of sections 197.010 to 197.280 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

197.100. 1. Any provision of chapter 198 and chapter 338 to the contrary notwithstanding, the department of health and senior services shall have sole authority, and responsibility for inspection and licensure of hospitals in this state including, but not limited to all parts, services, functions, support functions and activities which contribute directly or indirectly to patient care of any kind whatsoever. The department of health and senior services shall annually inspect each licensed hospital [and] **but shall accept in lieu of an annual inspection reports of hospital inspections from other governmental and recognized accrediting organizations as authorized by this section. Recognizing accrediting organizations shall be those that have deemed status conferred by the Centers for Medicare and**

Medicaid Services (CMS) to take the place of direct CMS oversight and enforcement. The department shall make any other inspections and investigations as it deems necessary for good cause shown**; provided that, the scope of a departmental investigation of a complaint shall be limited to the specific regulatory standard or standards raised by the complaint, unless a documented threat of immediate jeopardy of safety is observed or identified during the investigation**. The department of health and senior services shall accept reports of hospital inspections from governmental agencies and recognized accrediting organizations **[**in whole or in part**]** for licensure purposes if**[**:

(1) The inspection is comparable to an inspection performed by the department of health and senior services;

(2) The hospital meets minimum licensure standards; and

(3)**]** The accreditation inspection was conducted within **[**one year of the date of license renewal**] the term of accreditation authorized by the Centers for Medicare and Medicaid Services in granting deemed status to the recognized accrediting organization**. The department of health and senior services shall attempt to schedule inspections and evaluations required by this section so as not to cause a hospital to be subject to more than one inspection in any twelve-month period from the department of health and senior services or any agency or accreditation organization the reports of which are accepted for licensure purposes pursuant to this section, except for good cause shown.

2. Other provisions of law to the contrary notwithstanding, the department of health and senior services shall be the only state agency to determine life safety and building codes for hospitals defined or licensed pursuant to the provisions of this chapter, including but not limited to sprinkler systems, smoke detection devices and other fire safety related matters so long as any new standards shall apply only to new construction."; and

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

On motion of Representative Frederick, **House Amendment No. 8** was adopted.

Representative Jones (117) offered **House Amendment No. 9**.

House Amendment No. 9

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 29, Page 1, In the Title, Lines 2 to 6, by deleting all of said lines and inserting in lieu thereof the following:

"To repeal sections 197.705, 302.291, 324.043, 333.041, 333.042, 333.051, 333.061, 333.091, 333.151, 333.171, 334.040, 334.070, 334.090, 334.100, 334.102, 334.103, 334.715, 338.010, 338.140, 338.150, 338.210, 338.220, 338.240, 339.190, 436.405, 436.412, 436.445, 436.450, 436.455, 436.456, 536.063, 536.067, 536.070, 621.045, 621.100, and 621.110, RSMo, and to enact in lieu thereof forty-three new sections relating to the licensing of certain professions, with penalty provisions."; and

Further amend said bill, Page 1, Section A, Lines 1 to 7, by deleting all of said lines and inserting in lieu thereof the following:

"Section A. Sections 197.705, 302.291, 324.043, 333.041, 333.042, 333.051, 333.061, 333.091, 333.151, 333.171, 334.040, 334.070, 334.090, 334.100, 334.102, 334.103, 334.715, 338.010, 338.140, 338.150, 338.210, 338.220, 338.240, 339.190, 436.405, 436.412, 436.445, 436.450, 436.455, 436.456, 536.063, 536.067, 536.070, 621.045, 621.100, and 621.110, RSMo, are repealed and forty-three new sections enacted in lieu thereof, to be known as sections 197.705, 302.291, 324.013, 324.043, 324.045, 332.425, 333.041, 333.042, 333.051, 333.061, 333.091, 333.151, 333.171, 334.001, 334.040, 334.070, 334.090, 334.099, 334.100, 334.102, 334.103, 334.108, 334.715, 338.010, 338.140, 338.150, 338.210, 338.220, 338.240, 339.190, 436.405, 436.412, 436.445, 436.450, 436.455, 436.456, 536.063, 536.067, 536.070, 537.033, 621.045, 621.100, and 621.110, to read as follows:"; and

Further amend said bill, Page 7, Section 332.425, Line 25, by inserting after all of said line the following:

"333.041. 1. Each applicant for a license to practice funeral directing shall furnish evidence to establish to the satisfaction of the board that he or she is:

(1) At least eighteen years of age, and possesses a high school diploma**, a general equivalency diploma,** or equivalent thereof**, as determined, at its discretion, by the board**; **and**

(2) [Either a citizen or a bona fide resident of the state of Missouri or entitled to a license pursuant to section 333.051, or a resident in a county contiguous and adjacent to the state of Missouri who is employed by a funeral establishment located within the state of Missouri, to practice funeral directing upon the grant of a license to do so; and

(3)] A person of good moral character.

2. Every person desiring to enter the profession of embalming dead human bodies within the state of Missouri and who is enrolled in [an] **a program** accredited [institution of mortuary science education] **by the American Board of Funeral Service Education, any successor organization, or other accrediting entity as approved by the board,** shall register with the board as a practicum student upon the form provided by the board. After such registration, a student may assist, under the direct supervision of Missouri licensed embalmers and funeral directors, in Missouri licensed funeral establishments, while serving his or her practicum [for the accredited institution of mortuary science education]. The form for registration as a practicum student shall be accompanied by a fee in an amount established by the board.

3. Each applicant for a license to practice embalming shall furnish evidence to establish to the satisfaction of the board that he or she:

(1) Is at least eighteen years of age, and possesses a high school diploma**, a general equivalency diploma,** or equivalent thereof**, as determined, at its discretion, by the board**;

(2) [Is either a citizen or bona fide resident of the state of Missouri or entitled to a license pursuant to section 333.051, or a resident in a county contiguous and adjacent to the state of Missouri who is employed by a funeral establishment located within the state of Missouri, to practice embalming upon the grant of a license to do so;

(3)] Is a person of good moral character;

[(4)] **(3)** Has [graduated from an institute of mortuary science education] **completed a funeral service education program** accredited by the American Board of Funeral Service Education, [or] any successor organization [recognized by the United States Department of Education, for funeral service education]**, or other accrediting entity as approved by the board**. If an applicant does not [appear for the final examination before the board] **complete all requirements for licensure** within five years from the date of his or her [graduation from] **completion of** an accredited [institution of mortuary science education] **program**, his or her registration as [a student] **an apprentice** embalmer shall be automatically canceled**. The applicant shall be required to file a new application and pay applicable fees. No previous apprenticeship shall be considered for the new application**;

[(5)] **(4)** Upon due examination administered by the board, is possessed of a knowledge of the subjects of embalming, anatomy, pathology, bacteriology, mortuary administration, chemistry, restorative art, together with statutes, rules and regulations governing the care, custody, shelter and disposition of dead human bodies and the transportation thereof or has passed the national board examination of the Conference of Funeral Service Examining Boards. If any applicant fails to pass the state examination, he or she may retake the examination at the next regular examination meeting. The applicant shall notify the board office of his or her desire to retake the examination at least thirty days prior to the date of the examination. Each time the examination is retaken, the applicant shall pay a new examination fee in an amount established by the board;

[(6)] **(5)** Has been employed full time in funeral service in a licensed funeral establishment and has personally embalmed at least twenty-five dead human bodies under the personal supervision of an embalmer who holds a current and valid Missouri embalmer's license or an embalmer who holds a current and valid embalmer's license in a state with which the Missouri board has entered into a reciprocity agreement during an apprenticeship of not less than twelve consecutive months. "Personal supervision" means that the licensed embalmer shall be physically present during the entire embalming process in the first six months of the apprenticeship period and physically present at the beginning of the embalming process and available for consultation and personal inspection within a period of not more than one hour in the remaining six months of the apprenticeship period. All transcripts and other records filed with the board shall become a part of the board files.

4. If the applicant does not [appear for oral examination] **complete the application process** within the five years after his or her [graduation from an accredited institution of mortuary science education] **completion of an approved program**, then he or she must file a new application and no fees paid previously shall apply toward the license fee.

5. Examinations required by this section and section 333.042 shall be held at least twice a year at times and places fixed by the board. The board shall by rule and regulation prescribe the standard for successful completion of the examinations.

6. Upon establishment of his or her qualifications as specified by this section or section 333.042, the board shall issue to the applicant a license to practice funeral directing or embalming, as the case may require, and shall register the applicant as a duly licensed funeral director or a duly licensed embalmer. Any person having the qualifications required by this section and section 333.042 may be granted both a license to practice funeral directing and to practice embalming.

7. The board shall, upon request, waive any requirement of this chapter and issue a temporary funeral director's license, valid for six months, to the surviving spouse or next of kin or the personal representative of a licensed funeral director, or to the spouse, next of kin, employee or conservator of a licensed funeral director disabled because of sickness, mental incapacity or injury.

333.042. 1. Every person desiring to enter the profession of funeral directing in this state shall make application with the state board of embalmers and funeral directors and pay the current application and examination fees. **Except as otherwise provided in section 41.950,** applicants not entitled to a license pursuant to section 333.051 shall serve an apprenticeship for at least twelve **consecutive** months in a funeral establishment licensed for the care and preparation for burial and transportation of the human dead in this state or in another state which has established standards for admission to practice funeral directing equal to, or more stringent than, the requirements for admission to practice funeral directing in this state. The applicant shall devote at least fifteen hours per week to his or her duties as an apprentice under the supervision of a Missouri licensed funeral director. Such applicant shall submit proof to the board, on forms provided by the board, that the applicant has arranged and conducted ten funeral services during the applicant's apprenticeship under the supervision of a Missouri licensed funeral director. Upon completion of the apprenticeship, the applicant shall appear before the board to be tested on the applicant's legal and practical knowledge of funeral directing, funeral home licensing, preneed funeral contracts and the care, custody, shelter, disposition and transportation of dead human bodies. Upon acceptance of the application and fees by the board, an applicant shall have twenty-four months to successfully complete the requirements for licensure found in this section or the application for licensure shall be canceled.

2. If a person applies for a limited license to work only in a funeral establishment which is licensed only for cremation, including transportation of dead human bodies to and from the funeral establishment, he or she shall make application, pay the current application and examination fee and successfully complete the Missouri law examination. He or she shall be exempt from the twelve-month apprenticeship **required by subsection 1 of this section** and the practical examination before the board. If a person has a limited license issued pursuant to this subsection, he or she may obtain a full funeral director's license if he or she fulfills the apprenticeship and successfully completes the funeral director practical examination.

3. If an individual is a Missouri licensed embalmer or has **[**graduated from an institute of mortuary science education**]** **completed a program** accredited by the American Board of Funeral Service Education **[**or**],** any successor organization **[**recognized by the United States Department of Education for funeral service education**]**, **or other accrediting entity as approved by the board** or has successfully completed a course of study in funeral directing offered by **[**a college**]** **an institution** accredited by a recognized national, regional or state accrediting body and approved by the state board of embalmers and funeral directors, and desires to enter the profession of funeral directing in this state, the individual shall comply with all the requirements for licensure as a funeral director pursuant to subsection 1 of section 333.041 and subsection 1 of this section; however, the individual is exempt from the twelve-month apprenticeship required by subsection 1 of this section.

333.051. 1. Any **[**nonresident**]** individual holding a valid, unrevoked and unexpired license as a funeral director or embalmer in the state of his **or her** residence may be granted a license to practice funeral directing or embalming in this state on application to the board and on providing the board with such evidence as to his **or her** qualifications as is required by the board. **[**No license shall be granted to a nonresident applicant except one who resides in a county contiguous and adjacent to the state of Missouri and who is regularly engaged in the practice of funeral directing or embalming, as defined by this chapter, at funeral establishments within this state or in an establishment located in a county contiguous and adjacent to the state of Missouri, unless the law of the state of the applicant's residence authorizes the granting of licenses to practice funeral directing in such state to persons licensed as funeral directors under the law of the state of Missouri.**]**

2. Any individual holding a valid, unrevoked and unexpired license as an embalmer or funeral director in another state having requirements substantially similar to those existing in this state **[**who is or intends to become a resident of this state**]** may apply for a license to practice in this state by filing with the board a certified statement from the examining board of the state or territory in which the applicant holds his **or her** license showing the grade rating upon which **[**his**]** **the** license was granted, together with a recommendation, and the board shall grant the applicant a license upon his **or her** successful completion of an examination over Missouri laws as required in section 333.041 or section 333.042 if the board finds that the applicant's qualifications meet the requirements for funeral directors or embalmers in this state at the time the applicant was originally licensed in the other state.

3. A person holding a valid, unrevoked and unexpired license to practice funeral directing or embalming in another state or territory with requirements less than those of this state may, after five consecutive years of active

experience as a licensed funeral director or embalmer in that state, apply for a license to practice in this state after passing a test to prove his **or her** proficiency, including but not limited to a knowledge of the laws and regulations of this state as to funeral directing and embalming.

333.061. 1. No funeral establishment shall be operated in this state unless the owner or operator thereof has a license issued by the board.

2. A license for the operation of a funeral establishment shall be issued by the board, if the board finds:

(1) That the establishment is under the general management and the supervision of a duly licensed funeral director;

(2) That all embalming performed therein is performed by or under the direct supervision of a duly licensed embalmer;

(3) That any place in the funeral establishment where embalming is conducted contains a preparation room with a sanitary floor, walls and ceiling, and adequate sanitary drainage and disposal facilities including running water, and complies with the sanitary standard prescribed by the department of health and senior services for the prevention of the spread of contagious, infectious or communicable diseases;

(4) Each funeral establishment shall have **[**available in the preparation or embalming room**]** a register book or log which shall be available at all times **[**in full view**]** for the board's inspector and **[**the name of each body embalmed, place, if other than at the establishment, the date and time that the embalming took place, the name and signature of the embalmer and the embalmer's license number shall be noted in the book**] that shall contain:**

(a) The name of each body that has been in the establishment;

(b) The date the body arrived at the establishment;

(c) If applicable, the place of embalming, if known; and

(d) If the body was embalmed at the establishment, the date and time that the embalming took place, and the name, signature, and license number of the embalmer; and

(5) The establishment complies with all applicable state, county or municipal zoning ordinances and regulations.

3. The board shall grant or deny each application for a license pursuant to this section within thirty days after it is filed. The applicant may request in writing up to two thirty-day extensions of the application, provided the request for an extension is received by the board prior to the expiration of the thirty-day application or extension period.

4. Licenses shall be issued pursuant to this section upon application and the payment of a funeral establishment fee and shall be renewed at the end of the licensing period on the establishment's renewal date.

5. The board may refuse to renew or may suspend or revoke any license issued pursuant to this section if it finds, after hearing, that the funeral establishment does not meet any of the requirements set forth in this section as conditions for the issuance of a license, or for the violation by the owner of the funeral establishment of any of the provisions of section 333.121. No new license shall be issued to the owner of a funeral establishment or to any corporation controlled by such owner for three years after the revocation of the license of the owner or of a corporation controlled by the owner. Before any action is taken pursuant to this subsection the procedure for notice and hearing as prescribed by section 333.121 shall be followed.

333.091. **[**Each establishment, funeral director or embalmer receiving a license under this chapter shall have recorded in the office of the local registrar of vital statistics of the registration district in which the licensee practices.**]** All licenses or registrations, or duplicates thereof, issued pursuant to this chapter shall be displayed at each place of business.

333.151. 1. The state board of embalmers and funeral directors shall consist of ten members, including one voting public member appointed by the governor with the advice and consent of the senate. Each member, other than the public member, appointed shall possess either a license to practice embalming or a license to practice funeral directing in this state or both said licenses and shall have been actively engaged in the practice of embalming or funeral directing for a period of five years next before his or her appointment. Each member shall be a United States citizen, a resident of this state for a period of at least one year, a qualified voter of this state and shall be of good moral character. Not more than five members of the board shall be of the same political party. The nonpublic members shall be appointed by the governor, with the advice and consent of the senate**[**, one from each of the state's congressional districts be of good moral character and submit an audited financial statement of their funeral establishment by an independent auditor for the previous five years. This audited financial statement must include all at-need and preneed business**]**. **A majority of the members shall constitute a quorum. Members shall be appointed to represent diversity in gender, race, ethnicity, and the various geographic regions of the state.**

2. Each member of the board shall serve for a term of five years. Any vacancy on the board shall be filled by the governor and the person appointed to fill the vacancy shall possess the qualifications required by this chapter and shall serve until the end of the unexpired term of his or her predecessor, if any.

3. The public member shall be at the time of his or her appointment a person who is not and never was a member of any profession licensed or regulated pursuant to this chapter or the spouse of 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 this chapter, or an activity or organization directly related to any profession licensed or regulated pursuant to this chapter. All members, including public members, shall be chosen from lists submitted by the director of the division of professional registration. The duties of the public member shall not include the determination of the technical requirements to be met for licensure or whether any person meets such technical requirements or of the technical competence or technical judgment of a licensee or a candidate for licensure.

333.171. The board shall hold at least two regular meetings each year for the purpose of administering examinations at times and places fixed by the board. Other meetings shall be held at the times fixed by regulations of the board or on the call of the chairman of the board. Notice of the time and place of each regular or special meeting shall be mailed by the executive secretary to each member of the board at least five days before the date of the meeting. **[**At all meetings of the board three members constitute a quorum.**]** The board may adopt and use a common seal."; and

Further amend said bill, Page 34, Section 339.190, Line 43, by inserting after all of said line the following:

"436.405. 1. As used in sections 436.400 to 436.520, unless the context otherwise requires, the following terms shall mean:

(1) "Beneficiary", the individual who is to be the subject of the disposition or who will receive funeral services, facilities, or merchandise described in a preneed contract;

(2) **"Board", the board of embalmers and funeral directors;**

(3) "Guaranteed contract", a preneed contract in which the seller promises, assures, or guarantees to the purchaser that all or any portion of the costs for the disposition, services, facilities, or merchandise identified in a preneed contract will be no greater than the amount designated in the contract upon the preneed beneficiary's death or that such costs will be otherwise limited or restricted;

[(3)**] (4)** "Insurance-funded preneed contract", a preneed contract which is designated to be funded by payments or proceeds from an insurance policy or **[**single premium**] a deferred** annuity contract **that is not classified as a variable annuity and has death benefit proceeds that are never less than the sum of premiums paid**;

[(4)**] (5)** "Joint account-funded preneed contract", a preneed contract which designates that payments for the preneed contract made by or on behalf of the purchaser will be deposited and maintained in a joint account in the names of the purchaser and seller, as provided in this chapter;

[(5)**] (6)** "Market value", a fair market value:

(a) As to cash, the amount thereof;

(b) As to a security as of any date, the price for the security as of that date obtained from a generally recognized source, or to the extent no generally recognized source exists, the price to sell the security in an orderly transaction between unrelated market participants at the measurement date; and

(c) As to any other asset, the price to sell the asset in an orderly transaction between unrelated market participants at the measurement date consistent with statements of financial accounting standards;

[(6)**] (7)** "Nonguaranteed contract", a preneed contract in which the seller does not promise, assure, or guarantee that all or any portion of the costs for the disposition, facilities, service, or merchandise identified in a preneed contract will be limited to the amount designated in the contract upon the preneed beneficiary's death or that such costs will be otherwise limited or restricted;

[(7)**] (8)** "Preneed contract", any contract or other arrangement which provides for the final disposition in Missouri of a dead human body, funeral or burial services or facilities, or funeral merchandise, where such disposition, services, facilities, or merchandise are not immediately required. Such contracts include, but are not limited to, agreements providing for a membership fee or any other fee for the purpose of furnishing final disposition, funeral or burial services or facilities, or funeral merchandise at a discount or at a future date;

[(8)**] (9)** "Preneed trust", a trust to receive deposits of, administer, and disburse payments received under preneed contracts, together with income thereon;

[(9)**] (10)** "Purchaser", the person who is obligated to pay under a preneed contract;

[(10)**] (11)** "Trustee", the trustee of a preneed trust, including successor trustees;

[(11)**] (12)** "Trust-funded preneed contract", a preneed contract which provides that payments for the preneed contract shall be deposited and maintained in trust.

2. All terms defined in chapter 333 shall be deemed to have the same meaning when used in sections 436.400 to 436.520.

436.412. Each preneed contract made before August 28, 2009, and all payments and disbursements under such contract shall continue to be governed by this chapter as the chapter existed at the time the contract was made. Any licensee or registrant of the board may be disciplined for violation of any provision of sections 436.005 to 436.071 within the applicable statute of limitations. **[**In addition, the provisions of section 436.031, as it existed on August 27, 2009, shall continue to govern disbursements to the seller from the trust and payment of trust expenses.**]** Joint accounts in existence as of August 27, 2009, shall continue to be governed by the provisions of section 436.053, as that section existed on August 27, 2009.

436.445. A trustee of any preneed trust, including trusts established before August 28, 2009, shall not after August 28, 2009, make any decisions to invest any trust fund with:

(1) The spouse of the trustee;

(2) The descendants, siblings, parents, or spouses of a seller or an officer, manager, director or employee of a seller, provider, or preneed agent;

(3) Agents**, other than authorized external investment advisors as authorized by section 436.440,** or attorneys of a trustee, seller, or provider; or

(4) A corporation or other person or enterprise in which the trustee, seller, or provider owns a controlling interest or has an interest that might affect the trustee's judgment.

436.450. 1. An insurance-funded preneed contract shall comply with sections 436.400 to 436.520 and the specific requirements of this section.

2. A seller, provider, or any preneed agent shall not receive or collect from the purchaser of an insurance-funded preneed contract any amount in excess of what is required to pay the premiums on the insurance policy as assessed or required by the insurer as premium payments for the insurance policy except for any amount required or authorized by this chapter or by rule. A seller shall not receive or collect any administrative or other fee from the purchaser for or in connection with an insurance-funded preneed contract, other than those fees or amounts assessed by the insurer. As of August 29, 2009, no preneed seller, provider, or agent shall use any existing preneed contract as collateral or security pledged for a loan or take preneed funds of any existing preneed contract as a loan for any purpose other than as authorized by this chapter.

3. Payments collected by or on behalf of a seller for an insurance-funded preneed contract shall be promptly remitted to the insurer or the insurer's designee as required by the insurer; provided that payments shall not be retained or held by the seller or preneed agent for more than thirty days from the date of receipt.

4. It is unlawful for a seller, provider, or preneed agent to procure or accept a loan against any insurance contract used to fund a preneed contract.

5. Laws regulating insurance shall not apply to preneed contracts, but shall apply to any insurance or **[**single premium**]** annuity sold with a preneed contract; provided, however, the provisions of **[**this act**] sections 436.400 to 436.520** shall not apply to **[**single premium**]** annuities or insurance polices regulated by chapters 374, 375, and 376 used to fund preneed funeral agreements, contracts, or programs.

6. This section shall apply to all preneed contracts including those entered into before August 28, 2009.

7. For any insurance-funded preneed contract sold after August 28, 2009, the following shall apply:

(1) The purchaser or beneficiary shall be the owner of the insurance policy purchased to fund a preneed contract; and

(2) An insurance-funded preneed contract shall be valid and enforceable only if the seller or provider is named as the beneficiary or assignee of the life insurance policy funding the contract.

8. If the proceeds of the life insurance policy exceed the actual cost of the goods and services provided pursuant to the nonguaranteed preneed contract, any overage shall be paid to the estate of the beneficiary, or, if the beneficiary received public assistance, to the state of Missouri.

436.455. 1. A joint account-funded preneed contract shall comply with sections 436.400 to 436.520 and the specific requirements of this section.

2. In lieu of a trust-funded or insurance-funded preneed contract, the seller and the purchaser may agree in writing that all funds paid by the purchaser or beneficiary for the preneed contract shall be deposited with a financial

institution chartered and regulated by the federal or state government authorized to do business in Missouri in an account in the joint names and under the joint control of the seller and purchaser, beneficiary or party holding power of attorney over the beneficiary's estate**, or in an account titled in the beneficiary's name and payable on the beneficiary's death to the seller**. There shall be a separate joint account established for each preneed contract sold or arranged under this section. Funds shall only be withdrawn or paid from the account upon the signatures of both the seller and the purchaser or under a pay-on-death designation or as required to pay reasonable expenses of administering the account.

3. All consideration paid by the purchaser under a joint account-funded contract shall be deposited into a joint account as authorized by this section within ten days of receipt of payment by the seller.

4. The financial institution shall hold, invest, and reinvest funds deposited under this section in other accounts offered to depositors by the financial institutions as provided in the written agreement of the purchaser and the seller, provided the financial institution shall not invest or reinvest any funds deposited under this section in term life insurance or any investment that does not reasonably have the potential to gain income or increase in value.

5. Income generated by preneed funds deposited under this section shall be used to pay the reasonable expenses of administering the account as charged by the financial institution and the balance of the income shall be distributed or reinvested upon fulfillment of the contract, cancellation or transfer pursuant to the provisions of this chapter.

6. Within fifteen days after a provider **[**and a witness certify to the financial institution in writing**]** **delivers a copy of a certificate of performance to the seller, signed by the provider and the person authorized to make arrangements on behalf of the beneficiary, certifying** that the provider has furnished the final disposition, funeral, and burial services and facilities, and merchandise as required by the preneed contract, or has provided alternative funeral benefits for the beneficiary under special arrangements made with the purchaser, the **[**financial institution shall distribute the deposited funds to the seller if the certification has been approved by the purchaser**]** **seller shall take whatever steps are required by the financial institution to secure payment of the funds from the financial institution**. The seller shall pay the provider within ten days of receipt of funds.

7. Any seller, provider, or preneed agent shall not procure or accept a loan against any investment, or asset of, or belonging to a joint account. As of August 28, 2009, it shall be prohibited to use any existing preneed contract as collateral or security pledged for a loan, or take preneed funds of any existing preneed contract as a loan or for any purpose other than as authorized by this chapter.

436.456. At any time before final disposition, or before the funeral or burial services, facilities, or merchandise described in a preneed contract are furnished, the purchaser may cancel the contract, if designated as revocable, without cause. In order to cancel the contract the purchaser shall:

(1) In the case of a joint account-funded preneed contract, deliver written notice of the cancellation to the seller **[**and the financial institution**]**. Within fifteen days of receipt of notice of the cancellation, the **[**financial institution shall distribute all deposited funds to the purchaser**]** **seller shall take whatever steps may be required by the financial institution to obtain the funds from the financial institution. Upon receipt of the funds from the financial institution, the seller shall distribute the principal to the purchaser**. Interest shall be distributed as provided in the agreement with the seller and purchaser;

(2) In the case of an insurance-funded preneed contract, deliver written notice of the cancellation to the seller. Within fifteen days of receipt of notice of the cancellation, the seller shall notify the purchaser that the cancellation of the contract shall not cancel any life insurance funding the contract and that insurance cancellation is required to be made in writing to the insurer;

(3) In the case of a trust-funded preneed contract, deliver written notice of the cancellation to the seller and trustee. Within fifteen days of receipt of notice of the cancellation, the trustee shall distribute one hundred percent of the trust property including any percentage of the total payments received on the trust-funded contract that have been withdrawn from the account under subsection 4 of section 436.430 but excluding the income, to the purchaser of the contract;

(4) In the case of a guaranteed installment payment contract where the beneficiary dies before all installments have been paid, the purchaser shall pay the seller the amount remaining due under the contract in order to receive the goods and services set out in the contract, otherwise the purchaser or their estate will receive full credit for all payments the purchaser has made towards the cost of the beneficiary's funeral at the provider current prices."; and

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

On motion of Representative Jones (117), **House Amendment No. 9** was adopted.

Representative Haefner offered **House Amendment No. 10**.

House Amendment No. 10

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 29, Section 621.110, Page 43, Line 22, by inserting after all of said section and line the following:

"**Section 1. 1. Beginning September 1, 2011, there is hereby created The Interim Committee on E-Prescribe Technology established for the purpose of assessing the feasibility of implementing an electronic prescribing system in Missouri. The committee shall evaluate the feasibility of an electronic prescribing system that creates transparency, improves health care-outcomes and increases health-care delivery efficiency, the study committee shall investigate the technology utilized by MO HealthNet Division in their statewide system. The committee shall take into consideration uniformity of technology as well as other potential barriers to e-prescribing in Missouri. The study shall include assessment of the following components of the MO HealthNet Division electronic prescribing, claims and clinical data tools:**

(1) Identification of clinical issues that affect patient care;

(2) Investigation of administrative burdens on health care providers using e-systems;

(3) Electronic Drug Prior Authorization (PA) and Clinical Edit override request;

(4) Electronic request of pre-certification for Radiology services, Durable Medical Equipment (DME), Optical services, and Inpatient services;

(5) Identification of approved or denied Drug Prior Authorizations, Clinical Edit overrides, or Medical Pre-certifications previously issued for a participant; and

(6) Extent to which the system provides open platform, free of mechanisms to influence prescribing decisions at point of care including but not limited to, advertising, instant messaging, and pop-up messaging.

2. The Interim Committee on E-Prescribe Technology shall consist of the following members:

(1) Five members of the Senate, appointed by the President Pro-Tem of the Senate. Three such members shall be of the Majority Party and two shall be of the Minority party;

(2) Five members of the House of Representatives, appointed by the Speaker of the House of Representatives. Three such members shall be of the Majority Party and two shall be of the Minority party. The Directors of the MO HealthNet Division and Department of Insurance shall provide technical assistance to the committee.

3. The Interim Committee on E-Prescribe Technology shall report back to the Senate President Pro Tempore and Speaker of the House their findings with specific recommendations no later than December 31, 2011. The Interim Committee on E-Prescribe Technology shall dissolve upon submission of the report."; and

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

Representative Jones (89) moved the previous question.

Which motion was adopted by the following vote:

AYES: 092

Allen	Asbury	Bahr	Barnes	Bernskoetter
Brandom	Brattin	Brown 85	Brown 116	Burlison
Cierpiot	Conway 14	Cookson	Cox	Crawford
Cross	Curtman	Davis	Denison	Diehl
Dugger	Elmer	Entlicher	Fisher	Fitzwater
Flanigan	Fraker	Franklin	Franz	Frederick
Fuhr	Funderburk	Gosen	Grisamore	Guernsey
Haefner	Hampton	Higdon	Hinson	Hoskins
Hough	Houghton	Johnson	Jones 89	Jones 117
Keeney	Kelley 126	Klippenstein	Koenig	Korman
Lair	Lant	Largent	Lauer	Leach
Lichtenegger	Loehner	Long	Marshall	McCaherty

McGhee	McNary	Molendorp	Nance	Neth
Nolte	Phillips	Pollock	Redmon	Reiboldt
Richardson	Riddle	Rowland	Ruzicka	Sater
Schad	Schatz	Schieber	Schoeller	Shumake
Silvey	Smith 150	Solon	Stream	Thomson
Wallingford	Weter	White	Wieland	Wright
Wyatt	Zerr			

NOES: 045

Anders	Atkins	Aull	Black	Brown 50
Carlson	Carter	Casey	Colona	Conway 27
Ellinger	Fallert	Harris	Hodges	Hummel
Jones 63	Kelly 24	Kirkton	Kratky	Lampe
May	McCann Beatty	McGeoghegan	McManus	McNeil
Montecillo	Newman	Nichols	Oxford	Pace
Pierson	Quinn	Rizzo	Schieffer	Shively
Sifton	Smith 71	Still	Swearingen	Swinger
Talboy	Taylor	Walton Gray	Webb	Webber

PRESENT: 000

ABSENT WITH LEAVE: 022

Berry	Cauthorn	Day	Dieckhaus	Gatschenberger
Holsman	Hubbard	Hughes	Kander	Lasater
Leara	McDonald	Meadows	Nasheed	Parkinson
Scharnhorst	Schneider	Schupp	Spreng	Torpey
Wells	Mr Speaker			

VACANCIES: 004

Representative Haefner moved that **House Amendment No. 10** be adopted.

Which motion was defeated.

Representative Schad offered **House Amendment No. 11**.

House Amendment No. 11

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 29, Page 33, Section 339.190, Line 18, by inserting after all of said section and line, the following:

"**376.1257. 1. Any health benefit plan that provides coverage and benefits for cancer chemotherapy treatment shall not require a higher co-payment, deductible, or coinsurance amount for a prescribed orally administered anticancer medication that is used to kill or slow the growth of cancerous cells than what the plan requires for an intravenously administered or injected cancer medication that is provided, regardless of formulation or benefit category determination by the health carrier administering the health benefit plan.**

2. A health carrier shall not achieve compliance with the provisions of this section by imposing an increase in co-payment, deductible, or coinsurance amount for an intravenously administered or injected cancer chemotherapy agent covered under the health benefit plan.

3. Nothing in this section shall be interpreted to prohibit a health carrier from requiring prior authorization or imposing other appropriate utilization controls in approving coverage for any chemotherapy.

4. The provisions of this section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, short-term major medical policies of six months or less

duration, or any other supplemental policy as determined by the director of the department of insurance, financial institutions and professional registration.

5. As used in this section, the terms "health benefit plan" and "health carrier" shall have the same meanings ascribed to such terms in section 376.1350."; and

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

Representative Burlison offered **House Substitute Amendment No. 1 for House Amendment No. 11**.

House Substitute Amendment No. 1
for
House Amendment No. 11

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 29, Page 33, Section 339.190, Line 18, by inserting after all of said section and line, the following:

"**376.1257. 1. Any health benefit plan that provides coverage and benefits for cancer chemotherapy treatment shall not require a higher co-payment, deductible, or coinsurance amount for a prescribed orally administered anticancer medication that is used to kill or slow the growth of cancerous cells than what the plan requires for an intravenously administered or injected cancer medication that is provided, regardless of formulation or benefit category determination by the health carrier administering the health benefit plan.**

2. A health carrier shall not achieve compliance with the provisions of this section by imposing an increase in co-payment, deductible, or coinsurance amount for an intravenously administered or injected cancer chemotherapy agent covered under the health benefit plan.

3. Nothing in this section shall be interpreted to prohibit a health carrier from requiring prior authorization or imposing other appropriate utilization controls in approving coverage for any chemotherapy.

4. The provisions of this section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, short-term major medical policies of six months or less duration, or any other supplemental policy as determined by the director of the department of insurance, financial institutions and professional registration.

5. As used in this section, the terms "health benefit plan" and "health carrier" shall have the same meanings ascribed to such terms in section 376.1350.

6. Coverage under this section shall be limited to Federal Drug Administration approved indications and National Comprehensive Cancer Network recommendations.

7. Coverage under this section may be administered by a specialty pharmacy network."; and

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

On motion of Representative Burlison, **House Substitute Amendment No. 1 for House Amendment No. 11** was adopted.

HCS SCS SB 29, as amended, was laid over.

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SB 59, as amended**, and requests the House to recede from its position and, failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SB 61, as amended**, and requests the House to recede from its position and, failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SS SB 226, as amended**, and requests the House to recede from its position and, failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SB 322, as amended**, and requests the House to recede from its position and, failing to do so, grant the Senate a conference thereon.

On motion of Representative Jones (89), the House recessed until 8:00 p.m.

EVENING SESSION

The hour of recess having expired, the House was called to order by Speaker Pro Tem Schoeller.

THIRD READING OF SENATE BILL

HCS SCS SB 29, as amended, relating to professional registration, was again taken up by Representative Jones (117).

Representative Jones (117) offered **House Amendment No. 12**.

House Amendment No. 12

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 29, Page 1, In the Title, Line 2, by inserting after the word "sections" the numbers "195.060, 195.080,"; and

Further amend said bill, Page 1, In the Title, Line 3, by inserting after the number "334.715," the number "334.747,"; and

Further amend said bill, Page 1, In the Title, Line 5, by deleting the word "thirty" and inserting in lieu thereof the word "forty-four"; and

Further amend said bill, Page 1, Section A, Line 1, by inserting after the word "Sections" the numbers "195.060, 195.080,"; and

Further amend said bill, Page 1, Section A, Line 2, by inserting after the number "334.715," the number "334.747,"; and

Further amend said bill, Page 1, Section A, Line 3, by deleting the word "thirty" and inserting in lieu thereof the word "forty-four"; and

Further amend said bill, Page 1, Section A, Line 4, by inserting after the word "sections" the numbers "195.060, 195.080, 195.450, 195.453, 195.456, 195.459, 195.462, 195.465, 195.468, 195.471, 195.474, 195.477, 195.480,"; and

Further amend said bill, Page 1, Section A, Line 6, by inserting after the number "334.715," the number "334.747,"; and

Further amend said bill, Page 1, Section A, Line 7, by inserting after all of said line the following:

"195.060. 1. Except as provided in subsection **[**3**]** **4** of this section, a pharmacist, in good faith, may sell and dispense controlled substances to any person only upon a prescription of a practitioner as authorized by statute, provided that the controlled substances listed in Schedule V may be sold without prescription in accordance with regulations of the department of health and senior services. All written prescriptions shall be signed by the person prescribing the same. All prescriptions shall be dated on the day when issued and bearing the full name and address of the patient for whom, or of the owner of the animal for which, the drug is prescribed, and the full name, address, and the registry number under the federal controlled substances laws of the person prescribing, if he is required by those laws to be so registered. If the prescription is for an animal, it shall state the species of the animal for which the drug is prescribed. The person filling the prescription shall either write the date of filling and his own signature on the prescription or retain the date of filling and the identity of the dispenser as electronic prescription information. The prescription or electronic prescription information shall be retained on file by the proprietor of the pharmacy in which it is filled for a period of two years, so as to be readily accessible for inspection by any public officer or employee engaged in the enforcement of this law. No prescription for a drug in Schedule I or II shall be filled more than six months after the date prescribed; no prescription for a drug in schedule I or II shall be refilled; no prescription for a drug in Schedule III or IV shall be filled or refilled more than six months after the date of the original prescription or be refilled more than five times unless renewed by the practitioner.

2. **A pharmacist, in good faith, may sell and dispense controlled substances to any person upon a prescription of a practitioner located in another state, provided that the prescription was issued according to and in compliance with the applicable laws of that state and the United States.**

3. The legal owner of any stock of controlled substances in a pharmacy, upon discontinuance of dealing in such drugs, may sell the stock to a manufacturer, wholesaler, or pharmacist, but only on an official written order.

[3.**]** **4.** A pharmacist, in good faith, may sell and dispense any Schedule II drug or drugs to any person in emergency situations as defined by rule of the department of health and senior services upon an oral prescription by an authorized practitioner.

[4.**]** **5.** Except where a bona fide physician-patient-pharmacist relationship exists, prescriptions for narcotics or hallucinogenic drugs shall not be delivered to or for an ultimate user or agent by mail or other common carrier.

195.080. 1. Except as otherwise in sections 195.005 to 195.425 specifically provided, sections 195.005 to 195.425 shall not apply to the following cases: prescribing, administering, dispensing or selling at retail of liniments, ointments, and other preparations that are susceptible of external use only and that contain controlled substances in such combinations of drugs as to prevent the drugs from being readily extracted from such liniments, ointments, or preparations, except that sections 195.005 to 195.425 shall apply to all liniments, ointments, and other preparations that contain coca leaves in any quantity or combination.

2. **[**The quantity of Schedule II controlled substances prescribed or dispensed at any one time shall be limited to a thirty-day supply.**]** The quantity of Schedule **II,** III, IV or V controlled substances prescribed or dispensed at any one time shall be limited to a ninety-day supply and shall be prescribed and dispensed in compliance with the general provisions of sections 195.005 to 195.425. **[**The supply limitations provided in this subsection may be increased up to three months if the physician describes on the prescription form or indicates via telephone, fax, or electronic communication to the pharmacy to be entered on or attached to the prescription form the medical reason for requiring the larger supply.**]** The supply limitations provided in this subsection shall not apply if**:**

(1) The prescription issued by a practitioner located in another state according to and in compliance with the applicable laws of that state and the United States and dispensed to a patient located or residing in another state; or

(2) The prescription is dispensed directly to a member of the United States armed forces serving outside the United States.

3. The partial filling of a prescription for a Schedule II substance is permissible as defined by regulation by the department of health and senior services.

195.450. 1. Sections 195.450 to 195.480 shall be known and may be cited as the "Prescription Drug Monitoring Program Act".

2. As used in sections 195.450 to 195.480, the following terms mean:

(1) "Controlled substance", the same meaning given such term in section 195.010;

(2) "Department", the department of health and senior services;

(3) "Dispenser", a person located in Missouri who delivers a schedule II, III, IV, or V controlled substance to the ultimate user, but does not include:

(a) A hospital, as defined in section 197.020, that distributes such substances for the purpose of inpatient hospital care or dispenses prescriptions for controlled substances at the time of discharge from an inpatient stay at such facility;

(b) A practitioner or other authorized person who administers such a substance; or

(c) A wholesale distributor of a schedule II, III, IV, or V controlled substance;

(4) "Patient", a person or animal who is the ultimate user of a drug for whom a prescription is issued or for whom a drug is dispensed;

(5) "Schedule II, III, IV, or V controlled substance", a controlled substance that is listed in schedules II, III, IV, or V of the schedules provided under this chapter or the Federal Controlled Substances Act, 21 U.S.C. Section 812.

195.453. 1. Subject to appropriations, the department of health and senior services shall establish and maintain a program for the monitoring of prescribing and dispensing of all schedule II, III, IV, and V controlled substances by all professionals, except schedule V controlled substance containing any detectable amount of pseudoephedrine, by all professionals licensed to prescribe or dispense such substances in this state. The department may apply for any available grants and accept any gifts, grants, or donations to assist in developing and maintaining the program.

2. Each dispenser shall submit to the department by electronic means information regarding each dispensation of a drug included in subsection 1 of this section. The information submitted for each shall include, but not be limited to:

(1) The dispenser identification number;

(2) The date of the dispensation;

(3) If there is a prescription:

(a) The prescription number;

(b) Whether the prescription is new or a refill;

(c) The prescriber identification number;

(d) The date the prescription is issued by the prescriber;

(e) The person who receives the prescription from the dispenser, if other than the patient;

(f) The source of payment for the prescription;

(4) The NDC code for the drug dispensed;

(5) The number of days' supply of the drug;

(6) The quantity dispensed;

(7) The patient identification number;

(8) The patient's name, address, and date of birth.

3. Each dispenser shall submit the information in accordance with transmission methods and frequency established by the department; except that, each dispenser shall report at least every seven days between the first and fifteenth of the month following the month of the dispensation.

4. The department may issue a waiver to a dispenser that is unable to submit dispensation information by electronic means. Such waiver may permit the dispenser to submit dispensation information by paper form or other means, provided all information required in subsection 2 of this section is submitted in such alternative format.

195.456. 1. Dispensation information submitted to the department shall be confidential and not subject to public disclosure under chapter 610 except as provided in subsections 3 to 5 of this section.

2. The department shall maintain procedures to ensure that the privacy and confidentiality of patients and personnel information collected, recorded, transmitted, and maintained is not disclosed to persons except as provided in subsections 3 to 5 of this section.

3. The department shall review the dispensation information and, if there is reasonable cause to believe a violation of law or breach of professional standards may have occurred, the department shall notify the appropriate law enforcement or professional licensing, certification, or regulatory agency or entity, and provide dispensation information required for an investigation.

4. The department may provide data in the controlled substances dispensation monitoring program to the following persons:

(1) Persons, both in-state and out-of-state, authorized to prescribe or dispense controlled substances for the purpose of providing medical or pharmaceutical care for their patients;

(2) An individual who requests his or her own dispensation monitoring information in accordance with state law;

(3) The state board of pharmacy;

(4) Any state board charged with regulating a professional that has the authority to prescribe or dispense controlled substances that requests data related to a specific professional under the authority of that board;

(5) Local, state, and federal law enforcement or prosecutorial officials, both in-state and out-of-state engaged in the administration, investigation, or enforcement of the laws governing licit drugs based on a specific case and under a subpoena or court order;

(6) The family support division within the department of social services regarding Medicaid program recipients;

(7) A judge or other judicial authority under a subpoena or court order; and

(8) Authorized personnel of the department of health and senior services for the administration and enforcement of sections 195.450 to 195.480.

5. The department may provide data to public or private entities for statistical, research, or educational purposes after removing information that could be used to identify individual patients or persons who received dispensations from dispensers.

6. Nothing in sections 195.450 to 195.480 shall be construed to require a pharmacist or prescriber to obtain information about a patient from the database. A pharmacist or prescriber shall not be held liable for damages to any person in any civil action for injury, death, or loss to person or property on the basis that the pharmacist or prescriber did or did not seek or obtain information from the database.

195.459. The department is authorized to contract with any other agency of this state or with a private vendor, as necessary, to ensure the effective operation of the prescription monitoring program. Any contractor shall comply with the provisions regarding confidentiality of prescription information in section 195.456.

195.462. The department shall promulgate rules setting forth the procedures and methods of implementing sections 195.450 to 195.480. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. Sections 195.450 to 195.480 and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2011, shall be invalid and void.

195.465. 1. A dispenser who knowingly fails to submit dispensation monitoring information to the department as required in sections 195.450 to 195.480 or knowingly submits the incorrect dispensation information is guilty of a class A misdemeanor.

2. A person authorized to have dispensation monitoring information under sections 195.450 to 195.480 who knowingly discloses such information in violation of sections 195.450 to 195.480 or who uses such information in a manner and for a purpose in violation of sections 195.450 to 195.480 is guilty of a class A misdemeanor.

195.468. 1. The department shall implement the following education courses:

(1) An orientation course during the implementation phase of the dispensation monitoring program established in section 195.453;

(2) A course for persons who are authorized to access the dispensation monitoring information but who did not participate in the orientation course;

(3) A course for persons who are authorized to access the dispensation monitoring information but who have violated laws or breached occupational standards involving dispensing, prescribing, and use of substances monitored by the dispensation monitoring program established in section 195.453;

When appropriate, the department shall develop the content of the education courses described in subdivisions (1) to (3) of this subsection.

2. The department shall, when appropriate:

(1) Work with associations for impaired professionals to ensure intervention, treatment, and ongoing monitoring and followup; and

(2) Encourage individual patients who are identified and who have become addicted to substances monitored by the dispensation monitoring program established in section 195.453 to receive addiction treatment.

195.471. The department of health and senior services shall develop and implement an electronic logbook to monitor the sale of schedule V controlled substances containing any detectable amount of pseudoephedrine. All pharmacists and registered pharmacy technicians shall submit their logbooks, as required under section 195.017, electronically in accordance with rules promulgated by the department.

195.474. 1. Beginning January 1, 2012, the bureau of narcotics and dangerous drugs within the department of health and senior services shall establish a two-year statewide pilot project for the reporting of fraudulently obtained prescription controlled substances. The pilot project shall include the following:

(1) Provide a toll-free number for reporting to the bureau by physicians, pharmacists, and other health care professionals with prescriptive authority who have reason to believe that a person is fraudulently attempting to obtain a prescription for a controlled substance or is attempting to obtain an excessive amount of a controlled substance by prescription;

(2) Establish a system within the bureau for receiving such reports under subdivision (1) of this subsection along with any evidence offered or submitted by the reporter which indicates the fraud; and

(3) Forward such reports, along with any evidence offered or submitted to the appropriate prosecuting attorney or the state attorney general for investigation and prosecution.

2. On or before February 1, 2013, and February 1, 2014, the bureau of narcotics and dangerous drugs shall submit a report to the general assembly detailing the following specifics regarding the pilot project:

(1) The number of reports received under this section;

(2) The type of evidence offered or submitted indicating the fraud;

(3) The number of referrals to the attorney general and each local prosecuting attorney;

(4) The number of cases investigated and prosecuted as a result of such reporting, and the number of convictions or pleas resulting from such investigations and prosecutions. The attorney general and local prosecuting attorneys shall cooperate with the bureau in the submission and collection of the information necessary for inclusion in the report; and

(5) Any recommendations regarding continuance of and improvements in the pilot project.

Nothing in this section shall be construed as authorizing the inclusion or release of any identifying information of any reporter or person who is identified as a person who is attempting to fraudulently obtain prescription controlled substances.

3. Any person who in good faith reports to the bureau under this section shall be immune from any civil or criminal liability as the result of such good faith reporting.

4. The department of health and senior services may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2011, shall be invalid and void.

5. The pilot project shall be funded from existing appropriations or with any moneys specifically appropriated for this pilot project. The lack of any additional new appropriations for this pilot project shall not be sufficient cause for the department to fail to establish the pilot project under this section.

6. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset three years after the effective date of this section unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.

195.477. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under sections 195.450 to 195.480 shall automatically sunset six years after the effective date of sections 195.450 to 195.480 unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under sections 195.450 to 195.480 shall automatically sunset six years after the effective date of the reauthorization of sections 195.450 to 195.480; and

(3) Sections 195.450 to 195.480 shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under sections 195.450 to 195.480 is sunset.

195.480. The provisions of sections 195.450 to 195.480 shall be funded with federal or private grant moneys. If no federal or private grant moneys are available to implement the provisions of sections 195.450 to 195.480, the prescription drug monitoring act shall be implemented subject to appropriations."; and

Further amend said bill, Page 27, Section 334.715, Line 63, by inserting after all of said line the following:

"334.747. 1. A physician assistant with a certificate of controlled substance prescriptive authority as provided in this section may prescribe any controlled substance listed in schedule III, IV, or V of section 195.017 when delegated the authority to prescribe controlled substances in a supervision agreement. Such authority shall be listed on the supervision verification form on file with the state board of healing arts. The supervising physician shall maintain the right to limit a specific scheduled drug or scheduled drug category that the physician assistant is permitted to prescribe. Any limitations shall be listed on the supervision form. Physician assistants shall not prescribe controlled substances for themselves or members of their families. Schedule III controlled substances shall be limited to a five-day supply without refill. Physician assistants who are authorized to prescribe controlled substances under this section shall register with the federal Drug Enforcement Administration and the state bureau of narcotics and dangerous drugs, and shall include **[**such**]** **the Drug Enforcement Administration** registration **[**numbers**]** **number** on prescriptions for controlled substances.

2. The supervising physician shall be responsible to determine and document the completion of at least one hundred twenty hours in a four-month period by the physician assistant during which the physician assistant shall practice with the supervising physician on-site prior to prescribing controlled substances when the supervising physician is not on-site. Such limitation shall not apply to physician assistants of population-based public health services as defined in 20 CSR 2150-5.100 as of April 30, 2009.

3. A physician assistant shall receive a certificate of controlled substance prescriptive authority from the board of healing arts upon verification of the completion of the following educational requirements:

(1) Successful completion of an advanced pharmacology course that includes clinical training in the prescription of drugs, medicines, and therapeutic devices. A course or courses with advanced pharmacological content in a physician assistant program accredited by the Accreditation Review Commission on Education for the Physician Assistant (ARC-PA) or its predecessor agency shall satisfy such requirement;

(2) Completion of a minimum of three hundred clock hours of clinical training by the supervising physician in the prescription of drugs, medicines, and therapeutic devices;

(3) Completion of a minimum of one year of supervised clinical practice or supervised clinical rotations. One year of clinical rotations in a program accredited by the Accreditation Review Commission on Education for the Physician Assistant (ARC-PA) or its predecessor agency, which includes pharmacotherapeutics as a component of its clinical training, shall satisfy such requirement. Proof of such training shall serve to document experience in the prescribing of drugs, medicines, and therapeutic devices;

(4) A physician assistant previously licensed in a jurisdiction where physician assistants are authorized to prescribe controlled substances may obtain a state bureau of narcotics and dangerous drugs registration if a supervising physician can attest that the physician assistant has met the requirements of subdivisions (1) to (3) of this subsection and provides documentation of existing federal Drug Enforcement Agency registration."; and

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

On motion of Representative Jones (117), **House Amendment No. 12** was adopted.

Representative Brandom offered **House Amendment No. 13**.

House Amendment No. 13

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill 29, Page 2, Section 197.705, Line 40, by inserting immediately after the word "**hospitals**" the following:

"**, ambulatory surgical centers,**"; and

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

On motion of Representative Brandom, **House Amendment No. 13** was adopted.

Representative Gosen offered **House Amendment No. 14**.

House Amendment No. 14

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 29, Page 1, Section A, Line 7, by inserting after all of said line the following:

"**44.114. Except as otherwise provided in this section, at the time of any emergency, catastrophe or other life or property threatening event which jeopardizes the ability of an insurer to address the financial needs of its insureds or the public, no political subdivision shall impose restrictions or enforce local licensing or registration ordinances with respect to such insurer's claims handling operations. As used in this section, the term "claims handling operations" includes but is not limited to the establishment of a base of operations by an insurer within the disaster area and the investigation and handling of claims by personnel authorized by any such insurer. Nothing herein shall prohibit a political subdivision from performing any safety inspection authorized by local ordinance of the premises fo the insurer's base of operations within the disaster area.**"; and

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

On motion of Representative Gosen, **House Amendment No. 14** was adopted.

Representative Frederick offered **House Amendment No. 15**.

House Amendment No. 15

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 29, Section A, Page 1, Line 7, by inserting after all of said section and line the following:

"191.227. 1. All physicians, chiropractors, hospitals, dentists, and other duly licensed practitioners in this state, herein called "providers", shall, upon written request of a patient, or guardian or legally authorized representative of a patient, furnish a copy of his or her record of that patient's health history and treatment rendered to the person submitting a written request, except that such right shall be limited to access consistent with the patient's condition and sound therapeutic treatment as determined by the provider. Beginning August 28, 1994, such record shall be furnished within a reasonable time of the receipt of the request therefor and upon payment of a fee as provided in this section.

2. Health care providers may condition the furnishing of the patient's health care records to the patient, the patient's authorized representative or any other person or entity authorized by law to obtain or reproduce such records upon payment of a fee for:

(1) **(a)** Copying, in an amount not more than **[**seventeen**] twenty-one** dollars and **[**five**] thirty-six** cents plus **[**forty**] fifty** cents per page for the cost of supplies and labor **plus, if the health care provider has contracted for off-site records storage and management, any additional labor costs of outside storage retrieval, not to exceed twenty dollars, as adjusted annually pursuant to subsection 5 of this section; or**

(b) If the health care provider stores records in an electronic or digital format, and provides the requested records and affidavit, if requested, in an electronic or digital format, not more than five dollars plus fifty cents per page or twenty-five dollars total, whichever is less;

(2) Postage, to include packaging and delivery cost; and

(3) Notary fee, not to exceed two dollars, if requested.

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

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

5. Effective February first of each year, the fees listed in subsection 2 of this section shall be increased or decreased annually based on the annual percentage change in the unadjusted, U.S. city average, annual average inflation rate of the medical care component of the Consumer Price Index for All Urban Consumers (CPI-U). The current reference base of the index, as published by the Bureau of Labor Statistics of the United States Department of Labor, shall be used as the reference base. For purposes of this subsection, the annual average inflation rate shall be based on a twelve-month calendar year beginning in January and ending in December of each preceding calendar year. The department of health and senior services shall report the annual adjustment and the adjusted fees authorized in this section on the department's Internet website by February first of each year."; and

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

On motion of Representative Frederick, **House Amendment No. 15** was adopted.

Representative Atkins offered **House Amendment No. 16**.

House Amendment No. 16

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 29, Page 6, Section 324.045, Line 17, by inserting after all of said section and line the following:

"**324.800. 1. There is hereby established within the department of health and senior services the "Missouri Radon Certification Program". The program shall require national certification and Missouri state certification and registration of all individuals and businesses performing radon services in the state of Missouri. Radon measurement, radon laboratories, individuals and businesses that conduct radon mitigation services in Missouri shall be certified through one of two national radon certification programs. Certification requirements are set forth in subsection 2 of section 324.809.**

2. The department of health and senior services shall administer the Missouri radon certification program. No person shall provide radon services except as authorized under sections 324.800 to 324.845. Any violation of sections 324.800 to 324.845 is a misdemeanor punishable by a fine of not more than one thousand dollars per violation.

324.803. As used in sections 324.800 to 324.845, the following terms shall mean:

(1) "Certified radon professional program (CRPP)", curriculum provided by the National Radon Safety Board. The curriculum and examinations provide the necessary information about the policies, requirements, and procedures that follow strict national protocols established by the United States Environmental Protection Agency to measure and mitigate radon gas;

(2) "Department", the department of health and senior services;

(3) "Laboratory", a commercial entity nationally certified to analyze radon levels of tests conducted;

(4) "Measurement provider - standard and analytical services", an individual who:

(a) Is nationally certified and has demonstrated knowledge of measurement protocols for the placement and retrieval of radon measurement devices;

(b) Has demonstrated knowledge and successfully completed a device type certification examination from a nationally certified laboratory for the proper interpretation and reporting of results obtained through the recovery and review of data obtained from the radon testing device used;

(5) "Measurement provider - standard services", an individual who is nationally certified and has demonstrated knowledge of measurement protocols for the placement and retrieval of radon measurement devices;

(6) "Mitigator", a person nationally certified and trained to design and install radon reduction or mitigation systems;

(7) "National radon proficiency program (NRPP)", curriculum provided by the National Environmental and Health Association (NEHA). The curriculum and examinations provide the necessary information about the policies, requirements, and procedures that follow strict national protocols established by the United States Environmental Protection Agency to measure and mitigate radon gas;

(8) "Radon services", any of the following:

(a) A laboratory;

(b) A measurement provider - standard services;

(c) A measurement provider - standard and analytical services; or

(d) A mitigator.

324.806. Sections 324.800 to 324.845 shall not apply to any of the following:

(1) A person who is testing for or mitigating radon in a building that such person owns or occupies;

(2) A person who designs mitigation plans for radon resistant new construction;

(3) State officials conducting tests in state facilities, public schools, and other state-funded facilities deemed appropriate by the state radon office; or

(4) A person who is performing scientific research regarding testing or mitigation of radon, but only if such person informs the owner and the occupant of the building of all of the following:

(a) That he or she is not state or nationally certified by the NEHA or NRSB;

(b) Any test results are not certified nor valid for legal purposes; and

(c) Any measurement or mitigation methods suggested or used are experimental and no compensation for such services is solicited or made.

324.809. 1. Beginning January 1, 2012, no person may provide radon services for the measurement or mitigation of the presence of radon in the state of Missouri unless such person has been nationally certified and certified by the department of health and senior services under sections 324.800 to 324.845.

2. No certification shall be approved unless the following conditions have been met:

(1) The applicant is qualified to perform the activities for which the applicant is seeking certification, including the training and experience required in section 324.800;

(2) Successful completion of the National Environmental Health Association (NEHA) National Radon Proficiency Program (NRPP) or the National Radon Safety Board (NRSB) Certified Radon Professional Program (CRPP) for the radon services which the applicant is seeking certification;

(3) Continued verification of the credentials provided by the NEHA or the NRSB are current and certification has not been suspended, expired, or revoked; and

(4) Any radon proficiency certification that has been suspended, expired, or revoked by the NEHA or the NRSB shall result in the department suspending or revoking any existing state certification to provide radon services in Missouri.

324.812. 1. In the deployment of radon measurement and radon mitigation activities, the protocols defined by the NEHA or the NRSB shall apply.

2. Protocols used by the radon service provider shall be in accordance with the organization the radon service provider completed his or her certification exam.

3. In all cases where discrepancies exist with radon mitigation system configurations and deployment, the most current version of ASTM Standard E2121 shall be used.

4. Where discrepancies exist between NEHA or the NRSB protocols and local codes or regulations, local codes and regulations shall take precedence.

5. Local codes shall not take precedence with regard to alterations to a radon mitigation system which may adversely impact the performance of the system to reduce radon levels for which the system was originally designed.

6. Due to the wide variation in building design, size, operation, and use, such requirements do not include detailed guidance on how to select the most appropriate mitigation strategy for a given building.

324.815. Certification as a measurement provider - standard services shall include all of the following by an applicant:

(1) Successful completion of a NEHA NRPP or NRSB CRPP;

(2) Agreement to the terms and conditions of the department as stipulated on the Missouri certification program application;

(3) Maintenance of radon measurement accreditation with the NEHA or NRSB, including reporting any disruption in accreditation status with the National Environmental Health Association or the National Radon Safety Board to the department within fifteen calendar days of the disruption in accreditation.

324.818. Certification as a measurement provider - standard and analytical services shall include all of the following by an applicant:

(1) Successful completion of a NEHA NRPP or the NRSB CRPP;

(2) Successful completion of the laboratory radon device type analytical proficiency program requirements;

(3) Agreement to the terms and conditions of the department as stipulated on the Missouri radon certification program application;

(4) Maintenance of radon measurement accreditation with the NEHA or the NRSB, including reporting any disruption in accreditation status with the NEHA or the NRSB to the department within fifteen calendar days of the disruption in accreditation.

324.821. Certification as a radon mitigation provider shall include all of the following by an applicant:

(1) Successful completion of the radon measurement and mitigation courses of the NEHA NRPP or the NRSB CRPP;

(2) Agreement to the terms and conditions of the department as stipulated on the Missouri radon certification program application;

(3) Presence of a state certified radon mitigator at every mitigation job site to inspect and assure the radon mitigation system meets the NEHA NRPP or NRSB CRPP and local code requirements;

(4) Maintenance of radon mitigation accreditation with the NEHA or the NRSB, including reporting any disruption in accreditation status with the NEHA or the NRSB to the department within fifteen calendar days of the disruption in accreditation.

324.824. 1. The department of health and senior services shall maintain a list of persons that are certified as radon service providers by their department. Such list shall be made available to the public and to the state realtors board.

2. The list of Missouri certified radon service providers shall be provided to the state realtors board for dissemination and communication with their members, realtors, consultants, and constituents.

3. The state realtors board shall require their members, realtors, consultants, and constituents to adhere to the guidelines of sections 324.800 to 324.845 in the course of all real estate transactions where radon service providers are requested.

324.827. 1. Radon mitigation providers shall include a statement in all documents construed as a contract to install a mitigation system that the mitigation system installed should be tested by an independent radon measurement professional. Testing should occur not less than twenty-four hours nor more than thirty days after the mitigation system has been installed.

2. The requirement for independent post-radon mitigation radon measurement testing shall be included in the Missouri certification program to alleviate the possible conflict of interests between the radon mitigation provider and the need to impartiality assess the success of the mitigation system.

3. If such requirement is waived, the contract shall be signed by the client agreeing that post-mitigation system testing by an independent radon measurement professional was not requested.

4. Radon mitigation providers may provide a short- or long-term radon measurement test kit to the client to meet the independent radon measurement post-mitigation test requirement, provided that the test results are analyzed by an independent qualified radon laboratory as defined in section 324.800.

324.830. 1. Analytical laboratories shall meet the requirements for certification with the National Environmental Health Association's National Radon Proficiency Program.

2. All laboratories shall have a responsible party who is certified as a residential measurement provider through the National Environmental Health Association or the National Radon Safety Board.

324.833. 1. Individuals and businesses providing radon services in Missouri:

(1) Shall complete continuing education requirements set by the NEHA or the NRSB;

(2) Shall complete two or more accredited continuing education hours promoting radon awareness to the citizens of Missouri. Such promotion includes, but is not limited to, public outreach, presentations, forums, meetings, and presentations to interested professional organizations. The authoritative source for qualified continuing education credits to meet such requirement may be obtained from the NEHA or the NRSB. State certification requirements to satisfy such requirement shall be included with all radon service provider renewal applications.

2. Continuing education requirements set forth by the NHEA or the NRSB shall meet Missouri radon service providers' continuing education requirements set forth in subdivision (2) of subsection 1 of this section.

324.836. 1. An application for state radon services certification may be submitted at any time.

2. If the requirements of sections 324.809 to 324.821 have been met, the department shall review the completed application and validate the supportive documentation for inclusion into the state radon services certification program. The validation shall include, but not be limited to, validating the applicant's accreditation with the NEHA or the NRSB.

3. All applicants shall agree to the terms and conditions of the department as stipulated on the Missouri radon certification program application.

4. Missouri state radon service provider certification renewal periods shall coincide with the radon service providers' accreditation period with the NEHA or the NRSB.

5. Radon service provider accreditation with the NEHA or the NRSB shall be validated by the department.

324.839. 1. Missouri state radon service providers shall retain the following copies of records associated with the provision of services to clients for a period of five years, which may be in paper or electronic form:

(1) Any contracts and description of services provided;

(2) Any radon measurement tests performed;

(3) Any equipment calibration certificates;

(4) Any radon mitigation contracts;

(5) Any post-mitigation tests provided by the radon service provider, independent radon measurement provider, or laboratory;

(6) All working level (WL) radon exposure records for employees maintained by the radon service provider in accordance with the NEHA NRPP or the NRSB CRPP;

(7) Any accreditation documents provided by the National Environmental Health Association or the National Radon Safety Board; and

(8) Any official documents validating the successful completion of the radon measurement device type analytical certification program.

2. The department may require copies of any or all records maintained by the radon service provider at any time and may require statistical information from radon service providers on a periodic basis.

3. Random documentation audits shall be made by the department to assure the integrity of the Missouri radon certification program.

4. The department may, at the department's discretion, make arrangements for an on-site visit to the radon service provider's registered place of business to inspect document retention policies and procedures.

5. Radon service providers shall comply with requests for records or on-site inspections or audits in order to maintain their state certification status.

6. Failure to comply or cooperate with requests for documentation by the department may result in the suspension or revocation of the service provider's Missouri state certification status.

7. Upon request, radon service providers shall allow authorized representatives of the department to accompany him or her while performing any radon measurement or mitigation activities for the purpose of inspecting such activities, with the approval of the property owner or resident on whose property such activity is being performed.

324.842. 1. A radon service provider who resides outside the boundaries of Missouri and holds a radon measurement or a radon measurement and mitigation certification from the NEHA or the NRSB may apply for certification with the department.

2. All requirements and conditions of sections 324.800 to 324.845 shall apply to each individual or business residing outside this state that applies for certification to conduct business as a radon service provider.

324.845. 1. Complaints filed with the department against a state certified radon service provider related to noncompliance with the NEHA NRPP or NRSB CRPP protocols shall be investigated. The department shall provide a copy of the filed complaint to the radon service provider electronically and by United States mail.

2. The radon service provider shall have thirty calendar days to remedy the complaint with the complainant to the satisfaction of the department.

3. In all cases, the most current version of ASTM E2121 shall be used to adjudicate the complaint.

4. (1) In the event the complaint filed is valid and not remedied to the satisfaction of the complainant and the department, the radon service provider may ask for a review with the panel of professionals comprised as follows:

(a) A state certified and registered radon mitigator selected at random by the department;

(b) A state certified and registered mitigator selected by the radon service provider. The radon service provider shall not select themselves or a radon service provider from their company to meet such requirement; and

(c) A representative from the department.

(2) The review shall be conducted within ninety days after the date the request is received by the department and shall be chaired by the representative from the department.

(3) Upon completion of the review by the panel listed in subdivision (1) of this subsection, a simple majority vote of the panel shall determine if the complaint has been remedied using the guidelines of ASTM E2121.

(4) The determination of the panel is final.

(5) If the panel determines the complaint has merit, the offending radon service provider may be required to make restitution as follows:

(a) Be prosecuted by the complainant in the appropriate court of law to solicit recovery of any and all costs or damages; and

(b) Be required to make monetary restitution to the department not to exceed one thousand dollars per complaint. The amount of restitution to the department shall be set by the panel listed in subdivision (1) of this subsection.

(6) All costs, excluding monetary restitution to the department, associated with subsection 4 of this section shall be borne by the radon service provider requesting the review.

(7) If repeated complaints with merit are filed against a certified radon service provider, the national certifying organization shall be notified by the department to assess disciplinary action up to and including revoking state certification and requesting revocation of national certification. For purposes of this subdivision, national certifying organizations are the NEHA or the NRSB."; and

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

Representative Atkins moved that **House Amendment No. 16** be adopted.

Which motion was defeated.

Representative Sifton offered **House Amendment No. 17**.

House Amendment No. 17

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 29, Page 38, Section 537.033, by striking all of said section; and

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

Representative Sifton moved that **House Amendment No. 17** be adopted.

Which motion was defeated.

On motion of Representative Jones (117), **HCS SCS SB 29, as amended**, was adopted.

On motion of Representative Jones (117), **HCS SCS SB 29, as amended**, was read the third time and passed by the following vote:

AYES: 084

Allen	Aull	Barnes	Bernskoetter	Black
Brandom	Brown 50	Brown 85	Casey	Cauthorn
Cierpiot	Conway 14	Conway 27	Cookson	Cox
Cross	Davis	Denison	Dieckhaus	Elmer
Fallert	Fisher	Fitzwater	Flanigan	Fraker
Franz	Frederick	Gosen	Grisamore	Guernsey
Haefner	Higdon	Hinson	Hoskins	Hough
Houghton	Hubbard	Jones 89	Jones 117	Kelley 126
Kelly 24	Klippenstein	Korman	Kratky	Lair
Lant	Largent	Lauer	Leara	Lichtenegger
Loehner	McNary	Meadows	Molendorp	Nance
Nasheed	Neth	Parkinson	Quinn	Redmon
Reiboldt	Richardson	Riddle	Rowland	Ruzicka
Sater	Schad	Schatz	Schoeller	Shively
Shumake	Smith 150	Solon	Stream	Swinger
Thomson	Wallingford	Wells	Weter	White
Wright	Wyatt	Zerr	Mr Speaker	

NOES: 064

Anders	Asbury	Atkins	Bahr	Berry
Brattin	Brown 116	Burlison	Carlson	Carter
Colona	Crawford	Curtman	Dugger	Ellinger
Entlicher	Fuhr	Hampton	Harris	Hodges
Holsman	Hummel	Johnson	Jones 63	Kander
Keeney	Kirkton	Koenig	Lampe	Lasater
Leach	Long	Marshall	May	McCaherty
McCann Beatty	McDonald	McGeoghegan	McManus	McNeil
Montecillo	Newman	Nichols	Nolte	Oxford
Pace	Pierson	Pollock	Rizzo	Schieber
Schneider	Sifton	Silvey	Smith 71	Spreng
Still	Swearingen	Talboy	Taylor	Torpey
Walton Gray	Webb	Webber	Wieland	

PRESENT: 000

ABSENT WITH LEAVE: 011

Day	Diehl	Franklin	Funderburk	Gatschenberger
Hughes	McGhee	Phillips	Scharnhorst	Schieffer
Schupp				

VACANCIES: 004

Speaker Pro Tem Schoeller declared the bill passed.

BILLS CARRYING REQUEST MESSAGES

HCS SB 61, as amended, relating to local government, was taken up by Representative Nasheed.

Representative Nasheed moved that the House refuse to recede from its position on **HCS SB 61, as amended**, and grant the Senate a conference.

Which motion was adopted.

HCS SB 322, as amended, relating to federal reimbursement allowances, was taken up by Representative Kelly (24).

Representative Kelly (24) moved that the House refuse to recede from its position on **HCS SB 322, as amended**, and grant the Senate a conference.

Which motion was adopted.

HCS SS SB 226, as amended, relating to ambulance districts, was taken up by Representative Franz.

Representative Franz moved that the House refuse to recede from its position on **HCS SS SB 226, as amended**, and grant the Senate a conference.

Which motion was adopted.

THIRD READING OF SENATE BILLS

HCS SB 250, relating to sexual offenders, was taken up by Representative Schad.

Representative Schad offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for Senate Bill No. 250, Page 1, In the Title, Line 3, by deleting from said line the word “assault”; and

Further amend said page, Section A, Line 2, by inserting after all of said section and line, the following:

"43.650. 1. The patrol shall, subject to appropriation, maintain a web page on the Internet which shall be open to the public and shall include a registered sexual offender search capability. **This web page shall only include the names and information for Tier II and III offenders. Tier I offenders' names and information shall not be included on this public web page but the patrol shall maintain a separate registry for Tier I offenders to which only law enforcement agencies shall have access and then only for a period of five years.**

2. **Except as provided in subsections 5, 6, and 7 of this section,** the registered sexual offender search shall make it possible for any person using the Internet to search for and find the information specified in subsection 4 of this section, if known, on offenders registered in this state pursuant to sections 589.400 to 589.425**[**, except that only persons who have been convicted of, found guilty of or plead guilty to committing, attempting to commit, or conspiring to commit sexual offenses shall be included on this website**]**.

3. The registered sexual offender search shall include the capability to search for sexual offenders by name, zip code, and by typing in an address and specifying a search within a certain number of miles radius from that address.

4. Only the information listed in this subsection shall be provided to the public in the registered sexual offender search:

(1) The name and any known aliases of the offender;

(2) The date of birth and any known alias dates of birth of the offender;

(3) A physical description of the offender;

(4) The residence, temporary, work, and school addresses of the offender, including the street address, city, county, state, and zip code;

(5) **[**Any photographs of the offender**] A current photograph of the individual to be taken by the registering official**;

(6) A physical description of the offender's vehicles, including the year, make, model, color, and license plate number;

(7) The nature and dates of all offenses qualifying the offender to register**, including the tier level assigned to the offender under sections 589.400 to 589.425**;

(8) The date on which the offender was released from the department of mental health, prison, or jail, or placed on parole, supervised release, or probation for the offenses qualifying the offender to register;

(9) Compliance status of the offender with the provisions of section 589.400 to 589.425; **[**and**]**

(10) Any online identifiers, as defined in section 43.651, used by the person. Such online identifiers shall not be included in the general profile of an offender on the web page and shall only be available to a member of the public by a search using the specific online identifier to determine if a match exists with a registered offender**;**

(11) The original and most recent registration date of the offender;

(12) The status of the offender's term of incarceration, probation, or parole; and

(13) Whether the offender is a repeat offender due to having multiple adjudications for separate offenses requiring registration under sections 589.400 to 589.425.

5. Although required to register under sections 589.400 to 589.425, if:

(1) There is no other offense for which the offender is required to register;

(2) The offender is not a repeat offender as a result of multiple adjudications for the offenses listed in this subsection; and

(3) No sexual conduct, attempted sexual conduct, or conspiracy to commit sexual conduct occurred during the offense.

Then offenders committing felonious restraint of a nonsexual nature when the victim was under the age of eighteen under section 565.120 or kidnapping of a nonsexual nature when the victim was under the age of eighteen under section 565.110, are exempt from the public notification requirements of this section.

6. Witnesses afforded federal protection required to register under sections 589.400 to 589.425, may be excluded from public notification under 18 U.S.C. Section 3521 et seq. while under active federal protection.

7. Juveniles required to register under subdivision (5) of subsection 1 of section 589.400 are exempt from public notification to include out-of-state, federal, military, tribal, territory, District of Columbia, or foreign country."; and

Further amend said bill, Page 2, Section 589.040, Line 9, by inserting after all of said section and line, the following:

"589.400. 1. Sections 589.400 to 589.425 shall apply to:

(1) Any person who**[**, since July 1, 1979,**]** has been or is hereafter convicted of, been found guilty of, or pled guilty or nolo contendere to committing, attempting to commit, or conspiring to commit **[**a felony**] an** offense **[**of chapter 566, including sexual trafficking of a child and sexual trafficking of a child under the age of twelve, or any offense of chapter 566 where the victim is a minor,**] listed in section 589.414** unless such person is **[**exempted**] exempt** from registering under subsection **7 or** 8 of this section **or section 589.401**; or

(2) **[**Any person who, since July 1, 1979, has been or is hereafter convicted of, been found guilty of, or pled guilty or nolo contendere to committing, attempting to commit, or conspiring to commit one or more of the following offenses: kidnapping when the victim was a child and the defendant was not a parent or guardian of the child; abuse of a child under section 568.060 when such abuse is sexual in nature; felonious restraint when the victim was a child and the defendant is not a parent or guardian of the child; sexual contact or sexual intercourse with a resident of a nursing home, under section 565.200; endangering the welfare of a child under section 568.045 when the endangerment is sexual in nature; genital mutilation of a female child, under section 568.065; promoting prostitution in the first degree; promoting prostitution in the second degree; promoting prostitution in the third degree; sexual exploitation of a minor; promoting child pornography in the first degree; promoting child pornography in the second degree; possession of child pornography; furnishing pornographic material to minors; public display of explicit sexual material; coercing acceptance of obscene material; promoting obscenity in the first degree; promoting pornography for minors or obscenity in the second degree; incest; use of a child in a sexual performance; or promoting sexual performance by a child; or

(3)**]** Any person who**[**, since July 1, 1979,**]** has been committed to the department of mental health as a criminal sexual psychopath; or

[(4)**] (3)** Any person who**[**, since July 1, 1979,**]** has been found not guilty as a result of mental disease or defect of any offense listed in **[**subdivision (1) or (2) of this subsection**] section 589.414**; or

[(5)**] (4)** Any juvenile certified as an adult and transferred to a court of general jurisdiction who has been **[**convicted of, found guilty of, or has pleaded guilty or nolo contendere to committing, attempting to commit, or conspiring to commit a felony under chapter 566 which is equal to or more severe than aggravated sexual abuse under 18 U.S.C. Section 2241, which shall include any attempt or conspiracy to commit such offense**] adjudicated of an offense listed in section 589.414**; **or**

[(6)**] (5)** Any juvenile fourteen years of age or older at the time of the offense who has been adjudicated for an offense which is equal to or more severe than aggravated sexual abuse under 18 U.S.C. Section 2241, which shall include any attempt or conspiracy to commit such offense; **or**

[(7)**] (6)** Any person who is a resident of this state who has**[**, since July 1, 1979,**] been** or is hereafter convicted of, been found guilty of, or pled guilty to or nolo contendere in any other state, **territory, or the District of Columbia,** or foreign country, or under federal, tribal, or military jurisdiction to committing, attempting to commit, or conspiring to commit an offense which, if committed in this state, would **[**be a violation of chapter 566, or a felony violation of any offense listed in subdivision (2) of this subsection**] constitute an offense listed in section 589.414** or has been or is required to register in another state**, territory, the District of Columbia, or foreign country,** or has been or is required to register under tribal, federal, or military law; or

[(8)**] (7)** Any person who has been or is required to register in another state**, territory, the District of Columbia, or foreign country** or has been or is required to register under tribal, federal, or military law and who works or attends an educational institution, whether public or private in nature, including any secondary school, trade school, professional school, or institution of higher education on a full-time or on a part-time basis or has a temporary residence in Missouri. "Part-time" in this subdivision means for more than seven days in any twelve-month period.

2. Any person to whom sections 589.400 to 589.425 apply shall, within three **business** days of **[**conviction**] adjudication**, release from incarceration, or placement upon probation, register with the chief law enforcement official of the county or city not within a county in which such person resides unless such person has already registered in that county for the same offense. **For any juvenile in subdivision (5) of subsection 1 of this section, within three business days of adjudication or release from commitment to the division of youth services, the department of mental health, or other placement, he or she shall register with the chief law enforcement official of the county or city not within a county in which such person resides unless such person has already registered in that county for the same offense.** Any person to whom sections 589.400 to 589.425 apply if not currently registered in their county of residence shall register with the chief law enforcement official of such county or city not within a county within three **business** days. The chief law enforcement official shall forward a copy of the registration form required by section 589.407 to a city, town, village, or campus law enforcement agency located within the county of the chief law

enforcement official**[**, if so requested. Such request may ask the chief law enforcement official to forward copies of all registration forms filed with such official. The chief law enforcement official may forward a copy of such registration form to any city, town, village, or campus law enforcement agency, if so requested**]**.

3. The registration requirements of sections 589.400 through 589.425 are lifetime registration requirements unless:

(1) All offenses requiring registration are reversed, vacated or set aside;

(2) The registrant is pardoned of the offenses requiring registration **in the state of Missouri, or if not in Missouri, pardoned in another state, territory, the District of Columbia, or foreign country and the pardon explicitly states that the person is relieved of his or her duty to register as a sexual offender**;

(3) The registrant is no longer required to register and his or her name shall be removed from the registry under the provisions of **[**subsection 6 of this**]** section **589.401**; or

(4) The **[**registrant may petition the court for removal or exemption from the registry under subsection 7 or 8 of this section and the**]** court orders the removal or exemption of such person from the registry **under section 589.401**.

4. For processing an initial sex offender registration the chief law enforcement officer of the county or city not within a county may charge the offender registering a fee of up to ten dollars.

5. For processing any change in registration required pursuant to section 589.414 the chief law enforcement official of the county or city not within a county may charge the person changing their registration a fee of five dollars for each change made after the initial registration.

6. **The following individuals shall be exempt from registering as a sexual offender:** any person currently on the sexual offender registry **or who otherwise would be required to register** for being convicted of, found guilty of, or pleading guilty or nolo contendere to committing, attempting to commit, or conspiring to commit, felonious restraint **of a nonsexual nature** when the victim was a child and he or she was the parent or guardian of the child, nonsexual child abuse that was committed under section 568.060, or kidnapping **of a nonsexual nature** when the victim was a child and he or she was the parent or guardian of the child shall be removed from the registry. However, such person shall remain on the sexual offender registry for any other offense for which he or she is required to register under sections 589.400 to 589.425.

7. **The following individuals shall be exempt from registering as a sexual offender upon filing a petition with the court with jurisdiction under section 589.401, and that court ordering the petitioner to be removed from the registry:**

(1) Any person currently on the sexual offender registry **or who otherwise would be required to register** for **[**having been convicted of, found guilty of, or having pleaded guilty or nolo contendere to committing, attempting to commit, or conspiring to commit promoting prostitution in the second degree, promoting prostitution in the third degree, public display of explicit sexual material, statutory rape in the second degree, and no physical force or threat of physical force was used in the commission of the crime may file a petition in the civil division of the circuit court in the county in which the offender was convicted or found guilty of or pled guilty or nolo contendere to committing, attempting to commit, or conspiring to commit the offense or offenses for the removal of his or her name from the sexual offender registry after ten years have passed from the date he or she was required to register**] a sexual offense involving sexual conduct where no force or threat of force was directed toward the victim or any other individual involved and:**

(a) The victim was an adult, unless the adult was under the custodial authority of the offender at the time of the offense; or

(b) The victim was eighteen years of age or younger and the offender was not more than five years older than the victim at the time of the commission of the offense.

However, such person shall remain on the sexual offender registry for any other offense for which he or she is required to register under sections 589.400 to 589.425; or

(2) Effective August 28, 2011, any person currently required to register for the following sexual offenses, however, such person shall remain on the sexual offender registry for any other offense for which he or she is required to register under sections 589.400 to 589.425:

(a) Sexual misconduct in the second degree under section 566.093;

(b) Sexual misconduct in the third degree under section 566.095;

(c) Promoting obscenity in the first degree under section 573.020;

(d) Promoting obscenity in the second degree under section 573.030;

(e) Furnishing pornographic materials to minors under section 573.040;

(f) Public display of explicit sexual material under section 573.060; or

(g) Coercing acceptance of obscene material under section 573.065.

8. **[**Effective August 28, 2009,**]** Any person **currently** on the sexual offender registry for having been convicted of, found guilty of, or having pled guilty or nolo contendere to **[**an offense included under subsection 1 of this section may file a petition after two years have passed from the date the offender was convicted or found guilty of or pled guilty or nolo contendere to the offense or offenses in the civil division of the circuit court in the county in which the offender was convicted or found guilty of or pled guilty or nolo contendere to the offense or offenses for removal of his or her name from the registry if such person was nineteen years of age or younger and the victim was thirteen years of age or older at the time of the offense and no physical force or threat of physical force was used in the commission of the offense, unless such person meets the qualifications of this subsection, and such person was eighteen years of age or younger at the time of the offense, and is convicted or found guilty of or pleads guilty or nolo contendere to a violation of section 566.068, 566.090, 566.093, or 566.095 when such offense is a misdemeanor, in which case, such person may immediately file a petition to remove or exempt his or her name from the registry upon his or her conviction or finding or pleading of guilty or nolo contendere to such offense**] committing, attempting to commit, or conspiring to commit a Tier I, II, or juvenile Tier III offense or other comparable offense listed in section 589.414 may file a petition under section 589.401**.

9. **[**(1) The court may grant such relief under subsection 7 or 8 of this section if such person demonstrates to the court that he or she has complied with the provisions of this section and is not a current or potential threat to public safety. The prosecuting attorney in the circuit court in which the petition is filed must be given notice, by the person seeking removal or exemption from the registry, of the petition to present evidence in opposition to the requested relief or may otherwise demonstrate the reasons why the petition should be denied. Failure of the person seeking removal or exemption from the registry to notify the prosecuting attorney of the petition shall result in an automatic denial of such person's petition. If the prosecuting attorney is notified of the petition he or she shall make reasonable efforts to notify the victim of the crime for which the person was required to register of the petition and the dates and times of any hearings or other proceedings in connection with that petition.

(2) If the petition is denied, such person shall wait at least twelve months before petitioning the court again. If the court finds that the petitioner is entitled to relief, which removes or exempts such person's name from the registry, a certified copy of the written findings or order shall be forwarded by the court to the chief law enforcement official having jurisdiction over the offender and to the Missouri state highway patrol in order to have such person's name removed or exempted from the registry.

10.**]** Any nonresident worker **to include work as a volunteer or intern** or nonresident student shall register for the duration of such person's employment or attendance at any school **whether public or private in nature, including any secondary school, trade school, professional school, or institution** of higher education **[**and is not entitled to relief under the provisions of subsection 9 of this section**] on a full-time or part-time basis in Missouri unless granted relief under section 589.401**. Any registered offender from another state who has a temporary residence in this state and resides more than seven days in a twelve-month period shall register for the duration of such person's temporary residency **[**and is not entitled to the provisions of subsection 9 of this section**] unless granted relief under section 589.401**.

[11. Any person whose name is removed or exempted from the sexual offender registry under subsection 7 or 8 of this section shall no longer be required to fulfill the registration requirements of sections 589.400 to 589.425, unless such person is required to register for committing another offense after being removed from the registry.**]**

589.401. 1. A person on the sexual offender registry may file a petition in the division of the circuit court in the county in which the offense requiring registration was adjudicated to have his or her name removed from the sexual offender registry.

2. A person who is required to register in Missouri because of an adjudication that was committed in another jurisdiction shall file their petition for removal according to the laws of the state, territory, tribal, or military jurisdiction, the District of Columbia, or foreign country in which their offense was adjudicated. Upon the grant of the petition for removal in the jurisdiction where the offense was adjudicated, said judgment may be registered in this state by sending the information required in subsection 5 of this section as well as one authenticated copy of the order granting removal from the sexual offender registry in the jurisdiction where the offense was adjudicated, to the court in the county in which the offender is required to register. On receipt of a request for registration removal, the registering court shall cause the order to be filed as a foreign judgment, together with one copy of the documents and information, regardless of their form. The petitioner shall be responsible for costs associated with filing the petition.

3. A person required to register as a Tier III offender cannot file a petition under this section unless the requirement to register results from a juvenile adjudication.

4. The petition shall be dismissed without prejudice if the following time periods have not elapsed since the date the person was required to register:

(1) For a Tier I offense, five years;

(2) For a Tier II offense, ten years;

(3) For a Tier III offense adjudicated as a juvenile, twenty-five years.

5. The petition shall be dismissed without prejudice if it fails to include any of the following:

(1) The petitioner's:

(a) Full name;

(b) Sex;

(c) Race;

(d) Date of birth;

(e) Last four digits of the Social Security number;

(f) Address;

(g) Place of employment, school, or volunteer status;

(2) The offense and tier of the offense that required the petitioner to register;

(3) The date the petitioner plead to, was convicted of or was adjudicated for the offense;

(4) The date the petitioner was required to register;

(5) The case number and court, including county, that entered the original order for the adjudicated sex offense;

(6) Petitioner's fingerprints on an applicant fingerprint card;

(7) If the petitioner was pardoned or an offense requiring registration was reversed, vacated or set aside, an authenticated copy of the order;

(8) If the petitioner is currently registered under applicable law and has not been adjudicated for failure to register in any jurisdiction and does not have any charges pending for failure to register.

6. The petition shall name as respondents the Missouri state highway patrol and the chief law enforcement official in the county or city not within a county in which the petition is filed.

7. All proceedings under this section shall be governed under the Missouri supreme court rules of civil procedure.

8. The prosecuting attorney in the circuit court in which the petition is filed must be given notice, by the person seeking removal or exemption from the registry, of the petition to present evidence in opposition to the requested relief or may otherwise demonstrate the reasons why the petition should be denied. Failure of the person seeking removal or exemption from the registry to notify the prosecuting attorney of the petition shall result in an automatic denial of such person's petition.

9. The prosecuting attorney in the circuit court in which the petition is filed shall have access to all applicable records concerning the petitioner including but not limited to criminal history records, mental health records, juvenile records, and records of the department of corrections and/or probation and parole.

10. The prosecuting attorney shall make reasonable efforts to notify the victim of the crime for which the person was required to register of the petition and the dates and times of any hearings or other proceedings in connection with that petition.

11. The court shall not enter an order directing the removal of the petitioner's name from the sexual offender registry unless it finds the petitioner:

(1) Has not been adjudicated of or have charges pending for any additional nonsexual offense for which imprisonment for more than one year may be imposed since the date that the offender was required to register for their current tier level;

(2) Has not been adjudicated of or have charges pending for any additional sex offense that would require registration under sections 589.400 to 589.425 since the date that the offender was required to register for their current tier level, even if the offense was punishable by less than one year imprisonment;

(3) Has successfully completed any required periods of supervised release, probation, or parole without revocation since the date that the offender was required to register for their current tier level;

(4) Has successfully completed an appropriate sex offender treatment program as approved by a court of jurisdiction or the Missouri department of corrections; and

(5) Is not a current or potential threat to public safety.

12. In order to prove the facts required by subdivisions (1) and (2) of subsection 11 of this section, the fingerprints filed in the case shall be examined by the Missouri state highway patrol.

13. If it is found that the petition is denied due to a violation of subdivision (1) or (2) of subsection 11 of this section then the petitioner may not file a new petition under this section until:

(1) Five years have passed from the date of the adjudication resulting in the denial of relief, if the petitioner is classified as a Tier I offender;

(2) Ten years have passed from the date of adjudication resulting in the denial of relief, if the petitioner is classified as a Tier II offender; or

(3) Twenty-five years have passed from the date of the adjudication resulting in the denial of relief, if the petitioner is classified as a Tier III offender on the basis of a juvenile adjudication.

14. If the petition is denied for reasons other than those outlined in subdivision (1) or (2) of subsection 11 of this section, no successive petition requesting such relief shall be filed for at least five years from the date the judgment denying relief is entered.

15. If the court finds that the petitioner is entitled to have his or her name removed from the sexual offender registry, it shall enter judgment directing the Missouri state highway patrol to remove the name within three business days of receiving the judgment. A copy of the judgment shall be provided to the respondents named in the petition.

16. Any person subject to judgment requiring his or her name to be removed from the sexual offender registry is not required to register under sections 589.400 to 589.425 unless such person is required to register for an offense that was committed after the judgment of removal was entered.

17. The court may deny the petition for any legitimate legal justification.

589.402. 1. The chief law enforcement officer of the county or city not within a county may maintain a web page on the Internet, which shall be open to the public and shall include a registered sexual offender search capability. **This web page shall only include the names and information for Tier II and III offenders. Tier I offenders names and information shall not be included on this public web page**.

2. **Except as provided by subsections 5 and 6 of this section** the registered sexual offender search **[**shall**]** **may** make it possible for any person using the Internet to search for and find the information specified in subsection 3 of this section, if known, on **Tier II and III** offenders registered in this state pursuant to sections 589.400 to 589.425**[**, except that only persons who have been convicted of, found guilty of, or plead guilty to committing, attempting to commit, or conspiring to commit sexual offenses shall be included on this website**]**.

3. Only the information listed in this subsection **[**shall**]** **may** be provided to the public in the registered sexual offender search:

(1) The name and any known aliases of the offender;

(2) The date of birth and any known alias dates of birth of the offender;

(3) A physical description of the offender;

(4) The residence, temporary, work, and school addresses of the offender, including the street address, city, county, state, and zip code;

(5) **[**Any photographs of the offender**] A current photograph of the individual to be taken by the registering official**;

(6) A physical description of the offender's vehicles, including the year, make, model, color, and license plate number;

(7) The nature and dates of all offenses qualifying the offender to register, **including the Tier level assigned to the offender under sections 589.400 to 589.425;**

(8) The date on which the offender was released from the department of mental health, prison, or jail, or placed on parole, supervised release, or probation for the offenses qualifying the offender to register;

(9) Compliance status of the offender with the provisions of sections 589.400 to 589.425; **[**and**]**

(10) Any online identifiers, as defined in section 43.651, used by the person. Such online identifiers shall not be included in the general profile of an offender on the web page and shall only be available to a member of the public by a search using the specific online identifier to determine if a match exists with a registered offender**;**

(11) The original registration date and most recent registration date of the offender;

(12) The status of the offender's term of incarceration, probation, or parole; and

(13) Whether the offender is a repeat offender due to having multiple adjudications for separate offenses requiring registration under sections 589.400 to 589.425.

4. The chief law enforcement officer of any county or city not within a county may publish in any newspaper distributed in the county or city not within a county the sexual offender information provided under subsection 3 of this section for any **Tier II or III** offender residing in the county or city not within a county.

5. Although required to register under sections 589.400 to 589.425, if:

(1) There is no other offense for which the offender is required to register;

(2) The offender is not a repeat offender as a result of multiple adjudications for the offenses listed in this subsection; and

(3) No sexual conduct, attempted sexual conduct, or conspiracy to commit sexual conduct, occurred during the offense.

Then offenders committing felonious restraint of a nonsexual nature when the victim was under the age of eighteen under section 565.120, or kidnapping of a nonsexual in nature when the victim was under the age of eighteen under section 565.110, are exempt from the public notification requirements of this section.

6. Witnesses afforded federal protection required to register under sections 589.400 to 589.425, may be excluded from public notification under 18 U.S.C. Section 3521 et seq. while under active federal protection.

7. Juveniles required to register under subdivision (5) of subsection 1 of section 589.400 are exempt from public notification to include out-of-state, federal, military, tribal, territory, District of Columbia, or foreign country.

589.403. **1.** Any person **[**to whom subsection 1 of section 589.400 applies**] who is required to register under sections 589.400 to 589.425** who is paroled, discharged, or otherwise released from any correctional facility of the department of corrections **[**or**]**, any mental health institution**, private jail under section 221.095, or other private facility recognized by or contracted with the department of corrections or department of mental health** where such person was confined shall**:**

(1) If the person plans to reside in Missouri, be informed by the official in charge of such correctional facility or mental health institution of the person's possible duty to register pursuant to sections 589.400 to 589.425. If such person is required to register pursuant to sections 589.400 to 589.425, the official in charge of the correctional facility or the mental health institution shall complete the initial registration **notification at least seven days** prior to release and forward the offender's registration, within three business days **of release**, **to the Missouri state highway patrol and** to the chief law enforcement official of the county or city not within a county where the person expects to reside upon discharge, parole or release**[**. When the person lists an address where he or she expects to reside that is not in this state, the initial registration shall be forwarded to the Missouri state highway patrol.**]; or**

(2) If the person does not reside or plan to reside in Missouri, be informed by the official in charge of such correctional facility or mental health institution of the person's possible duty to register under sections 589.400 to 589.425. If such person is required to register under sections 589.400 to 589.425, the official in charge of the correctional facility or the mental health institution shall complete the initial registration notification at least seven days prior to release and forward the offender's registration within three business days of release to the Missouri state highway patrol and chief law enforcement official within the county that the correctional facility or mental health institution is located.

2. If the offender refuses to complete and sign the registration information as outlined in this section, or fails to register with the chief law enforcement official within three business days as directed, it will constitute an offense of failure to register under section 589.425.

589.404. As used in sections 589.400 to 589.425 the following terms mean:

(1) "Absconder", a sex offender who has failed to register and whose whereabouts are unknown;

(2) "Adjudication", a plea of guilt, finding of guilt, finding of not guilty due to mental disease or defect, plea of nolo contendere to committing, attempting to commit, or conspiring to commit;

(3) "Employee", includes an individual who is self-employed or works for any other entity, whether compensated or not. This definition includes working as a volunteer or unpaid intern;

(4) "Habitually lives", when an offender is classified as homeless, the place where the offender habitually lives shall be defined as information about a certain part of a city, town, or county that is the sex offender's habitual locale, a park, or spot on the street, or a number of such places, where the sex offender stations himself or herself during the day or sleeps at night, shelters among which the sex offender circulates, or places in public buildings, restaurants, libraries, or other establishments that the sex offender frequents;

(5) "Habitually located", in regard to means of transportation, the place where a vehicle, watercraft, or aircraft is normally located when not in use;

(6) "Noncompliant", a sexual offender who has not completed or updated his or her information and is not compliant with the chief law enforcement officer in the county in which they reside;

(7) "Offender registration", defines the required minimum informational content of sex offender registries and will consist of but will not be limited to, a full set of fingerprints on a standard sex offender

registration card upon initial registration in Missouri, as well as all other forms required by the Missouri state highway patrol upon each initial and subsequent registration;

(8) "Residence", is defined as any place where an offender sleeps for seven or more consecutive or nonconsecutive days or nights within a twelve-month period;

(9) "Sexual act", any type or degree of genital, oral, or anal penetration;

(10) "Sexual contact", any sexual touching of or contact with a person's body, either directly or through the clothing;

(11) "Sexual element", used for the purposes of distinguishing if sexual contact or a sexual act was committed. Authorities will refer to information filed by the prosecutor, amended information filed by the prosecutor, indictment information filed by the prosecutor, or amended indictment information filed by the prosecutor, plea agreement, or court documentation to determine if a sexual element exists;

(12) "Sex offender", any person who meets the criteria to register under sections 589.400 to 589.425 or the Sex Offender Registration and Notification Act, Title I of the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 248-109);

(13) "Sex offense", any offense which is listed in section 589.414 or comparable to those listed in section 589.414 or otherwise comparable to offenses covered under the Sex Offender Registration and Notification Act, Title I of the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 248-109);

(14) "Signature", the name of the offender signed in writing or electronic form approved by the Missouri state highway patrol;

(15) "Student", an individual who enrolls in or attends the physical location of an educational institution, including (whether public or private) a secondary school, trade or professional school, and institutions of higher education;

(16) "Vehicle", any land vehicle.

589.405. **1.** Any person **[**to whom subsection 1 of section 589.400 applies**] who is required to register under sections 589.400 to 589.425** who is released on probation, discharged upon payment of a fine, or released after confinement in a county jail shall, prior to such release or discharge, be informed of the possible duty to register pursuant to sections 589.400 to 589.425 by the court having jurisdiction over the case. If such person is required to register pursuant to sections 589.400 to 589.425 **and is placed on probation**, the court shall **[**obtain the address where the person expects to reside upon discharge, parole or release and shall**] make it a condition of probation that the offender** report, within three business days**[**, such address**]** to the chief law enforcement official of the county **of adjudication** or city not within a county **[**where the person expects to reside, upon discharge, parole or release**] of adjudication, to complete the initial registration. If such offender is not placed on probation the court shall:**

(1) If the offender resides in Missouri, complete the initial notification of duty to register form approved by the state judicial records committee and Missouri state highway patrol and forward the form within three business days to the Missouri state highway patrol and the chief law enforcement official in the county in which the offender resides;

(2) If the offender does not reside in Missouri, the court shall:

(a) Order the offender to proceed directly to the chief law enforcement official in the county where the adjudication was heard to register as outlined in sections 589.400 to 589.425; and

(b) Complete the initial notification of duty to register form approved by the state judicial records committee and Missouri state highway patrol and forward the form within three business days to the Missouri state highway patrol and the chief law enforcement official in the county where the offender was adjudicated.

2. If the offender refuses to complete and sign the registration information as outlined in subsection 1 of this section or if the offender resides outside of Missouri and fails to directly report to the chief law enforcement official as outlined in subsection 2 of this section, it will constitute an offense of failure to register under section 589.425.

589.407. 1. Any registration pursuant to sections 589.400 to 589.425 shall consist of completion of an offender registration form developed by the Missouri state highway patrol **or other format approved by the Missouri state highway patrol**. Such form **will consist of a statement in writing, including the signature of the offender and** shall include, but is not limited to the following:

(1) **[**A statement in writing signed by the person, giving the name, address, Social Security number and phone number of the person, the license plate number and vehicle description, including the year, make, model, and color of each vehicle owned or operated by the offender, any online identifiers, as defined in section 43.651, used by the person, the place of employment of such person, enrollment within any institutions of higher education, the crime which requires

registration, whether the person was sentenced as a persistent or predatory offender pursuant to section 558.018, the date, place, and a brief description of such crime, the date and place of the conviction or plea regarding such crime, the age and gender of the victim at the time of the offense and whether the person successfully completed the Missouri sexual offender program pursuant to section 589.040, if applicable;**] The full name of the individual to include any alias, maiden, nicknames, pseudonym, ethnic or tribal names used, regardless of the context in which they are used;**

(2) The date of birth of the individual to include any alias date of births used;

(3) The address of the individual's residences or, if the individual is deemed homeless under section 589.414, the names and addresses of habitual locales frequented during the day and night to include any temporary homeless shelter or other temporary residence;

(4) The name and fixed address of the individual's employers, to include any place where the individual serves as a volunteer or unpaid intern. If the individual's place of employment is not fixed, the places where the individual works with whatever definiteness is possible under the circumstances shall be required, such as information about normal travel routes or the general areas in which the individual works;

(5) The name and address of any institutions of higher education that the individual attends;

(6) The Social Security number of the individual including any alias Social Security numbers used;

(7) The telephone numbers of the individual including all landline and cellular telephone numbers used;

(8) The license plate number, registration number, vehicle identification number, and vehicle description, including the year, make, model, color, and habitual location of each vehicle owned or operated by the individual for personal or work use;

(9) Any online identifiers as defined in section 43.651 which are used by the individual for personal purposes;

(10) The crime for which the individual is registering including whether the person was sentenced as a persistent or predatory offender under section 558.018;

(11) The date, place, a brief description of the crime including the date and place of the adjudication regarding such crime;

(12) The age and gender of the victim at the time of the offense;

(13) The date the individual successfully completed the Missouri sexual offender program under section 589.040 or that the program was not successfully completed;

(14) The status of the individual's parole, probation, or supervised release, if applicable;

(15) Passport and immigration numbers to include expiration dates;

(16) The physical description of the sex offender to include the physical appearance or characteristics, and identifying marks such as scars, marks, or tattoos.

2. The following shall be included with the form:

(1) Copies of all of the individual's passport or immigration documents;

(2) The fingerprints, palm prints, and a photograph of the person; **[**and**]**

(3) A current photograph of the individual to be taken by the registering official; and

[(3)**] (4)** A DNA sample **from the individual**, if a sample has not already been obtained.

[2.**] 3.** The offender shall provide positive identification and documentation to substantiate the accuracy of the information completed on the offender registration form, including but not limited to the following:

(1) A photocopy of a valid driver's license or nondriver's identification card;

(2) A document verifying proof of the offender's residency; and

(3) A photocopy of the vehicle registration for each of the offender's vehicles.

4. The Missouri state highway patrol shall maintain all required registration information in digitized form.

5. Upon receipt of any changes to an offender's registration information contained in this section, the Missouri state highway patrol shall immediately notify all other jurisdictions in which the offender is either registered or required to register.

6. The offender shall be responsible for reviewing their existing registration information for accuracy at every regular in person appearance and if any inaccuracies are found provide proof of the information in question.

7. The signed offender registration form shall serve as proof that the individual understands his or her duty to register as a sexual offender under sections 589.400 to 589.425 and a statement to this effect will be included on the form that the individual is required to sign at each registration.

589.408. 1. Any person who would otherwise be a Tier II or Tier III offender may file a petition in the division of the circuit court in the county in which the offense requiring classification as a Tier II or Tier III offender was adjudicated to have his or her classification lowered one Tier.

2. A person whose offense requiring classification in Missouri as a Tier II or Tier III offender was adjudicated in another jurisdiction shall file his or her petition in the court in the county in which the offender is required to register. The petitioner shall be responsible for costs associated with filing the petition.

3. The petition shall be dismissed without prejudice if it fails to include any of the following:

(1) The petitioner's:

(a) Full name;

(b) Sex;

(c) Race;

(d) Date of birth;

(e) Last four digits of the Social Security number;

(f) Address;

(g) Place of employment, school, or volunteer status;

(2) The offense or offenses requiring classification as a Tier II or Tier III offender;

(3) All offenses that required the petitioner to register;

(4) The date the petitioner was required to register;

(5) The case number and court, including county, that entered the order for the adjudicated sex offense requiring classification as a Tier II or Tier III offender;

(6) Petitioner's fingerprints on an applicant fingerprint card;

(7) If the petitioner is currently registered under applicable law and has not been adjudicated for failure to register in any jurisdiction and does not have any charges pending for failure to register.

4. The petition shall name as respondents the Missouri state highway patrol and the chief law enforcement official in the county or city not within a county in which the petition is filed.

5. All proceedings under this section shall be governed under the Missouri supreme court rules of civil procedure.

6. In making a determination as to whether the petition should be granted the court shall, at a minimum, consider the following factors:

(1) The seriousness of the offense should the offender reoffend. This factor includes consideration of the following:

(a) The degree of likely force or harm;

(b) The degree of likely physical contact; and

(c) The age of the likely victim;

(2) The offender's prior offense history. This factor includes consideration of the following:

(a) The relationship of prior victims to the offender;

(b) The number of prior sexual offenses or victims;

(c) The number of prior noncontact sexual offenses;

(d) The number of prior nonsexual violent offenses;

(e) The number of prior sentencing dates;

(f) The duration of the offender's prior offense history;

(g) The length of time since the offender's last prior offense while the offender was at risk to commit offenses; and

(h) The offender's prior history of other antisocial acts;

(3) The offender's characteristics. This factor includes consideration of the following:

(a) The offender's response to prior treatment efforts; and

(b) The offender's history of substance abuse;

(4) The availability of community supports to the offender. This factor includes consideration of the following:

(a) The availability and likelihood that the offender will be involved in therapeutic treatment;

(b) The availability of residential supports to the offender, such as a stable and supervised living arrangement in an appropriate location;

(c) The offender's familial and social relationships, including the nature and length of these relationships and the level of support that the offender may receive from these persons; and

(d) The offender's lack of education or employment stability;

(5) Whether the offender has indicated or credible evidence in the record indicates that the offender will reoffend if released into the community;

(6) Whether the offender had any unrelated victims;

(7) Whether the offender had any stranger victims;

(8) Whether the offender had any male victims;

(9) The current age of the offender;

(10) Whether the offender has ever lived with a lover for at least two years; and

(11) Whether the offender demonstrates a physical condition that minimizes the risk of reoffense, including but not limited to, advanced age or a debilitating illness or physical condition.

7. The prosecuting attorney in the circuit court in which the petition is filed shall be given notice, by the person seeking a reduction in classification, of the petition to present evidence in opposition to the requested relief or may otherwise demonstrate the reasons why the petition should be denied. Failure of the person seeking a reduction in classification level to notify the prosecuting attorney of the petition shall result in an automatic denial of such person's petition.

8. The prosecuting attorney in the circuit court in which the petition is filed shall have access to all applicable records concerning the petitioner including but not limited to criminal history records, mental health records, juvenile records, and records of the department of corrections and/or probation and parole.

9. The prosecuting attorney shall make reasonable efforts to notify the victim of the crime for which the person was required to be classified as a Tier II or Tier III offender of the petition and the dates and times of any hearings or other proceedings in connection with that petition.

10. The court shall not enter an order directing the lowering of the classification from a Tier II offender to a Tier I offender or from a Tier III offender to a Tier II offender unless it finds the petitioner:

(1) Has not been adjudicated of or have charges pending for any additional nonsexual offense for which imprisonment for more than one year may be imposed since the date that the offender was required to register for the offense requiring classification as a Tier III offender;

(2) Has not been adjudicated of or have charges pending for any additional sex offense that would require registration under sections 589.400 to 589.425 since the date that the offender was required to register for the offense requiring classification as a Tier II or Tier III offender, even if the offense was punishable by less than one year imprisonment.

11. In order to prove the facts required by subdivisions (1) and (2) of subsection 10 of this section, the fingerprints filed in the case shall be examined by the Missouri state highway patrol.

12. If it is found that the petition is denied a Tier II offender may not file a new petition under this section until five years have passed from the date of the adjudication resulting in the denial of relief and a Tier III offender may not file a new petition under this section until ten years have passed from the date of the adjudication resulting in the denial of relief.

13. If the court finds that the petitioner is entitled to have his or her classification lowered, it shall enter judgment directing the Missouri state highway patrol to change the offender's classification either from a Tier II to a Tier I offender or from a Tier III to a Tier II offender within three business days of receiving the judgment. A copy of the judgment shall be provided to the respondents named in the petition.

14. The court may deny the petition for any legitimate legal justification.

589.414. 1. Any person required by sections 589.400 to 589.425 to register shall, not later than three business days **[**after each change of name, residence within the county or city not within a county at which the offender is registered, employment, or student status,**]** appear in person to the chief law enforcement officer of the county or city not within a county **[**and inform such officer of all changes in the information required by the offender. The chief law enforcement officer shall immediately forward the registrant changes to the Missouri state highway patrol within three business days**]** **if there is a change to any of the following information:**

(1) Name;

(2) Residence;

(3) Employment;

(4) Student status; or

(5) A termination to any of the items listed in this subsection.

2. Any person required to register under sections 589.400 to 589.425 shall within three business days after a change, notify the chief law enforcement officer of the county or city not within a county of any changes to the following information:

(1) Vehicle information;

(2) Temporary residence information;

(3) Email addresses, instant messaging addresses, and any other designations used in internet communications, postings, or telephone communications.

3. The chief law enforcement official in the county or city not within a county shall immediately forward the registration changes described in subsections 1 and 2 of this section to the Missouri state highway patrol within three business days.

[2.**] 4.** If any person required by sections 589.400 to 589.425 to register changes such person's residence or address to a different county or city not within a county, the person shall appear in person and shall inform both the chief law enforcement official with whom the person last registered and the chief law enforcement official of the county or city not within a county having jurisdiction over the new residence or address in writing within three business days of such new address and phone number, if the phone number is also changed. If any person required by sections 589.400 to 589.425 to register changes their state**, or foreign country, or federal, tribal, or military jurisdiction** of residence, the person shall appear in person and shall inform both the chief law enforcement official with whom the person was last registered and the chief law enforcement official of the area in the new state**, or foreign country, or federal, tribal, or military jurisdiction** having jurisdiction over the new residence or address within three business days of such new address. Whenever a registrant changes residence, the chief law enforcement official of the county or city not within a county where the person was previously registered shall inform the Missouri state highway patrol of the change within three business days. When the registrant is changing the residence to a new state **or foreign country, or federal, tribal, or military jurisdiction,** the Missouri state highway patrol shall inform the responsible official in the new state**, or foreign country, or federal, tribal, or military jurisdiction** of residence within three business days.

[3.**] 5. Tier I sexual offenders,** in addition to the requirements of subsections 1 **[**and 2**] to 4** of this section, **[**the following offenders**]** shall report in person to the chief law enforcement **[**agency every ninety days**] official annually in the month of their birth** to verify the information contained in their statement made pursuant to section 589.407. **Tier I sexual offenders include:**

(1) **[**Any offender registered as a predatory or persistent sexual offender under the definitions found in section 558.018;**] Any offender who has been convicted of, found guilty of, or has pled guilty or nolo contendere to committing, attempting to commit, or conspiring to commit the crime of:**

(a) Felonious restraint when there is sexual motivation under section 565.120;

(b) Skilled nursing facility residents, sexual contact or intercourse with under section 565.200;

(c) Invasion of privacy first degree under section 565.252;

(d) Invasion of privacy second degree under section 565.253;

(e) Child molestation second degree when the victim is fourteen to seventeen years of age under section 566.068;

(f) Sexual misconduct involving a child under section 566.083;

(g) Sexual misconduct in the first degree under section 566.090;

(h) Sexual contact with prisoner or offender under section 566.145;

(i) Age misrepresentation under section 566.153;

(j) Endangering the welfare of a child in the second degree when it is sexual in nature and when the victim is fourteen to seventeen years of age under section 568.050; or

(k) Possession of child pornography under section 537.037;

(2) **Any offender whose classification was changed to a Tier I offender by court order under section 589.408;**

(3) Any offender who is **[**registered for a crime where the victim was less than eighteen years of age at the time of the offense; and**] or has been convicted of, been found guilty of, or pled guilty or nolo contendere in any other state, territory, or the District of Columbia, or foreign country, or under federal, tribal, or military jurisdiction to committing, attempting to commit, or conspiring to commit an offense of a sexual nature or with a sexual element that is comparable to the Tier I sexual offenses listed in this subsection or, if not comparable to those in this subsection, comparable to those described as Tier I offenses under the Sex Offender Registration and Notification Act, Title I of the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 248-109).**

[(3) Any offender who has pled guilty or been found guilty pursuant to section 589.425 of failing to register or submitting false information when registering.

4.**] 6. Tier II sexual offenders,** in addition to the requirements of subsections 1 **[**and 2**] to 4** of this section, **[**all registrants**]** shall report **[**semiannually**]** in person in the month of their birth **[**and six months thereafter**]** to the chief law enforcement **[**agency**] official** to verify the information contained in their statement made pursuant to section 589.407 **and six months thereafter, shall report by mail, on a form to be provided by the Missouri state highway patrol, to update any change in information or to indicate that there has been no change. This form shall require**

the signature of the offender. [All registrants shall allow the chief law enforcement officer to take a current photograph of the offender in the month of his or her birth to the chief law enforcement agency.] **Tier II sexual offenders include:**

(1) Any offender who has been convicted of, found guilty of, or has pled guilty or nolo contendere to committing, attempting to commit, or conspiring to commit the crime of:

(a) Statutory rape in the second degree under section 566.034;

(b) Statutory sodomy in the second degree under section 566.064;

(c) Child molestation in the first degree when the victim is fourteen to seventeen years of age under section 566.067;

(d) Sexual contact with a student while on public school property when the victim is fourteen to seventeen years of age under section 566.086;

(e) Sexual abuse when the victim is fourteen years of age or older under section 566.100;

(f) Enticement of a child under section 566.151;

(g) Trafficking for the purpose of sexual exploitation under section 566.209;

(h) Child molestation in the second degree when the victim is under fourteen years of age under section 566.068;

(i) Promoting prostitution in the second degree when the victim is under eighteen years of age under section 567.060;

(j) Promoting prostitution in the third degree when the victim is under eighteen years of age under section 567.070;

(k) Endangering the welfare of a child in the first degree when there is sexual conduct or sexual contact with a victim fourteen to seventeen years of age under section 568.045;

(l) Endangering the welfare of a child in the second degree when the offense is sexual in nature and the victim is under thirteen years of age under section 568.050;

(m) Abuse of a child when the offense is sexual in nature under section 568.060;

(n) Genital mutilation of a female child under section 568.065;

(o) Child used in sexual performance under section 568.080;

(p) Promoting sexual performance by a child under section 568.090;

(q) Sexual exploitation of a minor under section 573.023;

(r) Promoting child pornography in the first degree under section 573.025;

(s) Promoting child pornography in the second degree under section 573.035; or

(t) Unlawful sex with an animal under section 566.111;

(2) Any offender whose classification was changed to a Tier II offender by court order under section 589.408;

(3) Any person who is convicted of, found guilty of, or has pled guilty or nolo contendere to committing, attempting to commit, or conspiring to commit a crime comparable to a Tier I offense listed in this section or failure to register offense under section 589.425 or comparable out-of-state failure to register offense, who is already required to register as a Tier I offender due to having been convicted of, found guilty of, or pleading guilty or nolo contendere to committing, attempting to commit, or conspiring to commit a Tier I offense on a previous occasion; or

(4) Any person who is or has been convicted of, been found guilty of, or pled guilty to or nolo contendere in any other state, territory, or the District of Columbia, or foreign country, or under federal, tribal, or military jurisdiction to committing, attempting to commit, or conspiring to commit an offense of a sexual nature or with a sexual element that is comparable to the Tier II sexual offenses listed in this subsection or, if not comparable to those in this subsection, comparable to those described as Tier II offenses under the Sex Offender Registration and Notification Act, Title I of the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 248-109).

7. Tier III sexual offenders, in addition to the requirements of subsections 1 to 4 of this section, shall report semiannually in person in the month of their birth and six months thereafter to the chief law enforcement official to verify the information contained in their statement made under section 589.407. In addition such offenders shall report by mail, on a form to be provided by the Missouri state highway patrol, to update any change in information or to indicate that there has been no change, ninety days after each in-person report. This form shall require the signature of the offender. Except as provided in subsections 8 and 9 of this section, Tier III sexual offenders include:

(1) Any offender registered as a predatory or persistent sexual offender under the definitions found in section 558.018;

(2) Any offender who has been convicted of, found guilty of, or has pled guilty or nolo contendere to committing, attempting to commit, or conspiring to commit the crime of:

(a) Kidnapping when a sexual offense was committed during the kidnapping or when the kidnapping was committed for the purpose of committing a sexual offense and when the victim is less than eighteen years of age and excluding kidnapping by parent or guardian under section 565.110;

(b) Child kidnapping when a sexual offense was committed during the kidnapping or when the kidnapping was committed for the purpose of committing a sexual offense under section 565.115;

(c) Forcible rape under section 566.030;

(d) Statutory rape in the first degree under section 566.032;

(e) Sexual assault under section 566.040;

(f) Forcible sodomy under section 566.060;

(g) Statutory sodomy in the first degree under section 566.062;

(h) Child molestation in the first degree when the victim is less than fourteen years of age under section 566.067;

(i) Deviate sexual assault under section 566.070;

(j) Sexual contact with a student while on public school property when the victim is less than fourteen years of age under section 566.086;

(k) Sexual abuse when the victim is less than fourteen years of age under section 566.100;

(l) Sexual trafficking of a child under section 566.212;

(m) Sexual trafficking of a child under the age of twelve, under section 566.213;

(n) Promoting prostitution in the first degree when the victim is less than eighteen years of age under section 567.050;

(o) Incest under section 568.020;

(p) Endangering the welfare of a child in the first degree when there is sexual conduct or sexual contact with a victim less than fourteen years of age under section 568.045;

(q) Endangering the welfare of a child in the first degree when there is sexual intercourse or deviate sexual intercourse with a victim less than eighteen years of age under section 568.045;

(3) Any offender who is convicted of, found guilty of, or has pled guilty or nolo contendere to committing, attempting to commit, or conspiring to commit a crime comparable to a Tier I or Tier II offense listed in this section or failure to register offense under section 589.425, or other comparable out-of-state failure to register offense, who has been or is already required to register as a Tier II offender because of having been convicted of, found guilty of, or pleading guilty or nolo contendere to committing, attempting to commit, or conspiring to commit a Tier II offense, two Tier I offenses, or a combination of a Tier I offense and failure to register offense, on a previous occasion;

(4) Any offender who is or has been convicted of, been found guilty of, or pled guilty or nolo contendere in any other state, territory, or the District of Columbia, or foreign country, or under federal, tribal, or military jurisdiction to committing, attempting to commit, or conspiring to commit an offense of a sexual nature or with a sexual element that is comparable to a Tier III offense listed in this section or a Tier III offense under the Sex Offender Registration and Notification Act, Title I of the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 248-109); or

(5) Any offender who is or has been convicted of, been found guilty of, or pled guilty to or nolo contendere to any offense of a sexual nature requiring registration under sections 589.400 to 589.425 that is not classified as a Tier I or Tier II offense in this section.

[5.**]** **8.** In addition to the requirements of subsections 1 **[**and 2**] to 7** of this section, all Missouri registrants who work**, including as a volunteer or unpaid intern,** or attend **any** school **[**or training**] whether public or private in nature, including any secondary school, trade school, professional school, or institution of higher education** on a full-time or part-time basis **[**in any other state**] or has a temporary residence in Missouri** shall be required to report in person to the chief law enforcement officer in the area of the state where they work or attend school or training and register in that state. "Part-time" in this subsection means for more than seven days in any twelve-month period.

[6.**]** **9.** If a person, who is required to register as a sexual offender under sections 589.400 to 589.425, changes or obtains a new online identifier as defined in section 43.651, the person shall report such information in the same manner as a change of residence before using such online identifier.

10. It is not a defense to a prosecution for a violation of any Tier I, Tier II, or Tier III offense listed in this section that the victim was a peace officer masquerading as a minor.

11. Individuals that are not currently registered due to being adjudicated of a sexual offense prior to the initial enactment of state or federal sex offender registry legislation shall only be required to register for their original offense if the person is currently incarcerated or under supervision of the Missouri department of corrections for a sexual offense.

If such person's original offense is not currently a crime such person shall still be classified as a Tier I, II, or III offender. The classification shall be made by determining which current crime is most comparable to the original offense and then placing such person in the Tier which corresponds to that current crime."; and

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

On motion of Representative Schad, **House Amendment No. 1** was adopted.

On motion of Representative Schad, **HCS SB 250, as amended**, was adopted.

On motion of Representative Schad, **HCS SB 250, as amended**, was read the third time and passed by the following vote:

AYES: 126

Allen	Anders	Atkins	Aull	Bahr
Barnes	Bernskoetter	Berry	Black	Brandom
Brown 50	Brown 85	Burlison	Carter	Casey
Cauthorn	Cierpiot	Colona	Conway 14	Conway 27
Cookson	Cox	Crawford	Cross	Curtman
Denison	Diehl	Dugger	Ellinger	Elmer
Entlicher	Fallert	Fisher	Fitzwater	Flanigan
Fraker	Franz	Frederick	Fuhr	Gatschenberger
Gosen	Grisamore	Guernsey	Haefner	Hampton
Harris	Higdon	Hinson	Hodges	Holsman
Hoskins	Hough	Hummel	Jones 63	Jones 89
Jones 117	Keeney	Kelley 126	Kelly 24	Kirkton
Klippenstein	Koenig	Korman	Kratky	Lair
Lampe	Lant	Largent	Lasater	Leach
Leara	Lichtenegger	Loehner	Long	May
McCann Beatty	McDonald	McGeoghegan	McManus	McNary
McNeil	Meadows	Molendorp	Montecillo	Nance
Nasheed	Neth	Newman	Nichols	Nolte
Oxford	Pace	Parkinson	Pierson	Pollock
Quinn	Redmon	Reiboldt	Richardson	Riddle
Rizzo	Rowland	Ruzicka	Sater	Schad
Schatz	Schoeller	Shively	Shumake	Silvey
Smith 71	Smith 150	Still	Stream	Swinger
Talboy	Taylor	Thomson	Torpey	Webb
Wells	Weter	Wright	Wyatt	Zerr
Mr Speaker				

NOES: 020

Asbury	Brattin	Carlson	Davis	Houghton
Hubbard	Johnson	Kander	Lauer	McCaherty
Schieber	Sifton	Solon	Spreng	Swearingen
Wallingford	Walton Gray	Webber	White	Wieland

PRESENT: 000

ABSENT WITH LEAVE: 013

Brown 116	Day	Dieckhaus	Franklin	Funderburk
Hughes	Marshall	McGhee	Phillips	Scharnhorst
Schieffer	Schneider	Schupp		

VACANCIES: 004

Speaker Pro Tem Schoeller declared the bill passed.

SB 237, relating to guardians ad litem, was taken up by Representative Barnes.

On motion of Representative Barnes, **SB 237** was truly agreed to and finally passed by the following vote:

AYES: 146

Allen	Anders	Asbury	Atkins	Aull
Bahr	Barnes	Bernskoetter	Berry	Black
Brandom	Brattin	Brown 50	Brown 85	Burlison
Carlson	Carter	Casey	Cauthorn	Cierpiot
Colona	Conway 14	Conway 27	Cookson	Cox
Crawford	Cross	Curtman	Davis	Denison
Diehl	Dugger	Ellinger	Elmer	Entlicher
Fallert	Fisher	Fitzwater	Flanigan	Fraker
Franz	Frederick	Fuhr	Gosen	Grisamore
Guernsey	Haefner	Hampton	Harris	Higdon
Hinson	Hodges	Holsman	Hoskins	Hough
Houghton	Hubbard	Hummel	Johnson	Jones 63
Jones 89	Jones 117	Kander	Keeney	Kelley 126
Kelly 24	Kirkton	Klippenstein	Koenig	Korman
Kratky	Lair	Lampe	Lant	Largent
Lasater	Lauer	Leach	Leara	Lichtenegger
Loehner	Long	Marshall	May	McCaherty
McCann Beatty	McDonald	McGeoghegan	McManus	McNary
McNeil	Meadows	Molendorp	Montecillo	Nance
Nasheed	Neth	Newman	Nichols	Oxford
Pace	Parkinson	Pierson	Pollock	Quinn
Redmon	Reiboldt	Richardson	Riddle	Rizzo
Rowland	Ruzicka	Sater	Schad	Schatz
Schieber	Schneider	Schoeller	Shively	Shumake
Sifton	Silvey	Smith 71	Smith 150	Solon
Spreng	Still	Stream	Swearingen	Swinger
Talboy	Taylor	Thomson	Torpey	Wallingford
Walton Gray	Webb	Webber	Wells	Weter
White	Wieland	Wright	Wyatt	Zerr
Mr Speaker				

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 013

Brown 116	Day	Dieckhaus	Franklin	Funderburk
Gatschenberger	Hughes	McGhee	Nolte	Phillips
Scharnhorst	Schieffer	Schupp		

VACANCIES: 004

Speaker Pro Tem Schoeller declared the bill passed.

BILL CARRYING REQUEST MESSAGE

HCS SB 59, as amended, relating to judicial procedures, was taken up by Representative Diehl.

Representative Diehl moved that the House refuse to recede from its position on **HCS SB 59, as amended**, and grant the Senate a conference.

Which motion was adopted.

THIRD READING OF SENATE BILL

HCS SCS SB 270, relating to elections, was taken up by Representative Dugger.

Representative Dugger offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 270, Section 115.123, Pages 4 and 5, by removing all of said section from the bill and inserting in lieu thereof the following:

"115.123. 1. All public elections shall be held on Tuesday. Except as provided in subsections 2**[**, 3, **]** and **[**4**]** **3** of this section, and section 247.180, all public elections shall be held on the general election day, the primary election day, the general municipal election day, the first Tuesday after the first Monday in February or November, or on another day expressly provided by city or county charter, **[**the first Tuesday after the first Monday in June**]** and in nonprimary years on the first Tuesday after the first Monday in August.

2. Notwithstanding the provisions of subsection 1 of this section, an election for a presidential primary held pursuant to sections **[**115.755**]** **115.758** to 115.785 shall be held on the first Tuesday after the first Monday in March of each presidential election year.

3. The following elections shall be exempt from the provisions of subsection 1 of this section:

(1) Bond elections necessitated by fire, vandalism or natural disaster;

(2) Elections for which ownership of real property is required by law for voting; and

(3) Special elections to fill vacancies and to decide tie votes or election contests.

4. No city or county shall adopt a charter or charter amendment which calls for elections to be held on dates other than those established in subsection 1 of this section.

5. Nothing in this section prohibits a charter city or county from having its primary election in March if the charter provided for a March primary before August 28, 1999.

6. Nothing in this section shall prohibit elections held pursuant to section 65.600, but no other issues shall be on the March ballot except pursuant to this chapter."; and

Further amend said bill, Page 8, Section 115.241 (repealed), Line 2, by inserting after all of said section and line the following:

"**[**115.755. A statewide presidential preference primary shall be held on the first Tuesday after the first Monday in February of each presidential election year.**]**"; and

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

On motion of Representative Dugger, **House Amendment No. 1** was adopted.

Representative Richardson offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 270, Page 5, Section 115.293, Line 11, by inserting after all of said section and line the following:

"181.060. 1. The general assembly may appropriate moneys for state aid to public libraries, which moneys shall be administered by the state librarian, and distributed as specified in rules and regulations promulgated by the Missouri state library, and approved by the secretary of state.

2. At least fifty percent of the moneys appropriated for state aid to public libraries shall be apportioned to all public libraries established and maintained under the provisions of the library laws or other laws of the state relating to libraries. The allocation of the moneys shall be based on an equal per capita rate for the population of each city, village, town, township, urban public library district, county or consolidated library district in which any library is or may be established, in proportion to the population according to the latest federal census of the cities, villages, towns, townships, school districts, county or regional library districts maintaining public libraries primarily supported by public funds which are designed to serve the general public. No grant shall be made to any public library which is tax supported if the rate of tax levied or the appropriation for the library should be decreased below the rate in force on December 31, 1946, or on the date of its establishment. Grants shall be made to any public library if a public library tax of at least ten cents per one hundred dollars assessed valuation has been voted in accordance with sections 182.010 to 182.460 or as authorized in section 137.030 and is duly assessed and levied for the year preceding that in which the grant is made, or if the appropriation for the public library in any city of first class yields one dollar or more per capita for the previous year according to the population of the latest federal census or if the amount provided by the city for the public library, in any other city in which the library is not supported by a library tax, is at least equal to the amount of revenue which would be realized by a tax of ten cents per one hundred dollars assessed valuation if the library had been tax supported. Except that, no grant under this section shall be affected because of a reduction in the rate of levy which is required by the provisions of section 137.073, **or because of a voluntary reduction in the levy following the enactment of a district sales tax under section 182.802, if the proceeds from the sales tax equal or exceed the reduction in revenue from the levy**.

3. The librarian of the library together with the treasurer of the library or the treasurer of the city if there is no library treasurer shall certify to the state librarian the annual tax income and rate of tax or the appropriation for the library on the date of the enactment of this law, and of the current year, and each year thereafter, and the state librarian shall certify to the commissioner of administration the amount to be paid to each library.

4. The balance of the moneys shall be administered and supervised by the state librarian who may provide grants to public libraries for:

(1) Establishment, on a population basis to newly established city, county city/county or consolidated libraries;

(2) Equalization to city/county**[**.**],** urban public, county or consolidated libraries;

(3) Reciprocal borrowing;

(4) Technological development;

(5) Interlibrary cooperation;

(6) Literacy programs; and

(7) Other library projects or programs that may be determined by the local library, library advisory committee and the state library staff that would improve access to library services by the residents of this state. Newly established libraries shall certify through the legally established board or the governing body of the city supporting the library and the librarian of the library to the state librarian the fact of establishment, the rate of tax, the assessed valuation of the

library district and the annual tax yield of the library. The state librarian shall then certify to the commissioner of administration the amount of establishment grant to be paid to the libraries and warrants shall be issued for the amount allocated and approved. The sum appropriated for state aid to public libraries shall be separate and apart from any and all appropriations made to the state library.

182.802. 1. As used in this section, the following terms mean:

(1) "Public library district", any city library district, county library district, city-county library district, municipal library district, consolidated library district, or urban library district;

(2) "Qualified voters" or "voters", any individuals residing within the public library district who are eligible to be registered voters and who have registered to vote under chapter 115, or, if no individuals are eligible and registered to vote reside within the proposed district, all of the owners of real property located within the proposed district who have unanimously petitioned for or consented to the adoption of an ordinance by the governing body imposing a tax authorized in this section. If the owner of the property within the proposed district is a political subdivision or corporation of the state, the governing body of such political subdivision or corporation shall be considered the owner for purposes of this section.

2. The board of directors of any public library district located at least partially within the following counties may impose a tax as provided in this section:

(1) Any county of the third classification without a township form of government and with more than forty thousand eight hundred but fewer than forty thousand nine hundred inhabitants;

(2) Any county of the third classification without a township form of government and with more than thirteen thousand five hundred but fewer than thirteen thousand six hundred inhabitants;

(3) Any county of the third classification without a township form of government and with more than thirteen thousand two hundred but fewer than thirteen thousand three hundred inhabitants;

(4) Any county of the third classification with a township form of government and with more than twenty-nine thousand seven hundred but fewer than twenty-nine thousand eight hundred inhabitants;

(5) Any county of the third classification with more than nineteen thousand seven hundred but fewer than nineteen thousand eight hundred inhabitants;

(6) Any county of the third classification with a township form of government and with more than thirty-three thousand one hundred but fewer than thirty-three thousand two hundred inhabitants; or

(7) Any county of the third classification without a township form of government and with more than twenty thousand but fewer than twenty thousand one hundred inhabitants.

3. The board of directors of any public library district described in subsection 1 of this section may, upon a majority vote of the board, impose a sales tax on all retail sales made within the district which are subject to sales tax under chapter 144. The tax authorized in this section shall not exceed one-half of one cent, and shall be imposed solely for the purpose of funding the operation and maintenance of public libraries within the boundaries of the district. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes.

4. No sales tax imposed under this section shall become effective unless the board of directors of the district submits to the voters within the district at a county or state general, primary, or special election a proposal to authorize the board of directors of the district to impose a tax under this section. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the calendar quarter immediately following the adoption of the sales tax. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question.

5. Except as modified in this section, all provisions of sections 32.085 and 32.087 shall apply to the tax imposed under this section.

6. The board of directors of any district that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the district. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

7. If the tax is repealed or terminated by any means, all remaining revenues generated from the sales tax shall continue to be used solely for the designated purposes, and the board of directors shall retain for a period

of one year two percent of the amount collected after the repeal or termination to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts."; and

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

On motion of Representative Richardson, **House Amendment No. 2** was adopted.

Representative Molendorp offered **House Amendment No. 3**.

House Amendment No. 3

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 270, Page 5, Section 115.293, Line 11, by inserting after all of said line the following:

"130.021. 1. Every committee shall have a treasurer who, except as provided in subsection 10 of this section, shall be a resident of this state. A committee may also have a deputy treasurer who, except as provided in subsection 10 of this section, shall be a resident of this state and serve in the capacity of committee treasurer in the event the committee treasurer is unable for any reason to perform the treasurer's duties.

2. Every candidate for offices listed in subsection 1 of section 130.016 who has not filed a statement of exemption pursuant to that subsection and every candidate for offices listed in subsection 6 of section 130.016 who is not excluded from filing a statement of organization and disclosure reports pursuant to subsection 6 of section 130.016 shall form a candidate committee and appoint a treasurer. Thereafter, all contributions on hand and all further contributions received by such candidate and any of the candidate's own funds to be used in support of the person's candidacy shall be deposited in a candidate committee depository account established pursuant to the provisions of subsection 4 of this section, and all expenditures shall be made through the candidate, treasurer or deputy treasurer of the person's candidate committee. Nothing in this chapter shall prevent a candidate from appointing himself or herself as a committee of one and serving as the person's own treasurer, maintaining the candidate's own records and filing all the reports and statements required to be filed by the treasurer of a candidate committee.

3. A candidate who has more than one candidate committee supporting the person's candidacy shall designate one of those candidate committees as the committee responsible for consolidating the aggregate contributions to all such committees under the candidate's control and direction as required by section 130.041. No person shall form a new committee or serve as a deputy treasurer of any committee as defined in section 130.011 until the person or the treasurer of any committee previously formed by the person or where the person served as treasurer or deputy treasurer has filed all required campaign disclosure reports and statements of limited activity for all prior elections and paid outstanding previously imposed fees assessed against that person by the ethics commission.

4. (1) Every committee shall have a single official fund depository within this state which shall be a federally or state-chartered bank, a federally or state-chartered savings and loan association, or a federally or state-chartered credit union in which the committee shall open and thereafter maintain at least one official depository account in its own name. An "official depository account" shall be a checking account or some type of negotiable draft or negotiable order of withdrawal account, and the official fund depository shall, regarding an official depository account, be a type of financial institution which provides a record of deposits, canceled checks or other canceled instruments of withdrawal evidencing each transaction by maintaining copies within this state of such instruments and other transactions. All contributions which the committee receives in money, checks and other negotiable instruments shall be deposited in a committee's official depository account. Contributions shall not be accepted and expenditures shall not be made by a committee except by or through an official depository account and the committee treasurer, deputy treasurer or candidate. Contributions received by a committee shall not be commingled with any funds of an agent of the committee, a candidate or any other person, except that contributions from a candidate of the candidate's own funds to the person's candidate committee shall be deposited to an official depository account of the person's candidate committee. No expenditure shall be made by a committee when the office of committee treasurer is vacant except that when the office of a candidate committee treasurer is vacant, the candidate shall be the treasurer until the candidate appoints a new treasurer.

(2) A committee treasurer, deputy treasurer or candidate may withdraw funds from a committee's official depository account and deposit such funds in one or more savings accounts in the committee's name in any bank, savings and loan association or credit union within this state, and may also withdraw funds from an official depository account for investment in the committee's name in any certificate of deposit, bond or security. Proceeds from interest or dividends from a savings account or other investment or proceeds from withdrawals from a savings account or from the

sale of an investment shall not be expended or reinvested, except in the case of renewals of certificates of deposit, without first redepositing such proceeds in an official depository account. Investments, other than savings accounts, held outside the committee's official depository account at any time during a reporting period shall be disclosed by description, amount, any identifying numbers and the name and address of any institution or person in which or through which it is held in an attachment to disclosure reports the committee is required to file. Proceeds from an investment such as interest or dividends or proceeds from its sale, shall be reported by date and amount. In the case of the sale of an investment, the names and addresses of the persons involved in the transaction shall also be stated. Funds held in savings accounts and investments, including interest earned, shall be included in the report of money on hand as required by section 130.041.

5. The treasurer or deputy treasurer acting on behalf of any person or organization or group of persons which is a committee by virtue of the definitions of committee in section 130.011 and any candidate who is not excluded from forming a committee in accordance with the provisions of section 130.016 shall file a statement of organization with the appropriate officer within twenty days after the person or organization becomes a committee but no later than the date for filing the first report required pursuant to the provisions of section 130.046. The statement of organization shall contain the following information:

(1) The name, mailing address and telephone number, if any, of the committee filing the statement of organization. If the committee is deemed to be affiliated with a connected organization as provided in subdivision (10) of section 130.011, the name of the connected organization, or a legally registered fictitious name which reasonably identifies the connected organization, shall appear in the name of the committee. If the committee is a candidate committee, the name of the candidate shall be a part of the committee's name;

(2) The name, mailing address and telephone number of the candidate;

(3) The name, mailing address and telephone number of the committee treasurer, and the name, mailing address and telephone number of its deputy treasurer if the committee has named a deputy treasurer;

(4) The names, mailing addresses and titles of its officers, if any;

(5) The name and mailing address of any connected organizations with which the committee is affiliated;

(6) The name and mailing address of its depository, and the name and account number of each account the committee has in the depository. The account number of each account shall be redacted prior to disclosing the statement to the public;

(7) Identification of the major nature of the committee such as a candidate committee, campaign committee, political action committee, political party committee, incumbent committee, or any other committee according to the definition of committee in section 130.011;

(8) In the case of the candidate committee designated in subsection 3 of this section, the full name and address of each other candidate committee which is under the control and direction of the same candidate, together with the name, address and telephone number of the treasurer of each such other committee;

(9) The name and office sought of each candidate supported or opposed by the committee;

(10) The ballot measure concerned, if any, and whether the committee is in favor of or opposed to such measure.

6. A committee may omit the information required in subdivisions (9) and (10) of subsection 5 of this section if, on the date on which it is required to file a statement of organization, the committee has not yet determined the particular candidates or particular ballot measures it will support or oppose.

7. A committee which has filed a statement of organization and has not terminated shall not be required to file another statement of organization, except that when there is a change in any of the information previously reported as required by subdivisions (1) to (8) of subsection 5 of this section an amended statement of organization shall be filed within twenty days after the change occurs, but no later than the date of the filing of the next report required to be filed by that committee by section 130.046.

8. Upon termination of a committee, a termination statement indicating dissolution shall be filed not later than ten days after the date of dissolution with the appropriate officer or officers with whom the committee's statement of organization was filed. The termination statement shall include: the distribution made of any remaining surplus funds and the disposition of any deficits; and the name, mailing address and telephone number of the individual responsible for preserving the committee's records and accounts as required in section 130.036.

9. Any statement required by this section shall be signed and attested by the committee treasurer or deputy treasurer, and by the candidate in the case of a candidate committee.

10. A committee domiciled outside this state shall **not** be required to file a statement of organization and appoint a treasurer residing in this state and open an account in a depository within this state**[**; provided that either of the following conditions prevails:

(1) The aggregate of all contributions received from persons domiciled in this state exceeds twenty percent in total dollar amount of all funds received by the committee in the preceding twelve months; or

(2) The aggregate of all contributions and expenditures made to support or oppose candidates and ballot measures in this state exceeds one thousand five hundred dollars in the current calendar year**]**.

11. If a committee domiciled in this state receives a contribution of one thousand five hundred dollars or more from any committee domiciled outside of this state, the committee domiciled in this state shall file a disclosure report with the commission. The report shall disclose the full name, mailing address, telephone numbers and domicile of the contributing committee and the date and amount of the contribution. The report shall be filed within forty-eight hours of the receipt of such contribution if the contribution is received after the last reporting date before the election."; and

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

Representative Jones (89) moved the previous question.

Which motion was adopted by the following vote:

AYES: 098

Allen	Asbury	Bahr	Barnes	Bernskoetter
Berry	Brandom	Brattin	Brown 85	Brown 116
Burlison	Cauthorn	Cierpiot	Conway 14	Cookson
Cox	Crawford	Cross	Curtman	Davis
Denison	Dieckhaus	Diehl	Dugger	Elmer
Entlicher	Fitzwater	Flanigan	Fraker	Franklin
Franz	Frederick	Fuhr	Gatschenberger	Gosen
Grisamore	Guernsey	Haefner	Hampton	Higdon
Hinson	Hoskins	Hough	Houghton	Johnson
Jones 89	Jones 117	Keeney	Kelley 126	Klippenstein
Koenig	Korman	Lair	Lant	Largent
Lasater	Lauer	Leach	Leara	Lichtenegger
Loehner	Long	Marshall	McCaherty	McGhee
McNary	Molendorp	Nance	Neth	Nolte
Pollock	Redmon	Reiboldt	Richardson	Riddle
Rowland	Ruzicka	Sater	Schad	Schatz
Schieber	Schneider	Schoeller	Shumake	Silvey
Solon	Stream	Thomson	Torpey	Wallingford
Wells	Weter	White	Wieland	Wright
Wyatt	Zerr	Mr Speaker		

NOES: 049

Anders	Atkins	Aull	Black	Brown 50
Carlson	Carter	Casey	Colona	Conway 27
Ellinger	Fallert	Harris	Hodges	Holsman
Hummel	Jones 63	Kander	Kelly 24	Kirkton
Kratky	Lampe	May	McCann Beatty	McDonald
McGeoghegan	McManus	McNeil	Meadows	Montecillo
Nasheed	Newman	Nichols	Oxford	Pace
Pierson	Quinn	Rizzo	Shively	Sifton
Smith 71	Still	Swearingen	Swinger	Talboy
Taylor	Walton Gray	Webb	Webber	

PRESENT: 000

ABSENT WITH LEAVE: 012

Day	Fisher	Funderburk	Hubbard	Hughes
Parkinson	Phillips	Scharnhorst	Schieffer	Schupp
Smith 150	Spreng			

VACANCIES: 004

On motion of Representative Molendorp, **House Amendment No. 3** was adopted.

HCS SCS SB 270, as amended, was laid over.

Speaker Tilley resumed the Chair.

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House on **SCS HB 101, as amended**: Senators Cunningham, Ridgeway, Lembke, Justus and McKenna.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 591**, entitled:

An act to amend chapter 332, RSMo, by adding thereto one new section relating to limited dental teaching license.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS#2 HB 648**, entitled:

An act to repeal sections 8.241, 178.900, 189.010, 189.065, 192.005, 198.012, 205.968, 208.151, 208.275, 208.955, 210.496, 210.900, 211.031, 211.202, 211.203, 211.206, 211.207, 211.447, 402.210, 453.070, 475.121, 475.355, 476.537, 552.015, 552.020, 552.030, 552.040, 630.003, 630.005, 630.010, 630.053, 630.095, 630.097, 630.120, 630.165, 630.167, 630.183, 630.192, 630.210, 630.335, 630.405, 630.425, 630.510, 630.605, 630.610, 630.635, 630.705, 630.715, 630.735, 632.005, 632.105, 632.110, 632.115, 632.120, 632.370, 632.380, 633.005, 633.010, 633.020, 633.029, 633.030, 633.045, 633.050, 633.110, 633.115, 633.120, 633.125, 633.130, 633.135, 633.140, 633.145, 633.150, 633.155, 633.160, 633.180, 633.185, 633.190, 633.210, 633.300, 633.303, and 633.309, RSMo, and to enact in lieu thereof eighty-one new sections relating to individuals with disabilities, with existing penalty provisions.

With Senate Amendment No. 1.

Senate Amendment No. 1

AMEND Senate Substitute No. 2 for House Bill No. 648, Page 25, Section 208.955, Line 14 of said page, by striking "twenty" and inserting in lieu thereof the following:

"**nineteen**".

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House on **HCS SB 59, as amended**: Senators Keaveny, Goodman, Crowell, Ridgeway and Justus.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House on **HCS SB 145, as amended**: Senators Dempsey, Brown, Rupp, Callahan and Green.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House on **HCS SS SB 226, as amended**: Senators Engler, Dixon, Parson, Callahan and Keaveny.

APPOINTMENT OF CONFERENCE COMMITTEES

The Speaker appointed the following Conference Committees to act with like Committees from the Senate on the following bills:

HCS SB 59: Representatives Diehl, Cox, Jones (117), McManus and Kelly (24)
HCS SB 61: Representatives Diehl, Cox, Richardson, Nasheed and Hubbard
HCS SB 145: Representatives Gatschenberger, Schneider, Diehl, Hummel and McManus
HCS SB 220: Representatives Diehl, Elmer, Korman, Kelly (24) and Carlson
HCS SS SB 226: Representatives Franz, Bernskoetter, Hough, Sifton and Schupp
HCS SB 322: Representatives Silvey, Stream, Flanigan, Kelly (24) and Carter

Speaker Pro Tem Schoeller resumed the Chair.

THIRD READING OF SENATE BILLS

HCS SCS SB 270, as amended, relating to elections, was again taken up by Representative Dugger.

Representative Wyatt offered **House Amendment No. 4**.

House Amendment No. 4

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 270, Page 8, Section 190.056, Line 88, by inserting after all of said section and line, the following:

"**Section 1. Notwithstanding the provisions of sections 77.230 and 78.440, any individual who is twenty four years of age or older shall be eligible to serve as mayor in a city of the third classification with a form of government organized under sections 78.430 to 78.640.**"; and

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

On motion of Representative Wyatt, **House Amendment No. 4** was adopted.

Representative Cauthorn offered **House Amendment No. 5**.

House Amendment No. 5

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 270, Page 1, Section A, Line 4, by inserting after said line the following:

"11.010. The official manual, commonly known as the "Blue Book", compiled and electronically published by the secretary of state on its official website is the official manual of this state, and it is unlawful for any officer or employee of this state **except the secretary of state**, or any board, or department or any officer or employee thereof, to cause to be printed, at state expense, any duplication or rearrangement of any part of the manual. It is also unlawful for the secretary of state to publish, or permit to be published in the manual any duplication, or rearrangement of any part of any report, or other document, required to be printed at the expense of the state which has been submitted to and rejected by him or her as not suitable for publication in the manual.

11.025. Notwithstanding any other provision of law, the secretary of state may enter into an agreement directly with a nonprofit organization for such nonprofit organization to print and distribute copies of the official manual. The secretary of state shall provide to the organization the electronic version of the official manual prepared and published under this chapter. The nonprofit organization shall not alter, add, or delete any information provided by the secretary of state. Information published about the organization in the official manual shall be limited to the name of the organization and its contact information. The official manual shall not contain advertising or information promoting any entity or individual. The organization shall charge a fee for a copy of the official manual to cover the cost of production and distribution. The nonprofit organization shall be subject to an independent audit, ordered by the state and paid for by the nonprofit organization, to account for income and expenses for the sale, production, and distribution of the official manual. After such audit, any surplus funds generated by the nonprofit organization through the sale of the manual shall be transferred to the state treasurer for deposit in the state's general revenue fund."; and

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

On motion of Representative Cauthorn, **House Amendment No. 5** was adopted.

Representative Nasheed offered **House Amendment No. 6**.

House Amendment No. 6

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 270, Page 4, Section 105.050, Line 8, by inserting after all of said section and line, the following:

"115.043. Each election authority may make all rules and regulations, not inconsistent with statutory provisions, necessary for the registration of voters and the conduct of elections. **Such rules and regulations may include a procedure by which an election authority may provide each registered voter residing within the election authority's jurisdiction the option of providing the voter's email address to the election authority to use for providing information to voters in conjunction with the conduct of elections. Providing information to a voter's email address by an election authority shall not be construed to fulfill the election authority's responsibility to provide notice or other election communications to any voter as required by state law.**"; and

Further amend said bill, Page 5, Section 115.123, Line 20, by inserting after all of said section and line, the following:

"115.155. 1. The election authority shall provide for the registration of each voter. Each application shall be in substantially the following form: APPLICATION FOR REGISTRATION Are you a citizen of the United States?

☐ YES ☐ NO

Will you be 18 years of age on or before election day?

☐ YES ☐ NO

IF YOU CHECKED "NO" IN RESPONSE TO EITHER OF THESE QUESTIONS, DO NOT COMPLETE THIS FORM.

IF YOU ARE SUBMITTING THIS FORM BY MAIL AND ARE REGISTERING FOR THE FIRST TIME, PLEASE SUBMIT A COPY OF A CURRENT, VALID PHOTO IDENTIFICATION. IF YOU DO NOT SUBMIT SUCH INFORMATION, YOU WILL BE REQUIRED TO PRESENT ADDITIONAL IDENTIFICATION UPON VOTING FOR THE FIRST TIME SUCH AS A BIRTH CERTIFICATE, A NATIVE AMERICAN TRIBAL DOCUMENT, OTHER PROOF OF UNITED STATES CITIZENSHIP, A VALID MISSOURI DRIVERS LICENSE OR OTHER FORM OF PERSONAL IDENTIFICATION.

	.....
	Township (or Ward)
.....	.....
Name	Precinct
.....	.....
Home Address	Required Personal Identification Information
.....	
City ZIP	
.....	.....
Date of Birth	Place of Birth (Optional)
.....	.....
Telephone Number (Optional)	Mother's Maiden Name (Optional)
.....	.....
Occupation (Optional)	Last Place Previously Registered
.....	.....
Last four digits of Social Security Number (Required for registration unless no Social Security number exists for Applicant)	Under What Name
Remarks:	
.....	
When	

I am a citizen of the United States and a resident of the state of Missouri. I have not been adjudged incapacitated by any court of law. If I have been convicted of a felony or of a misdemeanor connected with the right of suffrage, I have had the voting disabilities resulting from such conviction removed pursuant to law. I do solemnly swear that all statements made on this card are true to the best of my knowledge and belief. I UNDERSTAND THAT IF I REGISTER TO VOTE KNOWING THAT I AM NOT LEGALLY ENTITLED TO REGISTER, I AM COMMITTING A CLASS ONE ELECTION OFFENSE AND MAY BE PUNISHED BY IMPRISONMENT OF NOT MORE THAN FIVE YEARS OR BY A FINE OF BETWEEN TWO THOUSAND FIVE HUNDRED DOLLARS AND TEN THOUSAND DOLLARS OR BY BOTH SUCH IMPRISONMENT AND FINE.

.....	.....
Signature of Voter	Date
.....	
Signature of Election Official	

2. After supplying all information necessary for the registration records, each applicant who appears in person before the election authority shall swear or affirm the statements on the registration application by signing his or her full name, witnessed by the signature of the election authority or such authority's deputy registration official. Each applicant who applies to register by mail pursuant to section 115.159, or pursuant to section 115.160 or 115.162, shall attest to the statements on the application by his or her signature.

3. Upon receipt by mail of a completed and signed voter registration application, a voter registration application forwarded by the division of motor vehicle and drivers licensing of the department of revenue pursuant to section 115.160, or a voter registration agency pursuant to section 115.162, the election authority shall, if satisfied that the applicant is entitled to register, transfer all data necessary for the registration records from the application to its registration system. Within seven business days after receiving the application, the election authority shall send the applicant a verification notice. If such notice is returned as undeliverable by the postal service within the time established by the election authority, the election authority shall not place the applicant's name on the voter registration file.

4. If, upon receipt by mail of a voter registration application or a voter registration application forwarded pursuant to section 115.160 or 115.162, the election authority determines that the applicant is not entitled to register, such authority shall, within seven business days after receiving the application, so notify the applicant by mail and state the reason such authority has determined the applicant is not qualified. The applicant may have such determination reviewed pursuant to the provisions of section 115.223. If an applicant for voter registration fails to answer the question on the application concerning United States citizenship, the election authority shall notify the applicant of the failure and provide the applicant with an opportunity to complete the form in a timely manner to allow for the completion of the registration form before the next election.

5. It shall be the responsibility of the secretary of state to prescribe specifications for voter registration documents so that they are uniform throughout the state of Missouri and comply with the National Voter Registration Act of 1993, including the reporting requirements, and so that registrations, name changes and transfers of registrations within the state may take place as allowed by law.

6. All voter registration applications shall be preserved in the office of the election authority.

7. Each election authority may provide each applicant for voter registration with the option of providing the applicant's email address with the applicant's voter registration form."; and

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

On motion of Representative Nasheed, **House Amendment No. 6** was adopted.

On motion of Representative Dugger, **HCS SCS SB 270, as amended**, was adopted.

On motion of Representative Dugger, **HCS SCS SB 270, as amended**, was read the third time and passed by the following vote:

AYES: 107

Allen	Asbury	Bahr	Barnes	Bernskoetter
Berry	Brandom	Brattin	Brown 50	Brown 85
Brown 116	Burlison	Cauthorn	Cierpiot	Conway 14
Conway 27	Cookson	Cox	Crawford	Cross
Curtman	Davis	Denison	Dieckhaus	Diehl
Dugger	Elmer	Entlicher	Fallert	Fisher
Fitzwater	Flanigan	Fraker	Franklin	Franz
Frederick	Fuhr	Gatschenberger	Gosen	Grisamore
Guernsey	Haefner	Hampton	Higdon	Hinson
Hoskins	Hough	Houghton	Hubbard	Johnson
Jones 89	Jones 117	Keeney	Kelley 126	Klippenstein
Koenig	Korman	Lair	Lant	Largent
Lasater	Lauer	Leach	Leara	Lichtenegger
Loehner	Long	Marshall	McCaherty	McGhee
McNary	McNeil	Molendorp	Nance	Nasheed
Neth	Newman	Nichols	Nolte	Parkinson
Pollock	Redmon	Reiboldt	Richardson	Riddle
Rowland	Ruzicka	Sater	Schad	Schatz
Schieber	Schoeller	Shumake	Silvey	Smith 150

Solon	Stream	Thomson	Torpey	Wallingford
Wells	Weter	White	Wright	Wyatt
Zerr	Mr Speaker			

NOES: 043

Anders	Atkins	Aull	Black	Carlson
Carter	Casey	Ellinger	Harris	Hodges
Holsman	Hummel	Jones 63	Kander	Kelly 24
Kirkton	Kratky	Lampe	May	McCann Beatty
McDonald	McGeoghegan	McManus	Meadows	Montecillo
Oxford	Pace	Pierson	Quinn	Rizzo
Shively	Sifton	Smith 71	Spreng	Still
Swearingen	Swinger	Talboy	Taylor	Walton Gray
Webb	Webber	Wieland		

PRESENT: 000

ABSENT WITH LEAVE: 009

Colona	Day	Funderburk	Hughes	Phillips
Scharnhorst	Schieffer	Schneider	Schupp	

VACANCIES: 004

Speaker Pro Tem Schoeller declared the bill passed.

HCS SB 284, relating to pharmacy, was taken up by Representative Sater.

Representative Schad offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for Senate Bill No. 284, Section 338.330, Page 13, Line 38, by inserting after all of said section and line the following:

"**376.1257. 1. Any health benefit plan that provides coverage and benefits for cancer chemotherapy treatment shall not require a higher co-payment, deductible, or coinsurance amount for a prescribed orally administered anticancer medication that is used to kill or slow the growth of cancerous cells than what the plan requires for an intravenously administered or injected cancer medication that is provided, regardless of formulation or benefit category determination by the health carrier administering the health benefit plan.**

2. A health carrier shall not achieve compliance with the provisions of this section by imposing an increase in co-payment, deductible, or coinsurance amount for an intravenously administered or injected cancer chemotherapy agent covered under the health benefit plan.

3. Nothing in this section shall be interpreted to prohibit a health carrier from requiring prior authorization or imposing other appropriate utilization controls in approving coverage for any chemotherapy.

4. The provisions of this section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, short-term major medical policies of six months or less duration, or any other supplemental policy as determined by the director of the department of insurance, financial institutions and professional registration.

5. As used in this section, the terms "health benefit plan" and "health carrier" shall have the same meanings ascribed to such terms in section 376.1350.

6. Coverage under this section shall be limited to Federal Drug Administration approved indications and National Comprehensive Cancer Network recommendations.

7. Coverage under this section may be administered by a specialty pharmacy network."; and

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

On motion of Representative Schad, **House Amendment No. 1** was adopted.

Representative Leara offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Committee Substitute for Senate Bill No. 284, Page 1, Section A, Line 3, by inserting after all of said line the following:

"66.620. 1. All county sales taxes collected by the director of revenue under sections 66.600 to 66.630 on behalf of any county, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, shall be deposited in a special trust fund, which is hereby created, to be known as the "County Sales Tax Trust Fund". The moneys in the county sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each county imposing a county sales tax, and the records shall be open to the inspection of officers of the county and the public. Not later than the tenth day of each month, the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the county which levied the tax; such funds shall be deposited with the county treasurer of the county and all expenditures of funds arising from the county sales tax trust fund shall be by an appropriation act to be enacted by the legislative council of the county, and to the cities, towns and villages located wholly or partly within the county which levied the tax in the manner as set forth in sections 66.600 to 66.630.

2. In any county not adopting an additional sales tax and alternate distribution system as provided in section 67.581, for the purposes of distributing the county sales tax, the county shall be divided into two groups, "Group A" and "Group B". Group A shall consist of all cities, towns and villages which are located wholly or partly within the county which levied the tax and which had a city sales tax in effect under the provisions of sections 94.500 to 94.550 on the day prior to the adoption of the county sales tax ordinance, except that beginning January 1, 1980, group A shall consist of all cities, towns and villages which are located wholly or partly within the county which levied the tax and which had a city sales tax approved by the voters of such city under the provisions of sections 94.500 to 94.550 on the day prior to the effective date of the county sales tax. **Notwithstanding provisions of this section to contrary, for the period beginning August 28, 2011, and ending August 28, 2013, group A shall include all portions of any city of the fourth classification with more than four thousand three hundred but fewer than four thousand four hundred inhabitants and located in any county with a charter form of government and with more than one million inhabitants and where such city includes a dormant manufacturing plant that was used for manufacturing or assembly and employed not less than three thousand persons but has ceased such manufacturing and assembly activity.** For the purposes of determining the location of consummation of sales for distribution of funds to cities, towns and villages in group A, the boundaries of any such city, town or village shall be the boundary of that city, town or village as it existed on March 19, 1984. Group B shall consist of all cities, towns and villages which are located wholly or partly within the county which levied the tax and which did not have a city sales tax in effect under the provisions of sections 94.500 to 94.550 on the day prior to the adoption of the county sales tax ordinance, and shall also include all unincorporated areas of the county which levied the tax; except that, beginning January 1, 1980, group B shall consist of all cities, towns and villages which are located wholly or partly within the county which levied the tax and which did not have a city sales tax approved by the voters of such city under the provisions of sections 94.500 to 94.550 on the day prior to the effective date of the county sales tax and shall also include all unincorporated areas of the county which levied the tax. **Notwithstanding provisions of this section to contrary, for the period beginning August 28, 2011, and ending August 28, 2013, group B shall not include any portion of any city of the fourth classification with more than four thousand three hundred but fewer than four thousand four hundred inhabitants and located in any county with a charter form of government and with more than one million inhabitants and where such city includes a dormant manufacturing plant that was used for manufacturing or assembly and employed not less than three thousand persons but has ceased such manufacturing and assembly activity.**

3. Until January 1, 1994, the director of revenue shall distribute to the cities, towns and villages in group A the taxes based on the location in which the sales were deemed consummated under section 66.630 and subsection 12 of section 32.087. Except for distribution governed by section 66.630, after deducting the distribution to the cities, towns and villages in group A, the director of revenue shall distribute the remaining funds in the county sales tax trust fund to

the cities, towns and villages and the county in group B as follows: To the county which levied the tax, a percentage of the distributable revenue equal to the percentage ratio that the population of the unincorporated areas of the county bears to the total population of group B; and to each city, town or village in group B located wholly within the taxing county, a percentage of the distributable revenue equal to the percentage ratio that the population of such city, town or village bears to the total population of group B; and to each city, town or village located partly within the taxing county, a percentage of the distributable revenue equal to the percentage ratio that the population of that part of the city, town or village located within the taxing county bears to the total population of group B.

4. From and after January 1, 1994, the director of revenue shall distribute to the cities, towns and villages in group A a portion of the taxes based on the location in which the sales were deemed consummated under section 66.630 and subsection 12 of section 32.087 in accordance with the formula described in this subsection. After deducting the distribution to the cities, towns and villages in group A, the director of revenue shall distribute funds in the county sales tax trust fund to the cities, towns and villages and the county in group B as follows: To the county which levied the tax, ten percent multiplied by the percentage of the population of unincorporated county which has been annexed or incorporated since April 1, 1993, multiplied by the total of all sales tax revenues countywide, and a percentage of the remaining distributable revenue equal to the percentage ratio that the population of unincorporated areas of the county bears to the total population of group B; and to each city, town or village in group B located wholly within the taxing county, a percentage of the remaining distributable revenue equal to the percentage ratio that the population of such city, town or village bears to the total population of group B; and to each city, town or village located partly within the taxing county, a percentage of the remaining distributable revenue equal to the percentage ratio that the population of that part of the city, town or village located within the taxing county bears to the total population of group B.

5. (1) For purposes of administering the distribution formula of subsection 4 of this section, the revenues arising each year from sales occurring within each group A city, town or village shall be distributed as follows: Until such revenues reach the adjusted county average, as hereinafter defined, there shall be distributed to the city, town or village all of such revenues reduced by the percentage which is equal to ten percent multiplied by the percentage of the population of unincorporated county which has been annexed or incorporated after April 1, 1993; and once revenues exceed the adjusted county average, total revenues shall be shared in accordance with the redistribution formula as defined in this subsection.

(2) For purposes of this subsection, the "adjusted county average" is the per capita countywide average of all sales tax distributions during the prior calendar year reduced by the percentage which is equal to ten percent multiplied by the percentage of the population of unincorporated county which has been annexed or incorporated after April 1, 1993; the "redistribution formula" is as follows: During 1994, each group A city, town and village shall receive that portion of the revenues arising from sales occurring within the municipality that remains after deducting therefrom an amount equal to the cumulative sales tax revenues arising from sales within the municipality multiplied by the percentage which is the sum of ten percent multiplied by the percentage of the population of unincorporated county which has been annexed or incorporated after April 1, 1993, and the percentage, if greater than zero, equal to the product of 8.5 multiplied by the logarithm (to base 10) of the product of 0.035 multiplied by the total of cumulative per capita sales taxes arising from sales within the municipality less the adjusted county average. During 1995, each group A city, town and village shall receive that portion of the revenues arising from sales occurring within the municipality that remains after deducting therefrom an amount equal to the cumulative sales tax revenues arising from sales within the municipality multiplied by the percentage which is the sum of ten percent multiplied by the percentage of the population of unincorporated county which has been annexed or incorporated after April 1, 1993, and the percentage, if greater than zero, equal to the product of seventeen multiplied by the logarithm (to base 10) of the product of 0.035 multiplied by the total of cumulative per capita sales taxes arising from sales within the municipality less the adjusted county average. From January 1, 1996, until January 1, 2000, each group A city, town and village shall receive that portion of the revenues arising from sales occurring within the municipality that remains after deducting therefrom an amount equal to the cumulative sales tax revenues arising from sales within the municipality multiplied by the percentage which is the sum of ten percent multiplied by the percentage of the population of unincorporated county which has been annexed or incorporated after April 1, 1993, and the percentage, if greater than zero, equal to the product of 25.5 multiplied by the logarithm (to base 10) of the product of 0.035 multiplied by the total of cumulative per capita sales taxes arising from sales within the municipality less the adjusted county average. From and after January 1, 2000, the distribution formula covering the period from January 1, 1996, until January 1, 2000, shall continue to apply, except that the percentage computed for sales arising within the municipalities shall be not less than 7.5 percent for municipalities within which sales tax revenues exceed the adjusted county average, nor less than 12.5 percent for municipalities within which sales tax revenues exceed the adjusted county average by at least twenty-five percent.

(3) For purposes of applying the redistribution formula to a municipality which is partly within the county levying the tax, the distribution shall be calculated alternately for the municipality as a whole, except that the factor for

annexed portion of the county shall not be applied to the portion of the municipality which is not within the county levying the tax, and for the portion of the municipality within the county levying the tax. Whichever calculation results in the larger distribution to the municipality shall be used.

(4) Notwithstanding any other provision of this section, the fifty percent of additional sales taxes as described in section 99.845 arising from economic activities within the area of a redevelopment project established after July 12, 1990, pursuant to sections 99.800 to 99.865, while tax increment financing remains in effect shall be deducted from all calculations of countywide sales taxes, shall be distributed directly to the municipality involved, and shall be disregarded in calculating the amounts distributed or distributable to the municipality. Further, any agreement, contract or covenant entered into prior to July 12, 1990, between a municipality and any other political subdivision which provides for an appropriation of incremental sales tax revenues to the special allocation fund of a tax increment financing project while tax increment financing remains in effect shall continue to be in full force and effect and the sales taxes so appropriated shall be deducted from all calculations of countywide sales taxes, shall be distributed directly to the municipality involved, and shall be disregarded in calculating the amounts distributed or distributable to the municipality. In addition, and notwithstanding any other provision of this chapter to the contrary, economic development funds shall be distributed in full to the municipality in which the sales producing them were deemed consummated. Additionally, economic development funds shall be deducted from all calculations of countywide sales taxes and shall be disregarded in calculating the amounts distributed or distributable to the municipality. As used in this subdivision, the term "economic development funds" means the amount of sales tax revenue generated in any fiscal year by projects authorized pursuant to chapter 99 or chapter 100 in connection with which such sales tax revenue was pledged as security for, or was guaranteed by a developer to be sufficient to pay, outstanding obligations under any agreement authorized by chapter 100, entered into or adopted prior to September 1, 1993, between a municipality and another public body. The cumulative amount of economic development funds allowed under this provision shall not exceed the total amount necessary to amortize the obligations involved.

6. If the qualified voters of any city, town or village vote to change or alter its boundaries by annexing any unincorporated territory included in group B or if the qualified voters of one or more city, town or village in group A and the qualified voters of one or more city, town or village in group B vote to consolidate, the area annexed or the area consolidated which had been a part of group B shall remain a part of group B after annexation or consolidation. After the effective date of the annexation or consolidation, the annexing or consolidated city, town or village shall receive a percentage of the group B distributable revenue equal to the percentage ratio that the population of the annexed or consolidated area bears to the total population of group B and such annexed area shall not be classified as unincorporated area for determination of the percentage allocable to the county. If the qualified voters of any two or more cities, towns or villages in group A each vote to consolidate such cities, towns or villages, then such consolidated cities, towns or villages shall remain a part of group A. For the purpose of sections 66.600 to 66.630, population shall be as determined by the last federal decennial census or the latest census that determines the total population of the county and all political subdivisions therein. For the purpose of calculating the adjustment based on the percentage of unincorporated county population which is annexed after April 1, 1993, the accumulated percentage immediately before each census shall be used as the new percentage base after such census. After any annexation, incorporation or other municipal boundary change affecting the unincorporated area of the county, the chief elected official of the county shall certify the new population of the unincorporated area of the county and the percentage of the population which has been annexed or incorporated since April 1, 1993, to the director of revenue. After the adoption of the county sales tax ordinance, any city, town or village in group A may by adoption of an ordinance by its governing body cease to be a part of group A and become a part of group B. Within ten days after the adoption of the ordinance transferring the city, town or village from one group to the other, the clerk of the transferring city, town or village shall forward to the director of revenue, by registered mail, a certified copy of the ordinance. Distribution to such city as a part of its former group shall cease and as a part of its new group shall begin on the first day of January of the year following notification to the director of revenue, provided such notification is received by the director of revenue on or before the first day of July of the year in which the transferring ordinance is adopted. If such notification is received by the director of revenue after the first day of July of the year in which the transferring ordinance is adopted, then distribution to such city as a part of its former group shall cease and as a part of its new group shall begin the first day of July of the year following such notification to the director of revenue. Once a group A city, town or village becomes a part of group B, such city may not transfer back to group A.

7. If any city, town or village shall hereafter change or alter its boundaries, the city clerk of the municipality shall forward to the director of revenue, by registered mail, a certified copy of the ordinance adding or detaching territory from the municipality. The ordinance shall reflect the effective date thereof, and shall be accompanied by a map of the municipality clearly showing the territory added thereto or detached therefrom. Upon receipt of the ordinance and map, the tax imposed by sections 66.600 to 66.630 shall be redistributed and allocated in accordance with the provisions of

this section on the effective date of the change of the municipal boundary so that the proper percentage of group B distributable revenue is allocated to the municipality in proportion to any annexed territory. If any area of the unincorporated county elects to incorporate subsequent to the effective date of the county sales tax as set forth in sections 66.600 to 66.630, the newly incorporated municipality shall remain a part of group B. The city clerk of such newly incorporated municipality shall forward to the director of revenue, by registered mail, a certified copy of the incorporation election returns and a map of the municipality clearly showing the boundaries thereof.

The certified copy of the incorporation election returns shall reflect the effective date of the incorporation. Upon receipt of the incorporation election returns and map, the tax imposed by sections 66.600 to 66.630 shall be distributed and allocated in accordance with the provisions of this section on the effective date of the incorporation.

8. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any county abolishes the tax, the county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director of revenue shall remit the balance in the account to the county and close the account of that county. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

9. Except as modified in sections 66.600 to 66.630, all provisions of sections 32.085 and 32.087 shall apply to the tax imposed under sections 66.600 to 66.630."; and

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

Representative Leara moved that **House Amendment No. 2** be adopted.

Which motion was defeated by the following vote:

AYES: 051

Allen	Brattin	Cauthorn	Cierpiot	Cookson
Cox	Cross	Curtman	Davis	Denison
Dieckhaus	Fitzwater	Flanigan	Franz	Frederick
Fuhr	Gatschenberger	Gosen	Grisamore	Haefner
Higdon	Hinson	Houghton	Jones 89	Jones 117
Korman	Lair	Lant	Lauer	Leara
Lichtenegger	Loehner	McCaherty	McNary	Pollock
Reiboldt	Richardson	Riddle	Ruzicka	Schad
Schatz	Schoeller	Shumake	Smith 150	Solon
Stream	Thomson	Wallingford	Wells	Wieland
Zerr				

NOES: 092

Anders	Asbury	Atkins	Aull	Bahr
Barnes	Bernskoetter	Berry	Black	Brandom
Brown 50	Brown 85	Brown 116	Burlison	Carlson
Carter	Casey	Conway 14	Conway 27	Crawford
Dugger	Elmer	Entlicher	Fallert	Fraker
Franklin	Guernsey	Hampton	Harris	Hodges
Holsman	Hoskins	Hough	Hubbard	Hummel
Johnson	Jones 63	Kander	Keeney	Kelley 126
Kelly 24	Kirkton	Klippenstein	Koenig	Kratky
Lampe	Largent	Lasater	Leach	Long
Marshall	May	McCann Beatty	McGeoghegan	McGhee
McManus	McNeil	Meadows	Molendorp	Montecillo

Nance	Nasheed	Newman	Nichols	Oxford
Pace	Parkinson	Pierson	Quinn	Redmon
Rizzo	Rowland	Sater	Schieber	Shively
Sifton	Silvey	Smith 71	Spreng	Still
Swearingen	Swinger	Talboy	Taylor	Torpey
Walton Gray	Webb	Webber	Weter	White
Wright	Wyatt			

PRESENT: 000

ABSENT WITH LEAVE: 016

Colona	Day	Diehl	Ellinger	Fisher
Funderburk	Hughes	McDonald	Neth	Nolte
Phillips	Scharnhorst	Schieffer	Schneider	Schupp
Mr Speaker				

VACANCIES: 004

Representative Atkins offered **House Amendment No. 3**.

House Amendment No. 3

AMEND House Committee Substitute for Senate Bill No. 284, Page 4, Section 144.030, Line 122, by inserting immediately after the word "**Medicaid**" the following:

"**, and all sales of prescription eyeglasses**"; and

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

Representative Atkins moved that **House Amendment No. 3** be adopted.

Which motion was defeated.

Representative Bernskoetter offered **House Amendment No. 4**.

House Amendment No. 4

AMEND House Committee Substitute for Senate Bill No. 284, Page 12, Section 338.055, Line 99, by inserting after all of said section and line the following:

"**338.098. 1. All prescription drug orders communicated by way of electronic transmission shall:**

(1) Allow for the physician to review the patient's current medication list and medication history information as well as view all the medications available to the physician for the patient's condition;

(2) Have the ability to electronically adjudicate prior authorization and step therapy protocols. An electronic prior authorization process for allowing approval of an exception to the plan formulary or other restriction shall be available, so long as adjudication occurs within forty-eight hours from the time the prescription drug order is received; and

(3) Minimize interference between physician and patient through a neutral and open platform, except that information about the availability of a generic drug may be communicated. A generic drug is identical or bioequivalent to a brand name drug in dosage form, safety, strength, route of administration, quality, performance characteristics and intended use.

2. Nothing in this section shall preclude the use of paper prescriptions.

3. The board of pharmacy shall promulgate rules regarding such an electronic prior authorization process and to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in

section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2011, shall be invalid and void."; and

Further amend said bill, Page 13, Section 338.330, Line 38, by inserting after all of said section and line the following:

"**376.388. 1. A pharmacy benefit manager shall not:**

(1) Automatically enroll or passively enroll a pharmacy in a contract or modify an existing contract without affirmation from the pharmacy or pharmacist;

(2) Require that a pharmacy or pharmacist participate in one pharmacy benefit manager contract in order to participate in another contract; or

(3) Discriminate between in-network pharmacies or pharmacists on the basis of copayments or days of supply unless such pharmacy declines to fill such prescriptions at the price allowed to other in-network pharmacies for such prescription.

2. When an insured presents a prescription to a pharmacy in the pharmacy benefit manager's network, the pharmacy benefit manager shall not reassign such prescription to be filled by any other pharmacy. When the pharmacy benefit manager contacts the prescribing health care practitioner to affirm or modify the original prescription, the affirmed or modified prescription shall be filled at the in-network pharmacy of the patient's choice to which the insured presented the original prescription.

376.1460. 1. As used in sections 376.1460 to 376.1464, the following terms shall mean:

(1) "Health carrier", the same meaning as such term is defined in section 376.1350, except when such health care services are provided, delivered, arranged for, paid for, or reimbursed by the department of social services or the department of mental health;

(2) "Pharmacy benefit manager" or "PBM", a person or entity other than a pharmacy or pharmacist acting as an administrator in connection with pharmacy benefits;

(3) "Switch communication", a communication to a patient or the patient's physician from a health carrier or PBM that recommends a patient's medication be switched by the original prescribing practitioner to a different medication than the medication originally prescribed by the prescribing practitioner. A switch communication shall:

(a) Clearly identify the originally prescribed medication and the medication to which it has been proposed that the patient should be switched;

(b) Explain any financial incentives that may be provided to, or have been offered to, the prescribing practitioner by the health carrier or PBM that could result in the switch to the different medication;

(c) Explain any clinical effects that the proposed medication may have on the patient which are different than those of the originally prescribed medication;

(d) Advise the patient of the right to discuss the proposed change in treatment before such a switch takes place, including a discussion with the patient's prescribing practitioner;

(e) Explain any cost sharing changes for which the patient is responsible; and

(f) Clearly identify the net change in cost to the health insurance payer, including employers, which will result from the use of the proposed medication in lieu of the originally prescribed medication.

2. Any time a patient's medication is recommended to be switched to a medication other than that originally prescribed by the prescribing practitioner, the following communication shall be sent:

(1) A switch communication to the patient and the patient's physician; and

(2) Information to the plan sponsor or health carrier using a PBM regarding the recommended medication and the cost, shown in currency form, of the originally prescribed medication. Such communication shall include notice of medication switches among plan participants, including any financial incentive the health carrier or PBM may be using to encourage or induce the switch. Information contained in the notification shall be in the aggregate and shall not contain any personally identifiable information.

The provisions of this subsection shall not apply to any substitution made under subsection 2 of section 338.056, unless such substitute results in a higher cost to the patient or health insurance payer.

3. All health carriers and pharmacy benefit managers shall submit the format and language for any switch communication that shall be sent to a patient under this section to the department of insurance, financial institutions and professional registration for approval. The department shall examine the format and language of the switch communication to ensure it meets the criteria for a switch communication as described in this section. The department shall have sixty days to review and issue a statement to the health carrier or PBM regarding compliance with this section. If the department finds noncompliance with this section, the department shall cite specific reasons for such decision.

4. The department shall also promulgate rules governing switch communications. Such rules shall include, but not be limited to, the following:

(1) Procedures for verifying the accuracy of any switch communications from health carriers and pharmacy benefit managers to ensure that such switch communications are truthful, accurate, and not misleading based on cost to the patient and plan sponsor, the product package labeling, medical compendia recognized by the MO HealthNet program for the drug utilization review program, and peer-reviewed medical literature; and

(2) Except for a substitution due to the Food and Drug Administration's withdrawal of a drug for prescription, a requirement that all switch communications bear a prominent notification on the first page clearly indicating the switch communication is not a product safety notice.

5. (1) A PBM owes a fiduciary duty to a covered entity and shall discharge that duty in accordance with the provisions of state and federal law.

(2) A PBM shall perform its duties with care, skill, prudence, and diligence and in accordance with the standards of conduct applicable to a fiduciary in an enterprise of like character and with like aims.

(3) A PBM shall notify the covered entity in writing of any activity, policy, or practice of the PBM that directly or indirectly presents any conflict of interest with the duties imposed by this section.

6. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2011, shall be invalid and void.

376.1462. 1. Issuing or delivering or causing to be issued or delivered a switch communication that has not been approved and is not in compliance with the requirements of section 376.1460 is punishable by a fine not to exceed twenty-five thousand dollars.

2. Providing a misrepresentation or false statement in a switch communication under section 376.1460 is punishable by a fine not to exceed twenty-five thousand dollars.

3. Any other material violation of section 376.1460 is punishable by a fine not to exceed twenty-five thousand dollars.

376.1464. 1. When medications for the treatment of any medical condition are restricted for use by a health carrier or PBM by a step therapy or fail first protocol, a prescriber shall have access to a clear and convenient process to request an override for such restriction from the PBM or health carrier. An override of such restriction shall be expeditiously granted by the health carrier or PBM when the prescriber can demonstrate:

(1) Based on sound clinical evidence, that the preferred treatment required under the step therapy or fail first protocol has been ineffective in the treatment of the covered person's disease or medical condition; or

(2) Based on sound clinical evidence or medical and scientific evidence, that the preferred treatment required under the step therapy or fail first protocol:

(a) Is likely to be ineffective based on the known relevant physical or mental characteristics of the covered person and known characteristics of the drug regimen; or

(b) Will likely cause an adverse reaction or other harm to the covered person.

2. The duration of any step therapy or fail first protocol shall not be longer than a period of fourteen days when such treatment is deemed clinically ineffective by the prescribing physician. However, when the health carrier or PBM can show, through sound clinical evidence, the originally prescribed medication is likely to require more than two weeks to provide any relief or amelioration to the patient the step therapy or fail first protocol may be extended up to seven additional days.

3. Nothing in this section shall require the PBM or health carrier to grant an exception to the step therapy or fail first protocol if the prescriber fails to meet the requirements in subsection 1 of this section.

4. Nothing in this section shall be construed as requiring coverage for any condition which is specifically excluded by the insurance policy or contract and not otherwise covered by law.

376.1466. In order to expedite and provide a more efficient and cost effective process for the preauthorization and step therapy process, every pharmacy benefit manager and health carrier requiring preauthorization or step therapy for a specific medication shall provide a website with a list of the medications which require preauthorization and the process required to comply with the pharmacy benefit manager's or health carrier's policies."; and

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

Representative Jones (89) moved the previous question.

Which motion was adopted by the following vote:

AYES: 095

Allen	Asbury	Bahr	Barnes	Bernskoetter
Berry	Brandom	Brown 85	Brown 116	Burlison
Cauthorn	Cierpiot	Conway 14	Cookson	Cox
Crawford	Cross	Curtman	Davis	Denison
Diehl	Dugger	Elmer	Entlicher	Fisher
Fitzwater	Flanigan	Fraker	Franklin	Franz
Frederick	Fuhr	Funderburk	Gatschenberger	Gosen
Grisamore	Guernsey	Haefner	Hampton	Higdon
Hinson	Hoskins	Hough	Houghton	Johnson
Jones 89	Jones 117	Keeney	Kelley 126	Klippenstein
Koenig	Korman	Lant	Largent	Lasater
Lauer	Leach	Lichtenegger	Loehner	Long
Marshall	McCaherty	McNary	Molendorp	Nance
Nolte	Parkinson	Pollock	Redmon	Reiboldt
Richardson	Riddle	Rowland	Ruzicka	Sater
Schad	Schatz	Schieber	Schoeller	Shumake
Silvey	Smith 150	Solon	Stream	Thomson
Torpey	Wallingford	Wells	Weter	White
Wieland	Wright	Wyatt	Zerr	Mr Speaker

NOES: 044

Anders	Atkins	Aull	Black	Brown 50
Carlson	Carter	Casey	Conway 27	Fallert
Harris	Hodges	Holsman	Hummel	Kander
Kelly 24	Kirkton	Kratky	Lampe	May
McCann Beatty	McGeoghegan	McManus	McNeil	Meadows
Montecillo	Nasheed	Newman	Nichols	Oxford
Pace	Pierson	Quinn	Rizzo	Shively
Sifton	Smith 71	Still	Swearingen	Swinger
Taylor	Walton Gray	Webb	Webber	

PRESENT: 000

ABSENT WITH LEAVE: 020

Brattin	Colona	Day	Dieckhaus	Ellinger
Hubbard	Hughes	Jones 63	Lair	Leara
McDonald	McGhee	Neth	Phillips	Scharnhorst
Schieffer	Schneider	Schupp	Spreng	Talboy

VACANCIES: 004

House Amendment No. 4 was withdrawn.

On motion of Representative Sater, **HCS SB 284, as amended**, was adopted.

On motion of Representative Sater, **HCS SB 284, as amended**, was read the third time and passed by the following vote:

AYES: 116

Allen	Asbury	Aull	Bahr	Barnes
Bernskoetter	Berry	Black	Brandom	Brattin
Brown 50	Brown 85	Brown 116	Burlison	Casey
Cauthorn	Cierpiot	Conway 14	Conway 27	Cookson
Cox	Crawford	Cross	Curtman	Davis
Denison	Diehl	Dugger	Elmer	Entlicher
Fallert	Fisher	Fitzwater	Flanigan	Fraker
Franklin	Franz	Frederick	Fuhr	Funderburk
Gatschenberger	Gosen	Grisamore	Guernsey	Haefner
Hampton	Harris	Higdon	Hinson	Hodges
Hoskins	Hough	Houghton	Hubbard	Johnson
Jones 89	Jones 117	Keeney	Kelley 126	Kirkton
Klippenstein	Koenig	Korman	Kratky	Lair
Lant	Largent	Lasater	Lauer	Leach
Leara	Lichtenegger	Loehner	Long	May
McCaherty	McGhee	McNary	Meadows	Molendorp
Nance	Nasheed	Newman	Nolte	Parkinson
Pollock	Quinn	Redmon	Reiboldt	Richardson
Riddle	Rowland	Ruzicka	Sater	Schad
Schieber	Schoeller	Shively	Shumake	Silvey
Smith 150	Solon	Spreng	Stream	Swinger
Thomson	Torpey	Wallingford	Wells	Weter
White	Wieland	Wright	Wyatt	Zerr
Mr Speaker				

NOES: 028

Anders	Atkins	Carlson	Carter	Ellinger
Holsman	Kander	Kelly 24	Lampe	McCann Beatty
McGeoghegan	McManus	McNeil	Montecillo	Nichols
Oxford	Pace	Pierson	Rizzo	Sifton
Smith 71	Still	Swearingen	Talboy	Taylor
Walton Gray	Webb	Webber		

PRESENT: 001

Marshall

ABSENT WITH LEAVE: 014

Colona	Day	Dieckhaus	Hughes	Hummel
Jones 63	McDonald	Neth	Phillips	Scharnhorst
Schatz	Schieffer	Schneider	Schupp	

VACANCIES: 004

Speaker Pro Tem Schoeller declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 124

Allen	Asbury	Atkins	Aull	Bahr
Barnes	Bernskoetter	Black	Brandom	Brattin
Brown 50	Brown 85	Brown 116	Burlison	Casey
Cauthorn	Cierpiot	Colona	Conway 14	Conway 27
Cookson	Cox	Crawford	Cross	Curtman
Davis	Denison	Diehl	Dugger	Ellinger
Elmer	Entlicher	Fallert	Fisher	Fitzwater
Flanigan	Fraker	Franklin	Frederick	Fuhr
Funderburk	Gatschenberger	Gosen	Grisamore	Guernsey
Haefner	Hampton	Harris	Higdon	Hinson
Hodges	Holsman	Hoskins	Hough	Houghton
Hubbard	Hummel	Johnson	Jones 89	Jones 117
Keeney	Kelley 126	Kelly 24	Kirkton	Klippenstein
Koenig	Korman	Kratky	Lair	Lant
Largent	Lasater	Lauer	Leach	Leara
Lichtenegger	Loehner	Long	May	McCaherty
McGeoghegan	McGhee	McNary	Meadows	Molendorp
Nance	Newman	Nolte	Parkinson	Pollock
Quinn	Redmon	Reiboldt	Richardson	Riddle
Rowland	Ruzicka	Sater	Schad	Schatz
Schieber	Schoeller	Shively	Shumake	Sifton
Silvey	Smith 150	Solon	Spreng	Stream
Swearingen	Swinger	Talboy	Taylor	Thomson
Torpey	Wallingford	Wells	Weter	White
Wright	Wyatt	Zerr	Mr Speaker	

NOES: 022

Anders	Berry	Carlson	Carter	Kander
Lampe	McCann Beatty	McManus	McNeil	Montecillo
Nasheed	Nichols	Oxford	Pace	Pierson
Rizzo	Smith 71	Still	Walton Gray	Webb
Webber	Wieland			

PRESENT: 001

Marshall

ABSENT WITH LEAVE: 012

Day	Dieckhaus	Franz	Hughes	Jones 63
McDonald	Neth	Phillips	Scharnhorst	Schieffer
Schneider	Schupp			

VACANCIES: 004

REFERRAL OF SENATE BILLS

The following Senate Bills were referred to the Committee indicated:

HCS SB 48 - Fiscal Review (Fiscal Note)
HCS#2 SCS SB 117 - Fiscal Review (Fiscal Note)

COMMITTEE REPORTS

Committee on Elementary and Secondary Education, Chairman Dieckhaus reporting:

Mr. Speaker: Your Committee on Elementary and Secondary Education, to which was referred **SCS SB 81**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Committee on Health Care Policy, Chairman Sater reporting:

Mr. Speaker: Your Committee on Health Care Policy, to which was referred **SCR 12**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Committee on Rules, Chairman Diehl reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **SCR 11**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SCS SB 17**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SCS SBs 26 & 106**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SB 36**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SS#2 SCS SB 62**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SB 77**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SCS SB 81**, begs leave to report it has examined the same and recommends that it **Do Pass**.

COMMITTEE APPOINTMENT

May 9, 2011

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
State Capitol, Room 306
Jefferson City, MO 65101

Dear Mr. Crumbliss:

Pursuant to House Rule 22, I hereby appoint myself to the Rules Committee. I intend to only serve on the committee for this week and will deliver you a different appointment letter during the interim.

If you have any questions regarding this communication, please contact my office.

Sincerely,

/s/ Mike Talboy
Missouri House of Representatives
District 37

LETTER OF RESIGNATION

May 6, 2011

Adam Crumbliss
Chief Clerk
Missouri House of Representatives
State Capitol, Room 306
Jefferson City, MO 65101

Dear Mr. Crumbliss:

Pursuant to RSMo, 21.090, I hereby submit my resignation, effective immediately, as state representative for the 39th District so that I may take the oath of office as Jackson County Prosecuting Attorney.

I further request, pursuant to the same section, that you immediately notify the Governor of said resignation so that he may call a special election for the 39th District seat in the House of Representatives.

Sincerely,

/s/ Jean Peters-Baker

ADJOURNMENT

On motion of Representative Jones (89), the House adjourned until 9:30 a.m., Tuesday, May 10, 2011.

COMMITTEE MEETINGS

ADMINISTRATION AND ACCOUNTS
Wednesday, May 11, 2011, 8:00 AM House Hearing Room 3.
Legislative assistants
Member expense account

CONFERENCE COMMITTEE
Tuesday, May 10, 2011, 8:00 AM House Hearing Room 7.
SCS HB 142, as amended

CONFERENCE COMMITTEE
Tuesday, May 10, 2011, 8:30 AM Senate Committee Room 2.
HCS SS#2 SCS SB 8

CONFERENCE COMMITTEE
Tuesday, May 10, 2011, 8:30 AM Bingham Gallery.
HCS SS SB 135

CONFERENCE COMMITTEE
Wednesday, May 11, 2011, 8:30 AM Senate Committee Room 2.
HCS SB 173

CORRECTIONS
Tuesday, May 10, 2011, 12:00 PM House Hearing Room 3.
Informational luncheon meeting at 12:00 noon

FISCAL REVIEW
Tuesday, May 10, 2011, 8:00 AM South Gallery.
Executive session may be held on any matter referred to the committee.
Any bills referred to the committee

FISCAL REVIEW
Wednesday, May 11, 2011, 8:00 AM South Gallery.
Executive session may be held on any matter referred to the committee.
Any bills referred to the committee

FISCAL REVIEW
Thursday, May 12, 2011, 8:00 AM South Gallery.
Executive session may be held on any matter referred to the committee.
Any bills referred to the committee

FISCAL REVIEW
Friday, May 13, 2011, 8:00 AM South Gallery.
Executive session may be held on any matter referred to the committee.
Any bills referred to the committee.

JOINT COMMITTEE ON EDUCATION
Tuesday, May 10, 2011, 8:30 AM Senate Lounge.
Election of chair and vice-chair, interim assignments

RULES - RULES PURSUANT TO RULE 25(32)(F)
Tuesday, May 10, 2011, House Hearing Room 7, upon evening recess or adjournment, whichever is earlier.
Executive session may be held on all bills referred to this committee

HOUSE CALENDAR

SIXTY-NINTH DAY, TUESDAY, MAY 10, 2011

HOUSE JOINT RESOLUTIONS FOR PERFECTION

1 HJR 14 - Cox
2 HCS HJR 8, as amended - Koenig
3 HJR 15 - Ruzicka

HOUSE BILLS FOR PERFECTION

1 HCS HB 329 - Diehl
2 HCS HB 131, as amended - Cox
3 HCS HB 100 - Loehner
4 HB 490 - Diehl
5 HCS HB 401 - Diehl
6 HB 655 - Lampe
7 HCS HB 657 - Allen
8 HCS HB 121 - Dugger
9 HCS HBs 303 & 239 - Davis
10 HCS HB 643 - May
11 HB 491 - Diehl
12 HB 364 - Parkinson
13 HCS HB 742 - Wyatt
14 HCS HB 212 - Thomson
15 HCS HB 613, as amended - Holsman
16 HB 686 - Richardson
17 HCS HB 688 - Pollock
18 HCS HB 716 - Wyatt
19 HB 741 - Bernskoetter
20 HCS HB 811 - Talboy

21 HCS HB 893 - Richardson
22 HB 924 - Nolte
23 HB 200 - Kelley (126)
24 HCS HB 446 - Thomson
25 HB 720 - Parkinson
26 HB 740 - Funderburk

HOUSE BILLS FOR THIRD READING

1 HB 305, with E.C. pending - Gatschenberger
2 HB 466 - Schoeller

HOUSE CONCURRENT RESOLUTIONS

1 HCR 38, (4-12-11, Page 1236) - Cierpiot
2 HCR 28, (4-7-11, Pages 1171-1172) - Nolte
3 HCR 41, (4-22-11, Pages 1595-1596) - Parkinson
4 HCR 48, (4-21-11, Pages 1429-1430) - Schatz
5 HCR 53, (5-3-11, Pages 1792-1793) - Rowland

SENATE BILLS FOR THIRD READING

1 HCS SB 207, as amended - Pollock
2 HCS SS SB 202 - Schoeller
3 HCS SB 243, E.C. - Dieckhaus
4 SCS SB 323, E.C. - Allen
5 SB 38 - Carter
6 HCS SCS SB 60 - Cox
7 SS SCS SB 65 - Jones (89)
8 HCS SB 90 - Burlison
9 HCS SS SCS SB 132, E.C. - Richardson
10 HCS#2 SCS SB 162 - Guernsey
11 SS SB 238 - Hinson
12 HCS SB 325, E.C. - Smith (150)
13 HCS SS SCS SB 351 - Barnes
14 HCS SCS SB 356, E.C. - Loehner
15 HCS SS SB 360, E.C. - Wyatt
16 SS SCS SB 70 - Franz
17 HCS#2 SCS SB 117, (Fiscal Review 5-9-11), E.C. - Flanigan
18 HCS SB 180 - Torpey
19 HCS SS SCS SB 254 - Cox
20 HCS SCS SB 17 - Sater
21 SCS SBs 26 & 106 - Elmer
22 SB 36, E.C. - Scharnhorst
23 HCS SB 48, (Fiscal Review 5-9-11), E.C. - Pollock

24 HCS SS#2 SCS SB 62 - Sater
25 HCS SB 77 - Denison
26 SCS SB 81 - Frederick

SENATE CONCURRENT RESOLUTIONS FOR THIRD READING

SCR 11, (4-21-11, Page 1431) - Franklin

HOUSE BILLS WITH SENATE AMENDMENTS

1 SCS HB 798, HB 141, HB 153, HCS HB 363, HB 415 & HB 813 - Brown (85)
2 HCS HB 108, SCA 1 and SA 1 - Smith (150)
3 SCS HB 307 & HB 812 - Gatschenberger
4 SCS HB 388 - Burlison
5 SCS HCS HB 631 - Grisamore
6 SCS HB 270, as amended - Burlison
7 SCS HB 186 - Entlicher
8 SCS HB 149 - Day
9 SS SCS HCS HBs 73 & 47, as amended - Brandom
10 SCS HB 256 - Cox
11 SCS HCS HB 214 - Zerr
12 SS SCS HB 137, as amended, E.C. - Thomson
13 SCS HCS HB 641 - Franz
14 HCS HB 197, SCA 1 - Jones (63)
15 HB 340, SA 1, E.C. - Klippenstein
16 SCS HCS HB 250 - Cox
17 SS HCS HB 338 - Pollock
18 SCS HCS HB 578 - Thomson
19 SCS HB 737 - Redmon
20 SS SCS HB 282, as amended - Franz

BILLS IN CONFERENCE

1 HCS SS#2 SCS SB 8, as amended - Fisher
2 HCS SB 173, as amended - Cierpiot
3 HCS SB 282, as amended - Dugger
4 HCS SS SB 135, as amended, E.C. - Jones (89)
5 SCS HB 142, as amended - Gatschenberger
6 HCS SB 220, as amended - Diehl
7 SCS HB 101, as amended - Loehner
8 HCS SB 145, as amended - Gatschenberger
9 HCS SB 61, as amended - Nasheed
10 HCS SB 322, as amended - Kelly (24)
11 HCS SS SB 226, as amended - Franz
12 HCS SB 59, as amended - Diehl

VETOED HOUSE BILLS

SS SCS HB 209 - Guernsey

SENATE CONCURRENT RESOLUTIONS

SCR 7, (3-17-11, Page 700) - Jones (89)

HOUSE RESOLUTIONS

HR 1826, (4-27-11, Pages 1649-1650) - Long