# JOURNAL OF THE HOUSE

Second Regular Session, 98th GENERAL ASSEMBLY

FIFTY-SIXTH DAY, WEDNESDAY, APRIL 20, 2016

The House met pursuant to adjournment.

Speaker Richardson in the Chair.

Prayer by Marilyn Seaton, Office of the Assistant Chief Clerk.

Lord, we pray that we will remember that all that we have and are is one of the unique and never to be repeated ways You have chosen to express Yourself in time and space. Each of us, made in Your image and likeness, is yet another promise You have made to the universe that You will continue to love it and care for it. To one of our own, the quiet, caring, thoughtful Statesman Carl Vogel, may You have mercy on his soul and may he rest in peace.

And the House says, "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: Emily Gutierrez, Miguel Cobos, Lauren Widman, and Maya Rideout.

The Journal of the fifty-fifth day was approved as printed.

## MOTION

Representative Austin moved that Rule 23 be suspended.

Which motion was adopted by the following vote:

AYES: 118

| | | | | |
|---|---|---|---|---|
| Alferman | Allen | Anders | Anderson | Andrews |
| Arthur | Austin | Bahr | Basye | Beard |
| Bernskoetter | Berry | Bondon | Brown 57 | Brown 94 |
| Burns | Butler | Cierpiot | Conway 104 | Cookson |
| Corlew | Cornejo | Crawford | Cross | Curtis |
| Curtman | Davis | Dogan | Dohrman | Dugger |
| Eggleston | Engler | English | Entlicher | Fitzwater 144 |
| Fitzwater 49 | Fraker | Franklin | Frederick | Gannon |
| Green | Haefner | Hansen | Harris | Hicks |
| Higdon | Hinson | Hoskins | Hough | Hubrecht |
| Hummel | Hurst | Johnson | Justus | Kelley |
| Kidd | King | Kirkton | Koenig | Kolkmeyer |
| Korman | Lair | Lant | Lauer | Leara |
| Lichtenegger | Lynch | Marshall | Mathews | May |
| McCaherty | McCann Beatty | McDaniel | McGaugh | McGee |

| | | | | |
|---|---|---|---|---|
| Meredith | Messenger | Mims | Montecillo | Moon |
| Morgan | Morris | Muntzel | Newman | Nichols |
| Norr | Otto | Pace | Peters | Pfautsch |
| Phillips | Pierson | Pike | Plocher | Redmon |
| Reiboldt | Remole | Roden | Roeber | Rowden |
| Rowland 155 | Rowland 29 | Runions | Shaul | Shull |
| Shumake | Solon | Sommer | Swan | Taylor 139 |
| Taylor 145 | Walker | Walton Gray | Wiemann | Wilson |
| Wood | Zerr | Mr. Speaker | | |

NOES: 006

| | | | | |
|---|---|---|---|---|
| Conway 10 | Kratky | Lavender | McCreery | McNeil |
| Mitten | | | | |

PRESENT: 001

Pogue

ABSENT: 037

| | | | | |
|---|---|---|---|---|
| Adams | Barnes | Black | Brattin | Burlison |
| Carpenter | Chipman | Colona | Dunn | Ellington |
| Fitzpatrick | Flanigan | Gardner | Haahr | Hill |
| Houghton | Hubbard | Jones | Kendrick | LaFaver |
| Love | McDonald | Miller | Neely | Parkinson |
| Pietzman | Rehder | Rhoads | Rizzo | Rone |
| Ross | Ruth | Smith | Spencer | Vescovo |
| Webber | White | | | |

VACANCIES: 001

## RECESS

On motion of Representative Austin, the House recessed until 1:00 p.m.

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

## THIRD READING OF HOUSE BILLS - APPROPRIATIONS

**HCS HB 2017**, to appropriate money for capital improvement and other purposes, was taken up by Representative Fitzpatrick.

On motion of Representative Fitzpatrick, **HCS HB 2017** was read the third time and passed by the following vote:

AYES: 117

| | | | | |
|---|---|---|---|---|
| Alferman | Allen | Anders | Anderson | Andrews |
| Austin | Bahr | Barnes | Basye | Beard |
| Berry | Black | Bondon | Brattin | Brown 94 |
| Burlison | Butler | Chipman | Conway 10 | Conway 104 |
| Cookson | Corlew | Crawford | Cross | Curtis |
| Curtman | Davis | Dogan | Dohrman | Dugger |
| Eggleston | Engler | Entlicher | Fitzpatrick | Fitzwater 144 |

| | | | | |
|---|---|---|---|---|
| Fitzwater 49 | Fraker | Franklin | Frederick | Gannon |
| Haahr | Haefner | Hansen | Harris | Hicks |
| Higdon | Hill | Hinson | Hoskins | Houghton |
| Hubbard | Hubrecht | Johnson | Jones | Justus |
| Kelley | Kendrick | Kidd | King | Koenig |
| Korman | Lair | Lant | Lauer | Leara |
| Lichtenegger | Love | Lynch | Mathews | May |
| McCaherty | McCann Beatty | McDaniel | McGaugh | Meredith |
| Messenger | Miller | Mims | Montecillo | Morris |
| Muntzel | Neely | Norr | Peters | Pfautsch |
| Phillips | Pierson | Pietzman | Pike | Plocher |
| Redmon | Rehder | Reiboldt | Remole | Rhoads |
| Rizzo | Roden | Ross | Rowland 155 | Runions |
| Shaul | Shull | Shumake | Solon | Sommer |
| Spencer | Swan | Taylor 139 | Taylor 145 | Vescovo |
| Walker | Webber | Wiemann | Wilson | Wood |
| Zerr | Mr. Speaker | | | |

NOES: 026

| | | | | |
|---|---|---|---|---|
| Adams | Arthur | Burns | Carpenter | Dunn |
| Ellington | Gardner | Green | Hummel | Hurst |
| Kirkton | Kratky | LaFaver | Lavender | Marshall |
| McCreery | McNeil | Moon | Morgan | Newman |
| Nichols | Otto | Pace | Pogue | Rowland 29 |
| Walton Gray | | | | |

PRESENT: 000

ABSENT: 019

| | | | | |
|---|---|---|---|---|
| Bernskoetter | Brown 57 | Cierpiot | Colona | Cornejo |
| English | Flanigan | Hough | Kolkmeyer | McDonald |
| McGee | Mitten | Parkinson | Roeber | Rone |
| Rowden | Ruth | Smith | White | |

VACANCIES: 001

Speaker Richardson declared the bill passed.

**HCS HB 2018**, to appropriate money for purposes for the several departments and offices of state government, and capital improvements, was taken up by Representative Fitzpatrick.

On motion of Representative Fitzpatrick, **HCS HB 2018** was read the third time and passed by the following vote:

AYES: 124

| | | | | |
|---|---|---|---|---|
| Alferman | Allen | Anders | Anderson | Andrews |
| Austin | Bahr | Barnes | Basye | Beard |
| Bernskoetter | Berry | Black | Bondon | Brattin |
| Brown 57 | Brown 94 | Burlison | Butler | Carpenter |
| Chipman | Conway 10 | Conway 104 | Cookson | Corlew |

| | | | | |
|---|---|---|---|---|
| Crawford | Cross | Curtis | Curtman | Davis |
| Dogan | Dohrman | Dugger | Dunn | Eggleston |
| Engler | Entlicher | Fitzpatrick | Fitzwater 144 | Fitzwater 49 |
| Fraker | Franklin | Frederick | Gannon | Green |
| Haefner | Hansen | Harris | Hicks | Higdon |
| Hill | Hinson | Hoskins | Hough | Houghton |
| Hubbard | Hubrecht | Johnson | Jones | Justus |
| Kelley | Kendrick | Kidd | King | Koenig |
| Korman | Lair | Lant | Lauer | Lichtenegger |
| Love | Lynch | Mathews | May | McCaherty |
| McCann Beatty | McDaniel | McGaugh | Meredith | Messenger |
| Miller | Mims | Montecillo | Morgan | Morris |
| Muntzel | Neely | Nichols | Pace | Peters |
| Pfautsch | Phillips | Pietzman | Pike | Plocher |
| Redmon | Rehder | Reiboldt | Remole | Rhoads |
| Rizzo | Roden | Roeber | Ross | Rowden |
| Rowland 155 | Runions | Shaul | Shull | Shumake |
| Solon | Sommer | Spencer | Swan | Taylor 139 |
| Taylor 145 | Vescovo | Walker | Webber | Wiemann |
| Wilson | Wood | Zerr | Mr. Speaker | |

NOES: 023

| | | | | |
|---|---|---|---|---|
| Adams | Arthur | Burns | Ellington | Gardner |
| Hummel | Hurst | Kirkton | Kratky | LaFaver |
| Lavender | Marshall | McCreery | McNeil | Mitten |
| Moon | Newman | Norr | Otto | Pierson |
| Pogue | Rowland 29 | Walton Gray | | |

PRESENT: 000

ABSENT: 015

| | | | | |
|---|---|---|---|---|
| Cierpiot | Colona | Cornejo | English | Flanigan |
| Haahr | Kolkmeyer | Leara | McDonald | McGee |
| Parkinson | Rone | Ruth | Smith | White |

VACANCIES: 001

Speaker Richardson declared the bill passed.

## PERFECTION OF HOUSE BILLS

**HB 1969**, relating to confiscation of animals, was taken up by Representative Anderson.

Representative Rhoads assumed the Chair.

Speaker Richardson resumed the Chair.

Representative Bondon assumed the Chair.

Speaker Richardson resumed the Chair.

On motion of Representative Anderson, **HB 1969** was ordered perfected and printed.

**HCS HB 1465**, relating to collaborative practice arrangements, was taken up by Representative Burlison.

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

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 1465, Page 1, In the Title, Line 3, by deleting the words "collaborative practice agreements" and inserting in lieu thereof the words "licensed professionals"; and

Further amend said bill, Page 10, Section 334.104, Line 156, by inserting after all of said section and line the following:

"**334.1200. PURPOSE**

**The purpose of this compact is to facilitate interstate practice of physical therapy with the goal of improving public access to physical therapy services. The practice of physical therapy occurs in the state where the patient/client is located at the time of the patient/client encounter. The compact preserves the regulatory authority of states to protect public health and safety through the current system of state licensure.**

**This compact is designed to achieve the following objectives:**

**1. Increase public access to physical therapy services by providing for the mutual recognition of other member state licenses;**

**2. Enhance the states' ability to protect the public's health and safety;**

**3. Encourage the cooperation of member states in regulating multistate physical therapy practice;**

**4. Support spouses of relocating military members;**

**5. Enhance the exchange of licensure, investigative, and disciplinary information between member states; and**

**6. Allow a remote state to hold a provider of services with a compact privilege in that state accountable to that state's practice standards.**

**334.1203. DEFINITIONS**

**As used in this compact, and except as otherwise provided, the following definitions shall apply:**

**1. "Active Duty Military" means full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. Section 1209 and 1211.**

**2. "Adverse Action" means disciplinary action taken by a physical therapy licensing board based upon misconduct, unacceptable performance, or a combination of both.**

**3. "Alternative Program" means a nondisciplinary monitoring or practice remediation process approved by a physical therapy licensing board. This includes, but is not limited to, substance abuse issues.**

**4. "Compact privilege" means the authorization granted by a remote state to allow a licensee from another member state to practice as a physical therapist or work as a physical therapist assistant in the remote state under its laws and rules. The practice of physical therapy occurs in the member state where the patient/client is located at the time of the patient/client encounter.**

**5. "Continuing competence" means a requirement, as a condition of license renewal, to provide evidence of participation in, and/or completion of, educational and professional activities relevant to practice or area of work.**

**6. "Data system" means a repository of information about licensees, including examination, licensure, investigative, compact privilege, and adverse action.**

**7. "Encumbered license" means a license that a physical therapy licensing board has limited in any way.**

**8. "Executive Board" means a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the commission.**

**9. "Home state" means the member state that is the licensee's primary state of residence.**

**10. "Investigative information" means information, records, and documents received or generated by a physical therapy licensing board pursuant to an investigation.**

**11. "Jurisprudence requirement" means the assessment of an individual's knowledge of the laws and rules governing the practice of physical therapy in a state.**

**12. "Licensee" means an individual who currently holds an authorization from the state to practice as a physical therapist or to work as a physical therapist assistant.**

**13. "Member state" means a state that has enacted the compact.**

**14. "Party state" means any member state in which a licensee holds a current license or compact privilege or is applying for a license or compact privilege.**

**15. "Physical therapist" means an individual who is licensed by a state to practice physical therapy.**

**16. "Physical therapist assistant" means an individual who is licensed/certified by a state and who assists the physical therapist in selected components of physical therapy.**

**17. "Physical therapy", "physical therapy practice", and "the practice of physical therapy" mean the care and services provided by or under the direction and supervision of a licensed physical therapist.**

**18. "Physical therapy compact commission" or "commission" means the national administrative body whose membership consists of all states that have enacted the compact.**

**19. "Physical therapy licensing board" or "licensing board" means the agency of a state that is responsible for the licensing and regulation of physical therapists and physical therapist assistants.**

**20. "Remote state" means a member state other than the home state, where a licensee is exercising or seeking to exercise the compact privilege.**

**21. "Rule" means a regulation, principle, or directive promulgated by the commission that has the force of law.**

**22. "State" means any state, commonwealth, district, or territory of the United States of America that regulates the practice of physical therapy.**

**334.1206. STATE PARTICIPATION IN THE COMPACT**

**A. To participate in the compact, a state must:**

**1. Participate fully in the commission's data system, including using the commission's unique identifier as defined in rules;**

**2. Have a mechanism in place for receiving and investigating complaints about licensees;**

**3. Notify the commission, in compliance with the terms of the compact and rules, of any adverse action or the availability of investigative information regarding a licensee;**

**4. Fully implement a criminal background check requirement, within a time frame established by rule, by receiving the results of the Federal Bureau of Investigation record search on criminal background checks and use the results in making licensure decisions in accordance with section 334.1206.B.;**

**5. Comply with the rules of the commission;**

**6. Utilize a recognized national examination as a requirement for licensure pursuant to the rules of the commission; and**

**7. Have continuing competence requirements as a condition for license renewal.**

**B. Upon adoption of sections 334.1200 to 334.1233, the member state shall have the authority to obtain biometric-based information from each physical therapy licensure applicant and submit this information to the Federal Bureau of Investigation for a criminal background check in accordance with 28 U.S.C. Section 534 and 42 U.S.C. Section 14616.**

**C. A member state shall grant the compact privilege to a licensee holding a valid unencumbered license in another member state in accordance with the terms of the compact and rules.**

**D. Member states may charge a fee for granting a compact privilege.**

**334.1209. COMPACT PRIVILEGE**

**A. To exercise the compact privilege under the terms and provisions of the compact, the licensee shall:**

**1. Hold a license in the home state;**

**2. Have no encumbrance on any state license;**

**3. Be eligible for a compact privilege in any member state in accordance with section 334.1209D, G and H;**

**4. Have not had any adverse action against any license or compact privilege within the previous 2 years;**

**5. Notify the commission that the licensee is seeking the compact privilege within a remote state(s);**

**6. Pay any applicable fees, including any state fee, for the compact privilege;**

**7. Meet any jurisprudence requirements established by the remote state(s) in which the licensee is seeking a compact privilege; and**

**8. Report to the commission adverse action taken by any nonmember state within thirty days from the date the adverse action is taken.**

**B. The compact privilege is valid until the expiration date of the home license. The licensee must comply with the requirements of section 334.1209.A. to maintain the compact privilege in the remote state.**

**C. A licensee providing physical therapy in a remote state under the compact privilege shall function within the laws and regulations of the remote state.**

**D. A licensee providing physical therapy in a remote state is subject to that state's regulatory authority. A remote state may, in accordance with due process and that state's laws, remove a licensee's compact privilege in the remote state for a specific period of time, impose fines, and/or take any other necessary actions to protect the health and safety of its citizens. The licensee is not eligible for a compact privilege in any state until the specific time for removal has passed and all fines are paid.**

**E. If a home state license is encumbered, the licensee shall lose the compact privilege in any remote state until the following occur:**

**1. The home state license is no longer encumbered; and**

**2. Two years have elapsed from the date of the adverse action.**

**F. Once an encumbered license in the home state is restored to good standing, the licensee must meet the requirements of section 334.1209A to obtain a compact privilege in any remote state.**

**G. If a licensee's compact privilege in any remote state is removed, the individual shall lose the compact privilege in any remote state until the following occur:**

**1. The specific period of time for which the compact privilege was removed has ended;**

**2. All fines have been paid; and**

**3. Two years have elapsed from the date of the adverse action.**

**H. Once the requirements of section 334.1209G have been met, the license must meet the requirements in section 334.1209A to obtain a compact privilege in a remote state.**

**334.1212. ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES**

**A licensee who is active duty military or is the spouse of an individual who is active duty military may designate one of the following as the home state:**

**A. Home of record;**

**B. Permanent change of station (PCS); or**

**C. State of current residence if it is different than the PCS state or home of record.**

**334.1215. ADVERSE ACTIONS**

**A. A home state shall have exclusive power to impose adverse action against a license issued by the home state.**

**B. A home state may take adverse action based on the investigative information of a remote state, so long as the home state follows its own procedures for imposing adverse action.**

**C. Nothing in this compact shall override a member state's decision that participation in an alternative program may be used in lieu of adverse action and that such participation shall remain nonpublic if required by the member state's laws. Member states must require licensees who enter any alternative programs in lieu of discipline to agree not to practice in any other member state during the term of the alternative program without prior authorization from such other member state.**

**D. Any member state may investigate actual or alleged violations of the statutes and rules authorizing the practice of physical therapy in any other member state in which a physical therapist or physical therapist assistant holds a license or compact privilege.**

**E. A remote state shall have the authority to:**

**1. Take adverse actions as set forth in section 334.1209.D. against a licensee's compact privilege in the state;**

**2. Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses, and the production of evidence. Subpoenas issued by a physical therapy licensing board in a party state for the attendance and testimony of witnesses, and/or the production of evidence from another party state, shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state where the witnesses and/or evidence are located; and**

**3. If otherwise permitted by state law, recover from the licensee the costs of investigations and disposition of cases resulting from any adverse action taken against that licensee.**

**F. Joint Investigations**

**1. In addition to the authority granted to a member state by its respective physical therapy practice act or other applicable state law, a member state may participate with other member states in joint investigations of licensees.**

**2. Member states shall share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the compact.**

**334.1218. ESTABLISHMENT OF THE PHYSICAL THERAPY COMPACT COMMISSION**

**A. The compact member states hereby create and establish a joint public agency known as the physical therapy compact commission:**

**1. The commission is an instrumentality of the compact states.**

**2. Venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.**

**3. Nothing in this compact shall be construed to be a waiver of sovereign immunity.**

**B. Membership, Voting, and Meetings**

**1. Each member state shall have and be limited to one delegate selected by that member state's licensing board.**

**2. The delegate shall be a current member of the licensing board, who is a physical therapist, physical therapist assistant, public member, or the board administrator.**

**3. Any delegate may be removed or suspended from office as provided by the law of the state from which the delegate is appointed.**

**4. The member state board shall fill any vacancy occurring in the commission.**

**5. Each delegate shall be entitled to one vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the commission.**

**6. A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telephone or other means of communication.**

**7. The commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.**

**C. The commission shall have the following powers and duties:**

**1. Establish the fiscal year of the commission;**

**2. Establish bylaws;**

**3. Maintain its financial records in accordance with the bylaws;**

**4. Meet and take such actions as are consistent with the provisions of this compact and the bylaws;**

**5. Promulgate uniform rules to facilitate and coordinate implementation and administration of this compact. The rules shall have the force and effect of law and shall be binding in all member states;**

**6. Bring and prosecute legal proceedings or actions in the name of the commission, provided that the standing of any state physical therapy licensing board to sue or be sued under applicable law shall not be affected;**

**7. Purchase and maintain insurance and bonds;**

**8. Borrow, accept, or contract for services of personnel, including, but not limited to, employees of a member state;**

**9. Hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the compact, and to establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;**

**10. Accept any and all appropriate donations and grants of money, equipment, supplies, materials and services, and to receive, utilize and dispose of the same; provided that at all times the commission shall avoid any appearance of impropriety and/or conflict of interest;**

**11. Lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve or use, any property, real, personal or mixed; provided that at all times the commission shall avoid any appearance of impropriety;**

**12. Sell convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real, personal, or mixed;**

**13. Establish a budget and make expenditures;**

**14. Borrow money;**

**15. Appoint committees, including standing committees comprised of members, state regulators, state legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this compact and the bylaws;**

**16. Provide and receive information from, and cooperate with, law enforcement agencies;**

**17. Establish and elect an executive board; and**

**18. Perform such other functions as may be necessary or appropriate to achieve the purposes of this compact consistent with the state regulation of physical therapy licensure and practice.**

**D. The Executive Board**

**The executive board shall have the power to act on behalf of the commission according to the terms of this compact.**

**1. The executive board shall be comprised of nine members:**

**a. Seven voting members who are elected by the commission from the current membership of the commission;**

**b. One ex officio, nonvoting member from the recognized national physical therapy professional association; and**

**c. One ex officio, nonvoting member from the recognized membership organization of the physical therapy licensing boards.**

**2. The ex officio members will be selected by their respective organizations.**

**3. The commission may remove any member of the executive board as provided in bylaws.**

**4. The executive board shall meet at least annually.**

**5. The executive board shall have the following duties and responsibilities:**

**a. Recommend to the entire commission changes to the rules or bylaws, changes to this compact legislation, fees paid by compact member states such as annual dues, and any commission compact fee charged to licensees for the compact privilege;**

**b. Ensure compact administration services are appropriately provided, contractual or otherwise;**

**c. Prepare and recommend the budget;**

**d. Maintain financial records on behalf of the commission;**

**e. Monitor compact compliance of member states and provide compliance reports to the commission;**

**f. Establish additional committees as necessary; and**

**g. Other duties as provided in rules or bylaws.**

**E. Meetings of the Commission**

**1. All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in section 334.1224.**

**2. The commission or the executive board or other committees of the commission may convene in a closed, nonpublic meeting if the commission or executive board or other committees of the commission must discuss:**

**a. Noncompliance of a member state with its obligations under the compact;**

**b. The employment, compensation, discipline or other matters, practices or procedures related to specific employees or other matters related to the commission's internal personnel practices and procedures;**

**c. Current, threatened, or reasonably anticipated litigation;**

**d. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;**

**e. Accusing any person of a crime or formally censuring any person;**

**f. Disclosure of trade secrets or commercial or financial information that is privileged or confidential;**

**g. Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;**

**h. Disclosure of investigative records compiled for law enforcement purposes;**

**i. Disclosure of information related to any investigative reports prepared by or on behalf of or for use of the commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the compact; or**

**j. Matters specifically exempted from disclosure by federal or member state statute.**

**3. If a meeting, or portion of a meeting, is closed pursuant to this provision, the commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision.**

**4. The commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the commission or order of a court of competent jurisdiction.**

**F. Financing of the Commission**

**1. The commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.**

**2. The commission may accept any and all appropriate revenue sources, donations, and grants of money, equipment, supplies, materials, and services.**

**3. The commission may levy on and collect an annual assessment from each member state or impose fees on other parties to cover the cost of the operations and activities of the commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the commission, which shall promulgate a rule binding upon all member states.**

**4. The commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the commission pledge the credit of any of the member states, except by and with the authority of the member state.**

**5. The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the commission.**

**G. Qualified Immunity, Defense, and Indemnification**

**1. The members, officers, executive director, employees and representatives of the commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities; provided that nothing in this paragraph shall be construed to protect any such person from suit and/or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person.**

**2. The commission shall defend any member, officer, executive director, employee or representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.**

**3. The commission shall indemnify and hold harmless any member, officer, executive director, employee, or representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.**

**334.1221. DATA SYSTEM**

**A. The commission shall provide for the development, maintenance, and utilization of a coordinated database and reporting system containing licensure, adverse action, and investigative information on all licensed individuals in member states.**

**B. Notwithstanding any other provision of state law to the contrary, a member state shall submit a uniform data set to the data system on all individuals to whom this compact is applicable as required by the rules of the commission, including:**

**1. Identifying information;**

**2. Licensure data;**

**3. Adverse actions against a license or compact privilege;**

**4. Nonconfidential information related to alternative program participation;**

**5. Any denial of application for licensure, and the reason(s) for such denial; and**

**6. Other information that may facilitate the administration of this compact, as determined by the rules of the commission.**

**C. Investigative information pertaining to a licensee in any member state will only be available to other party states.**

**D. The commission shall promptly notify all member states of any adverse action taken against a licensee or an individual applying for a license. Adverse action information pertaining to a licensee in any member state will be available to any other member state.**

**E. Member states contributing information to the data system may designate information that may not be shared with the public without the express permission of the contributing state.**

**F. Any information submitted to the data system that is subsequently required to be expunged by the laws of the member state contributing the information shall be removed from the data system.**

**334.1224. RULEMAKING**

**A. The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this section and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.**

**B. If a majority of the legislatures of the member states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the compact within four years of the date of adoption of the rule, then such rule shall have no further force and effect in any member state.**

**C. Rules or amendments to the rules shall be adopted at a regular or special meeting of the commission.**

**D. Prior to promulgation and adoption of a final rule or rules by the commission, and at least thirty days in advance of the meeting at which the rule will be considered and voted upon, the commission shall file a notice of proposed rulemaking:**

**1. On the website of the commission or other publicly accessible platform; and**

**2. On the website of each member state physical therapy licensing board or other publicly accessible platform or the publication in which each state would otherwise publish proposed rules.**

**E. The notice of proposed rulemaking shall include:**

**1. The proposed time, date, and location of the meeting in which the rule will be considered and voted upon;**

**2. The text of the proposed rule or amendment and the reason for the proposed rule;**

**3. A request for comments on the proposed rule from any interested person; and**

**4. The manner in which interested persons may submit notice to the commission of their intention to attend the public hearing and any written comments.**

**F. Prior to adoption of a proposed rule, the commission shall allow persons to submit written data, facts, opinions, and arguments, which shall be made available to the public.**

**G. The commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by:**

**1. At least twenty-five persons;**

**2. A state or federal governmental subdivision or agency; or**

**3. An association having at least twenty-five members.**

**H. If a hearing is held on the proposed rule or amendment, the commission shall publish the place, time, and date of the scheduled public hearing. If the hearing is held via electronic means, the commission shall publish the mechanism for access to the electronic hearing.**

**1. All persons wishing to be heard at the hearing shall notify the executive director of the commission or other designated member in writing of their desire to appear and testify at the hearing not less than five business days before the scheduled date of the hearing.**

**2. Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.**

**3. All hearings will be recorded. A copy of the recording will be made available on request.**

**4. Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this section.**

**I. Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the commission shall consider all written and oral comments received.**

**J. If no written notice of intent to attend the public hearing by interested parties is received, the commission may proceed with promulgation of the proposed rule without a public hearing.**

**K. The commission shall, by majority vote of all members, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.**

**L. Upon determination that an emergency exists, the commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that the usual rulemaking procedures provided in the compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:**

**1. Meet an imminent threat to public health, safety, or welfare;**

**2. Prevent a loss of commission or member state funds;**

**3. Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or**

**4. Protect public health and safety.**

**M. The commission or an authorized committee of the commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the commission. The revision shall be subject to challenge by any person for a period of thirty days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing, and delivered to the chair of the commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.**

**334.1227. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT**

**A. Oversight**

**1. The executive, legislative, and judicial branches of state government in each member state shall enforce this compact and take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder shall have standing as statutory law.**

**2. All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this compact which may affect the powers, responsibilities or actions of the commission.**

**3. The commission shall be entitled to receive service of process in any such proceeding, and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the commission shall render a judgment or order void as to the commission, this compact, or promulgated rules.**

**B. Default, Technical Assistance, and Termination**

**1. If the commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact or the promulgated rules, the commission shall:**

**a. Provide written notice to the defaulting state and other member states of the nature of the default, the proposed means of curing the default and/or any other action to be taken by the commission; and**

**b. Provide remedial training and specific technical assistance regarding the default.**

**2. If a state in default fails to cure the default, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the member states, and all rights, privileges and benefits conferred by this compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.**

**3. Termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the commission to the governor, the majority and minority leaders of the defaulting state's legislature, and each of the member states.**

**4. A state that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.**

**5. The commission shall not bear any costs related to a state that is found to be in default or that has been terminated from the compact, unless agreed upon in writing between the commission and the defaulting state.**

**6. The defaulting state may appeal the action of the commission by petitioning the United States District Court for the District of Columbia or the federal district where the commission has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.**

**C. Dispute Resolution**

**1. Upon request by a member state, the commission shall attempt to resolve disputes related to the compact that arise among member states and between member and nonmember states.**

**2. The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.**

**D. Enforcement**

**1. The commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.**

**2. By majority vote, the commission may initiate legal action in the United States District Court for the District of Columbia or the federal district where the commission has its principal offices against a member state in default to enforce compliance with the provisions of the compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.**

**3. The remedies herein shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or state law.**

**334.1230. DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR PHYSICAL THERAPY PRACTICE AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT**

**A. The compact shall come into effect on the date on which the compact statute is enacted into law in the tenth member state. The provisions, which become effective at that time, shall be limited to the powers granted to the commission relating to assembly and the promulgation of rules. Thereafter, the commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the compact.**

**B. Any state that joins the compact subsequent to the commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which the compact becomes law in that state. Any rule that has been previously adopted by the commission shall have the full force and effect of law on the day the compact becomes law in that state.**

**C. Any member state may withdraw from this compact by enacting a statute repealing the same.**

**1. A member state's withdrawal shall not take effect until six months after enactment of the repealing statute.**

**2. Withdrawal shall not affect the continuing requirement of the withdrawing state's physical therapy licensing board to comply with the investigative and adverse action reporting requirements of this act prior to the effective date of withdrawal.**

**D. Nothing contained in this compact shall be construed to invalidate or prevent any physical therapy licensure agreement or other cooperative arrangement between a member state and a nonmember state that does not conflict with the provisions of this compact.**

**E. This compact may be amended by the member states. No amendment to this compact shall become effective and binding upon any member state until it is enacted into the laws of all member states.**

**334.1233. CONSTRUCTION AND SEVERABILITY**

**This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any**

**government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any party state, the compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the party state affected as to all severable matters.**"; and

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

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

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

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 1465, Page 10, Section 334.104, Line 156, by inserting immediately after all of said section and line the following:

"**335.360. 1. The party states find that:**

**(1) The health and safety of the public are affected by the degree of compliance with and the effectiveness of enforcement activities related to state nurse licensure laws;**

**(2) Violations of nurse licensure and other laws regulating the practice of nursing may result in injury or harm to the public;**

**(3) The expanded mobility of nurses and the use of advanced communication technologies as part of our nation's health care delivery system require greater coordination and cooperation among states in the areas of nurse licensure and regulation;**

**(4) New practice modalities and technology make compliance with individual state nurse licensure laws difficult and complex;**

**(5) The current system of duplicative licensure for nurses practicing in multiple states is cumbersome and redundant to both nurses and states; and**

**(6) Uniformity of nurse licensure requirements throughout the states promotes public safety and public health benefits.**

**2. The general purposes of this compact are to:**

**(1) Facilitate the states' responsibility to protect the public's health and safety;**

**(2) Ensure and encourage the cooperation of party states in the areas of nurse licensure and regulation;**

**(3) Facilitate the exchange of information between party states in the areas of nurse regulation, investigation, and adverse actions;**

**(4) Promote compliance with the laws governing the practice of nursing in each jurisdiction;**

**(5) Invest all party states with the authority to hold a nurse accountable for meeting all state practice laws in the state in which the patient is located at the time care is rendered through the mutual recognition of party state licenses;**

**(6) Decrease redundancies in the consideration and issuance of nurse licenses; and**

**(7) Provide opportunities for interstate practice by nurses who meet uniform licensure requirements.**

**335.365. As used in this compact, the following terms shall mean:**

**(1) "Adverse action", any administrative, civil, equitable, or criminal action permitted by a state's laws which is imposed by a licensing board or other authority against a nurse, including actions against an individual's license or multistate licensure privilege such as revocation, suspension, probation, monitoring of the licensee, limitation on the licensee's practice, or any other encumbrance on licensure affecting a nurse's authorization to practice, including issuance of a cease and desist action;**

**(2) "Alternative program", a nondisciplinary monitoring program approved by a licensing board;**

**(3) "Coordinated licensure information system", an integrated process for collecting, storing, and sharing information on nurse licensure and enforcement activities related to nurse licensure laws that is administered by a nonprofit organization composed of and controlled by licensing boards;**

**(4) "Current significant investigative information":**

**(a) Investigative information that a licensing board, after a preliminary inquiry that includes notification and an opportunity for the nurse to respond, if required by state law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction; or**

**(b) Investigative information that indicates that the nurse represents an immediate threat to public health and safety, regardless of whether the nurse has been notified and had an opportunity to respond;**

**(5) "Encumbrance", a revocation or suspension of, or any limitation on, the full and unrestricted practice of nursing imposed by a licensing board;**

**(6) "Home state", the party state which is the nurse's primary state of residence;**

**(7) "Licensing board", a party state's regulatory body responsible for issuing nurse licenses;**

**(8) "Multistate license", a license to practice as a registered nurse, "RN", or a licensed practical or vocational nurse, "LPN" or "VN", issued by a home state licensing board that authorizes the licensed nurse to practice in all party states under a multistate licensure privilege;**

**(9) "Multistate licensure privilege", a legal authorization associated with a multistate license permitting the practice of nursing as either an RN, LPN, or VN in a remote state;**

**(10) "Nurse", an RN, LPN, or VN, as those terms are defined by each party state's practice laws;**

**(11) "Party state", any state that has adopted this compact;**

**(12) "Remote state", a party state, other than the home state;**

**(13) "Single-state license", a nurse license issued by a party state that authorizes practice only within the issuing state and does not include a multistate licensure privilege to practice in any other party state;**

**(14) "State", a state, territory, or possession of the United States and the District of Columbia;**

**(15) "State practice laws", a party state's laws, rules, and regulations that govern the practice of nursing, define the scope of nursing practice, and create the methods and grounds for imposing discipline. State practice laws do not include requirements necessary to obtain and retain a license, except for qualifications or requirements of the home state.**

**335.370. 1. A multistate license to practice registered or licensed practical or vocational nursing issued by a home state to a resident in that state shall be recognized by each party state as authorizing a nurse to practice as a registered nurse, "RN", or as a licensed practical or vocational nurse, "LPN" or "VN", under a multistate licensure privilege, in each party state.**

**2. A state must implement procedures for considering the criminal history records of applicants for initial multistate license or licensure by endorsement. Such procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that state's criminal records.**

**3. Each party state shall require the following for an applicant to obtain or retain a multistate license in the home state:**

**(1) Meets the home state's qualifications for licensure or renewal of licensure as well as all other applicable state laws;**

**(2) (a) Has graduated or is eligible to graduate from a licensing board-approved RN or LPN or VN prelicensure education program; or**

**(b) Has graduated from a foreign RN or LPN or VN prelicensure education program that has been approved by the authorized accrediting body in the applicable country and has been verified by an independent credentials review agency to be comparable to a licensing board-approved prelicensure education program;**

**(3) Has, if a graduate of a foreign prelicensure education program not taught in English or if English is not the individual's native language, successfully passed an English proficiency examination that includes the components of reading, speaking, writing, and listening;**

**(4) Has successfully passed an NCLEX-RN or NCLEX-PN examination or recognized predecessor, as applicable;**

**(5) Is eligible for or holds an active, unencumbered license;**

**(6) Has submitted, in connection with an application for initial licensure or licensure by endorsement, fingerprints or other biometric data for the purpose of obtaining criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that state's criminal records;**

**(7) Has not been convicted or found guilty, or has entered into an agreed disposition, of a felony offense under applicable state or federal criminal law;**

**(8) Has not been convicted or found guilty, or has entered into an agreed disposition, of a misdemeanor offense related to the practice of nursing as determined on a case-by-case basis;**

**(9) Is not currently enrolled in an alternative program;**

**(10) Is subject to self-disclosure requirements regarding current participation in an alternative program; and**

**(11) Has a valid United States Social Security number.**

**4. All party states shall be authorized, in accordance with existing state due process law, to take adverse action against a nurse's multistate licensure privilege such as revocation, suspension, probation, or any other action that affects a nurse's authorization to practice under a multistate licensure privilege, including cease and desist actions. If a party state takes such action, it shall promptly notify the administrator of the coordinated licensure information system. The administrator of the coordinated licensure information system shall promptly notify the home state of any such actions by remote states.**

**5. A nurse practicing in a party state shall comply with the state practice laws of the state in which the client is located at the time service is provided. The practice of nursing is not limited to patient care, but shall include all nursing practice as defined by the state practice laws of the party state in which the client is located. The practice of nursing in a party state under a multistate licensure privilege shall subject a nurse to the jurisdiction of the licensing board, the courts, and the laws of the party state in which the client is located at the time service is provided.**

**6. Individuals not residing in a party state shall continue to be able to apply for a party state's single-state license as provided under the laws of each party state. However, the single-state license granted to these individuals shall not be recognized as granting the privilege to practice nursing in any other party state. Nothing in this compact shall affect the requirements established by a party state for the issuance of a single-state license.**

**7. Any nurse holding a home state multistate license on the effective date of this compact may retain and renew the multistate license issued by the nurse's then current home state, provided that:**

**(1) A nurse who changes primary state of residence after this compact's effective date shall meet all applicable requirements as provided in subsection 3 of this section to obtain a multistate license from a new home state;**

**(2) A nurse who fails to satisfy the multistate licensure requirements in subsection 3 of this section due to a disqualifying event occurring after this compact's effective date shall be ineligible to retain or renew a multistate license, and the nurse's multistate license shall be revoked or deactivated in accordance with applicable rules adopted by the Interstate Commission of Nurse Licensure Compact Administrators, commission.**

**335.375. 1. Upon application for a multistate license, the licensing board in the issuing party state shall ascertain, through the coordinated licensure information system, whether the applicant has ever held, or is the holder of, a license issued by any other state, whether there are any encumbrances on any license or multistate licensure privilege held by the applicant, whether any adverse action has been taken against any license or multistate licensure privilege held by the applicant, and whether the applicant is currently participating in an alternative program.**

**2. A nurse shall hold a multistate license, issued by the home state, in only one party state at a time.**

**3. If a nurse changes primary state of residence by moving between two party states, the nurse shall apply for licensure in the new home state, and the multistate license issued by the prior home state shall be deactivated in accordance with applicable rules adopted by the commission.**

**(1) The nurse may apply for licensure in advance of a change in primary state of residence.**

**(2) A multistate license shall not be issued by the new home state until the nurse provides satisfactory evidence of a change in primary state of residence to the new home state and satisfies all applicable requirements to obtain a multistate license from the new home state.**

**4. If a nurse changes primary state of residence by moving from a party state to a non-party state, the multistate license issued by the prior home state shall convert to a single-state license, valid only in the former home state.**

**335.380. 1. In addition to the other powers conferred by state law, a licensing board shall have the authority to:**

**(1) Take adverse action against a nurse's multistate licensure privilege to practice within that party state;**

**(a) Only the home state shall have the power to take adverse action against a nurse's license issued by the home state;**

**(b) For purposes of taking adverse action, the home state licensing board shall give the same priority and effect to reported conduct received from a remote state as it would if such conduct had occurred within the home state. In so doing, the home state shall apply its own state laws to determine appropriate action;**

**(2) Issue cease and desist orders or impose an encumbrance on a nurse's authority to practice within that party state;**

**(3) Complete any pending investigations of a nurse who changes primary state of residence during the course of such investigations. The licensing board shall also have the authority to take appropriate action and shall promptly report the conclusions of such investigations to the administrator of the coordinated licensure information system. The administrator of the coordinated licensure information system shall promptly notify the new home state of any such actions;**

**(4) Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses as well as the production of evidence. Subpoenas issued by a licensing board in a party state for the attendance and testimony of witnesses or the production of evidence from another party state shall be enforced in the latter state by any court of competent jurisdiction according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state in which the witnesses or evidence are located;**

**(5) Obtain and submit, for each nurse licensure applicant, fingerprint or other biometric based information to the Federal Bureau of Investigation for criminal background checks, receive the results of the Federal Bureau of Investigation record search on criminal background checks, and use the results in making licensure decisions;**

**(6) If otherwise permitted by state law, recover from the affected nurse the costs of investigations and disposition of cases resulting from any adverse action taken against that nurse; and**

**(7) Take adverse action based on the factual findings of the remote state; provided that, the licensing board follows its own procedures for taking such adverse action.**

**2. If adverse action is taken by the home state against a nurse's multistate license, the nurse's multistate licensure privilege to practice in all other party states shall be deactivated until all encumbrances have been removed from the multistate license. All home state disciplinary orders that impose adverse action against a nurse's multistate license shall include a statement that the nurse's multistate licensure privilege is deactivated in all party states during the pendency of the order.**

**3. Nothing in this compact shall override a party state's decision that participation in an alternative program may be used in lieu of adverse action. The home state licensing board shall deactivate the multistate licensure privilege under the multistate license of any nurse for the duration of the nurse's participation in an alternative program.**

**335.385. 1. All party states shall participate in a coordinated licensure information system of all licensed registered nurses, "RNs", and licensed practical or vocational nurses, "LPNs" or "VNs". This system shall include information on the licensure and disciplinary history of each nurse, as submitted by party states, to assist in the coordination of nurse licensure and enforcement efforts.**

**2. The commission, in consultation with the administrator of the coordinated licensure information system, shall formulate necessary and proper procedures for the identification, collection, and exchange of information under this compact.**

**3. All licensing boards shall promptly report to the coordinated licensure information system any adverse action, any current significant investigative information, denials of applications with the reasons for such denials, and nurse participation in alternative programs known to the licensing board regardless of whether such participation is deemed nonpublic or confidential under state law.**

**4. Current significant investigative information and participation in nonpublic or confidential alternative programs shall be transmitted through the coordinated licensure information system only to party state licensing boards.**

**5. Notwithstanding any other provision of law, all party state licensing boards contributing information to the coordinated licensure information system may designate information that shall not be shared with non-party states or disclosed to other entities or individuals without the express permission of the contributing state.**

**6. Any personally identifiable information obtained from the coordinated licensure information system by a party state licensing board shall not be shared with non-party states or disclosed to other entities or individuals except to the extent permitted by the laws of the party state contributing the information.**

**7. Any information contributed to the coordinated licensure information system that is subsequently required to be expunged by the laws of the party state contributing that information shall also be expunged from the coordinated licensure information system.**

**8. The compact administrator of each party state shall furnish a uniform data set to the compact administrator of each other party state, which shall include, at a minimum:**

**(1) Identifying information;**

**(2) Licensure data;**

**(3) Information related to alternative program participation; and**

**(4) Other information that may facilitate the administration of this compact, as determined by commission rules.**

**9. The compact administrator of a party state shall provide all investigative documents and information requested by another party state.**

**335.390. 1. The party states hereby create and establish a joint public entity known as the "Interstate Commission of Nurse Licensure Compact Administrators".**

**(1) The commission is an instrumentality of the party states.**

**(2) Venue is proper, and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.**

**(3) Nothing in this compact shall be construed to be a waiver of sovereign immunity.**

**2. (1) Each party state shall have and be limited to one administrator. The head of the state licensing board or designee shall be the administrator of this compact for each party state. Any administrator may be removed or suspended from office as provided by the law of the state from which the administrator is appointed. Any vacancy occurring in the commission shall be filled in accordance with the laws of the party state in which the vacancy exists.**

**(2) Each administrator shall be entitled to one vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the commission. An administrator shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for an administrator's participation in meetings by telephone or other means of communication.**

**(3) The commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws or rules of the commission.**

**(4) All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in section 335.395.**

**(5) The commission may convene in a closed, nonpublic meeting if the commission must discuss:**

**(a) Noncompliance of a party state with its obligations under this compact;**

**(b) The employment, compensation, discipline, or other personnel matters, practices, or procedures related to specific employees, or other matters related to the commission's internal personnel practices and procedures;**

**(c) Current, threatened, or reasonably anticipated litigation;**

**(d) Negotiation of contracts for the purchase or sale of goods, services, or real estate;**

**(e) Accusing any person of a crime or formally censuring any person;**

**(f) Disclosure of trade secrets or commercial or financial information that is privileged or confidential;**

**(g) Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;**

**(h) Disclosure of investigatory records compiled for law enforcement purposes;**

**(i) Disclosure of information related to any reports prepared by or on behalf of the commission for the purpose of investigation of compliance with this compact; or**

**(j) Matters specifically exempted from disclosure by federal or state statute.**

**(6) If a meeting, or portion of a meeting, is closed pursuant to subdivision (5) of this subsection, the commission's legal counsel or designee shall certify that the meeting shall be closed and shall reference each relevant exempting provision. The commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefor, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the commission or order of a court of competent jurisdiction.**

**3. The commission shall, by a majority vote of the administrators, prescribe bylaws or rules to govern its conduct as may be necessary or appropriate to carry out the purposes and exercise the powers of this compact including, but not limited to:**

**(1) Establishing the fiscal year of the commission;**

**(2) Providing reasonable standards and procedures:**

**(a) For the establishment and meetings of other committees; and**

**(b) Governing any general or specific delegation of any authority or function of the commission;**

**(3) Providing reasonable procedures for calling and conducting meetings of the commission, ensuring reasonable advance notice of all meetings and providing an opportunity for attendance of such meetings by interested parties, with enumerated exceptions designed to protect the public's interest, the privacy of individuals, and proprietary information, including trade secrets. The commission may meet in closed session only after a majority of the administrators vote to close a meeting in whole or in part. As soon as practicable, the commission must make public a copy of the vote to close the meeting revealing the vote of each administrator, with no proxy votes allowed;**

**(4) Establishing the titles, duties, and authority and reasonable procedures for the election of the officers of the commission;**

**(5) Providing reasonable standards and procedures for the establishment of the personnel policies and programs of the commission. Notwithstanding any civil service or other similar laws of any party state, the bylaws shall exclusively govern the personnel policies and programs of the commission; and**

**(6) Providing a mechanism for winding up the operations of the commission and the equitable disposition of any surplus funds that may exist after the termination of this compact after the payment or reserving of all of its debts and obligations.**

**4. The commission shall publish its bylaws and rules, and any amendments thereto, in a convenient form on the website of the commission.**

**5. The commission shall maintain its financial records in accordance with the bylaws.**

**6. The commission shall meet and take such actions as are consistent with the provisions of this compact and the bylaws.**

**7. The commission shall have the following powers:**

**(1) To promulgate uniform rules to facilitate and coordinate implementation and administration of this compact. The rules shall have the force and effect of law and shall be binding in all party states;**

**(2) To bring and prosecute legal proceedings or actions in the name of the commission; provided that, the standing of any licensing board to sue or be sued under applicable law shall not be affected;**

**(3) To purchase and maintain insurance and bonds;**

**(4) To borrow, accept, or contract for services of personnel including, but not limited to, employees of a party state or nonprofit organizations;**

**(5) To cooperate with other organizations that administer state compacts related to the regulation of nursing including, but not limited to, sharing administrative or staff expenses, office space, or other resources;**

**(6) To hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of this compact, and to establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;**

**(7) To accept any and all appropriate donations, grants and gifts of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of the same; provided that, at all times the commission shall avoid any appearance of impropriety or conflict of interest;**

**(8) To lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve, or use, any property, whether real, personal, or mixed; provided that, at all times the commission shall avoid any appearance of impropriety;**

**(9) To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, whether real, personal, or mixed;**

**(10) To establish a budget and make expenditures;**

**(11) To borrow money;**

**(12) To appoint committees, including advisory committees comprised of administrators, state nursing regulators, state legislators or their representatives, consumer representatives, and other such interested persons;**

**(13) To provide and receive information from, and to cooperate with, law enforcement agencies;**

**(14) To adopt and use an official seal; and**

**(15) To perform such other functions as may be necessary or appropriate to achieve the purposes of this compact consistent with the state regulation of nurse licensure and practice.**

**8. (1) The commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.**

**(2) The commission may also levy on and collect an annual assessment from each party state to cover the cost of its operations, activities, and staff in its annual budget as approved each year. The aggregate annual assessment amount, if any, shall be allocated based upon a formula to be determined by the commission, which shall promulgate a rule that is binding upon all party states.**

**(3) The commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the commission pledge the credit of any of the party states, except by and with the authority of such party state.**

**(4) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the commission.**

**9. (1) The administrators, officers, executive director, employees, and representatives of the commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property, personal injury, or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred, within the scope of commission employment, duties, or responsibilities; provided that, nothing in this paragraph shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional, willful, or wanton misconduct of that person.**

**(2) The commission shall defend any administrator, officer, executive director, employee, or representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided that, nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further that the actual or alleged act, error, or omission did not result from that person's intentional, willful, or wanton misconduct.**

**(3) The commission shall indemnify and hold harmless any administrator, officer, executive director, employee, or representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided that, the actual or alleged act, error, or omission did not result from the intentional, willful, or wanton misconduct of that person.**

**335.395. 1. The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this section and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment and shall have the same force and effect as provisions of this compact.**

**2. Rules or amendments to the rules shall be adopted at a regular or special meeting of the commission.**

**3. Prior to promulgation and adoption of a final rule or rules by the commission, and at least sixty days in advance of the meeting at which the rule shall be considered and voted upon, the commission shall file a notice of proposed rulemaking:**

**(1) On the website of the commission; and**

**(2) On the website of each licensing board or the publication in which each state would otherwise publish proposed rules.**

**4. The notice of proposed rulemaking shall include:**

**(1) The proposed time, date, and location of the meeting in which the rule shall be considered and voted upon;**

**(2) The text of the proposed rule or amendment, and the reason for the proposed rule;**

**(3) A request for comments on the proposed rule from any interested person;**

**(4) The manner in which interested persons may submit notice to the commission of their intention to attend the public hearing and any written comments.**

**5. Prior to adoption of a proposed rule, the commission shall allow persons to submit written data, facts, opinions, and arguments, which shall be made available to the public.**

**6. The commission shall grant an opportunity for a public hearing before it adopts a rule or amendment.**

**7. The commission shall publish the place, time, and date of the scheduled public hearing.**

**(1) Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing. All hearings shall be recorded, and a copy shall be made available upon request.**

**(2) Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this section.**

**8. If no one appears at the public hearing, the commission may proceed with promulgation of the proposed rule.**

**9. Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the commission shall consider all written and oral comments received.**

**10. The commission shall, by majority vote of all administrators, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.**

**11. Upon determination that an emergency exists, the commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing; provided that, the usual rulemaking procedures provided in this compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that shall be adopted immediately in order to:**

**(1) Meet an imminent threat to public health, safety, or welfare;**

**(2) Prevent a loss of commission or party state funds; or**

**(3) Meet a deadline for the promulgation of an administrative rule that is required by federal law or rule.**

**12. The commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the commission. The revision shall be subject to challenge by any person for a period of thirty days after posting. The revision shall be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing and delivered to the commission prior to the end of the notice period. If no challenge is made, the revision shall take effect without further action. If the revision is challenged, the revision shall not take effect without the approval of the commission.**

**335.400. 1. (1) Each party state shall enforce this compact and take all actions necessary and appropriate to effectuate this compact's purposes and intent.**

**(2) The commission shall be entitled to receive service of process in any proceeding that may affect the powers, responsibilities, or actions of the commission, and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process in such proceeding to the commission shall render a judgment or order void as to the commission, this compact, or promulgated rules.**

**2. (1) If the commission determines that a party state has defaulted in the performance of its obligations or responsibilities under this compact or the promulgated rules, the commission shall:**

**(a) Provide written notice to the defaulting state and other party states of the nature of the default, the proposed means of curing the default, or any other action to be taken by the commission; and**

**(b) Provide remedial training and specific technical assistance regarding the default.**

**(2) If a state in default fails to cure the default, the defaulting state's membership in this compact shall be terminated upon an affirmative vote of a majority of the administrators, and all rights, privileges, and benefits conferred by this compact shall be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.**

**(3) Termination of membership in this compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the commission to the governor of the defaulting state, to the executive officer of the defaulting state's licensing board, and each of the party states.**

**(4) A state whose membership in this compact has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.**

**(5) The commission shall not bear any costs related to a state that is found to be in default or whose membership in this compact has been terminated unless agreed upon in writing between the commission and the defaulting state.**

**(6) The defaulting state may appeal the action of the commission by petitioning the United States District Court for the District of Columbia or the federal district in which the commission has its principal offices. The prevailing party shall be awarded all costs of such litigation, including reasonable attorneys' fees.**

**3. (1) Upon request by a party state, the commission shall attempt to resolve disputes related to the compact that arise among party states and between party and non-party states.**

**(2) The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes, as appropriate.**

**(3) In the event the commission cannot resolve disputes among party states arising under this compact:**

**(a) The party states shall submit the issues in dispute to an arbitration panel, which shall be comprised of individuals appointed by the compact administrator in each of the affected party states and an individual mutually agreed upon by the compact administrators of all the party states involved in the dispute.**

**(b) The decision of a majority of the arbitrators shall be final and binding.**

**4. (1) The commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.**

**(2) By majority vote, the commission may initiate legal action in the United States District Court for the District of Columbia or the federal district in which the commission has its principal offices against a party state that is in default to enforce compliance with the provisions of this compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorneys' fees.**

**(3) The remedies herein shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or state law.**

**335.405. 1. This compact shall become effective and binding on the earlier of the date of legislative enactment of this compact into law by no less than twenty-six states or December 31, 2018. All party states to this compact that also were parties to the prior Nurse Licensure Compact superseded by this compact "prior compact" shall be deemed to have withdrawn from said prior compact within six months after the effective date of this compact.**

**2. Each party state to this compact shall continue to recognize a nurse's multistate licensure privilege to practice in that party state issued under the prior compact until such party state has withdrawn from the prior compact.**

**3. Any party state may withdraw from this compact by enacting a statute repealing the same. A party state's withdrawal shall not take effect until six months after enactment of the repealing statute.**

**4. A party state's withdrawal or termination shall not affect the continuing requirement of the withdrawing or terminated state's licensing board to report adverse actions and significant investigations occurring prior to the effective date of such withdrawal or termination.**

**5. Nothing contained in this compact shall be construed to invalidate or prevent any nurse licensure agreement or other cooperative arrangement between a party state and a non-party state that is made in accordance with the other provisions of this compact.**

**6. This compact may be amended by the party states. No amendment to this compact shall become effective and binding upon the party states unless and until it is enacted into the laws of all party states.**

**7. Representatives of non-party states to this compact shall be invited to participate in the activities of the commission on a nonvoting basis prior to the adoption of this compact by all states.**

**335.410. This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any party state, this compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the party state affected as to all severable matters.**

**335.415. 1. The term "head of the nurse licensing board" as referred to in section 335.390 of this compact shall mean the executive director of the Missouri state board of nursing.**

**2. This compact is designed to facilitate the regulation of nurses, and does not relieve employers from complying with statutorily imposed obligations.**

**3. This compact does not supersede existing state labor laws.**

**[**335.300. 1. The party states find that:

(1) The health and safety of the public are affected by the degree of compliance with and the effectiveness of enforcement activities related to state nurse licensure laws;

(2) Violations of nurse licensure and other laws regulating the practice of nursing may result in injury or harm to the public;

(3) The expanded mobility of nurses and the use of advanced communication technologies as part of our nation's health care delivery system require greater coordination and cooperation among states in the areas of nurse licensure and regulation;

(4) New practice modalities and technology make compliance with individual state nurse licensure laws difficult and complex;

(5) The current system of duplicative licensure for nurses practicing in multiple states is cumbersome and redundant to both nurses and states.

2. The general purposes of this compact are to:

(1) Facilitate the states' responsibility to protect the public's health and safety;

(2) Ensure and encourage the cooperation of party states in the areas of nurse licensure and regulation;

(3) Facilitate the exchange of information between party states in the areas of nurse regulation, investigation, and adverse actions;

(4) Promote compliance with the laws governing the practice of nursing in each jurisdiction;

(5) Invest all party states with the authority to hold a nurse accountable for meeting all state practice laws in the state in which the patient is located at the time care is rendered through the mutual recognition of party state licenses.**]**

**[**335.305. As used in this compact, the following terms shall mean:

(1) "Adverse action", a home or remote state action;

(2) "Alternative program", a voluntary, nondisciplinary monitoring program approved by a nurse licensing board;

(3) "Coordinated licensure information system", an integrated process for collecting, storing, and sharing information on nurse licensure and enforcement activities related to nurse licensure laws, which is administered by a nonprofit organization composed of and controlled by state nurse licensing boards;

(4) "Current significant investigative information":

(a) Investigative information that a licensing board, after a preliminary inquiry that includes notification and an opportunity for the nurse to respond if required by state law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction; or

(b) Investigative information that indicates that the nurse represents an immediate threat to public health and safety regardless of whether the nurse has been notified and had an opportunity to respond;

(5) "Home state", the party state that is the nurse's primary state of residence;

(6) "Home state action", any administrative, civil, equitable, or criminal action permitted by the home state's laws that are imposed on a nurse by the home state's licensing board or other authority including actions against an individual's license such as: revocation, suspension, probation, or any other action affecting a nurse's authorization to practice;

(7) "Licensing board", a party state's regulatory body responsible for issuing nurse licenses;

(8) "Multistate licensing privilege", current, official authority from a remote state permitting the practice of nursing as either a registered nurse or a licensed practical/vocational nurse in such party state. All party states have the authority, in accordance with existing state due process law, to take actions against the nurse's privilege such as: revocation, suspension, probation, or any other action that affects a nurse's authorization to practice;

(9) "Nurse", a registered nurse or licensed/vocational nurse, as those terms are defined by each state's practice laws;

(10) "Party state", any state that has adopted this compact;

(11) "Remote state", a party state, other than the home state:

(a) Where a patient is located at the time nursing care is provided; or

(b) In the case of the practice of nursing not involving a patient, in such party state where the recipient of nursing practice is located;

(12) "Remote state action":

(a) Any administrative, civil, equitable, or criminal action permitted by a remote state's laws which are imposed on a nurse by the remote state's licensing board or other authority including actions against an individual's multistate licensure privilege to practice in the remote state; and

(b) Cease and desist and other injunctive or equitable orders issued by remote states or the licensing boards thereof;

(13) "State", a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico;

(14) "State practice laws", those individual party's state laws and regulations that govern the practice of nursing, define the scope of nursing practice, and create the methods and grounds for imposing discipline. State practice laws does not include the initial qualifications for licensure or requirements necessary to obtain and retain a license, except for qualifications or requirements of the home state.**]**

**[**335.310. 1. A license to practice registered nursing issued by a home state to a resident in that state will be recognized by each party state as authorizing a multistate licensure privilege to practice as a registered nurse in such party state. A license to practice licensed practical/vocational nursing issued by a home state to a resident in that state will be recognized by

each party state as authorizing a multistate licensure privilege to practice as a licensed practical/vocational nurse in such party state. In order to obtain or retain a license, an applicant must meet the home state's qualifications for licensure and license renewal as well as all other applicable state laws.

2. Party states may, in accordance with state due process laws, limit or revoke the multistate licensure privilege of any nurse to practice in their state and may take any other actions under their applicable state laws necessary to protect the health and safety of their citizens. If a party state takes such action, it shall promptly notify the administrator of the coordinated licensure information system. The administrator of the coordinated licensure information system shall promptly notify the home state of any such actions by remote states.

3. Every nurse practicing in a party state must comply with the state practice laws of the state in which the patient is located at the time care is rendered. In addition, the practice of nursing is not limited to patient care, but shall include all nursing practice as defined by the state practice laws of a party state. The practice of nursing will subject a nurse to the jurisdiction of the nurse licensing board and the courts, as well as the laws, in that party state.

4. This compact does not affect additional requirements imposed by states for advanced practice registered nursing. However, a multistate licensure privilege to practice registered nursing granted by a party state shall be recognized by other party states as a license to practice registered nursing if one is required by state law as a precondition for qualifying for advanced practice registered nurse authorization.

5. Individuals not residing in a party state shall continue to be able to apply for nurse licensure as provided for under the laws of each party state.
However, the license granted to these individuals will not be recognized as granting the privilege to practice nursing in any other party state unless explicitly agreed to by that party state.**]**

**[**335.315. 1. Upon application for a license, the licensing board in a party state shall ascertain, through the coordinated licensure information system, whether the applicant has ever held, or is the holder of, a license issued by any other state, whether there are any restrictions on the multistate licensure privilege, and whether any other adverse action by any state has been taken against the license.

2. A nurse in a party state shall hold licensure in only one party state at a time, issued by the home state.

3. A nurse who intends to change primary state of residence may apply for licensure in the new home state in advance of such change. However, new licenses will not be issued by a party state until after a nurse provides evidence of change in primary state of residence satisfactory to the new home state's licensing board.

4. When a nurse changes primary state of residence by:

(1) Moving between two party states, and obtains a license from the new home state, the license from the former home state is no longer valid;

(2) Moving from a nonparty state to a party state, and obtains a license from the new home state, the individual state license issued by the nonparty state is not affected and will remain in full force if so provided by the laws of the nonparty state;

(3) Moving from a party state to a nonparty state, the license issued by the prior home state converts to an individual state license, valid only in the former home state, without the multistate licensure privilege to practice in other party states.**]**

**[**335.320. In addition to the general provisions described in article III of this compact, the following provisions apply:

(1) The licensing board of a remote state shall promptly report to the administrator of the coordinated licensure information system any remote state actions including the factual and legal basis for such action, if known. The licensing board of a remote state shall also promptly report any significant current investigative information yet to result in a remote state action. The administrator of the coordinated licensure information system shall promptly notify the home state of any such reports;

(2) The licensing board of a party state shall have the authority to complete any pending investigations for a nurse who changes primary state of residence during the course of such

investigations. It shall also have the authority to take appropriate actions, and shall promptly report the conclusions of such investigations to the administrator of the coordinated licensure information system. The administrator of the coordinated licensure information system shall promptly notify the new home state of any such actions;

(3) A remote state may take adverse action affecting the multistate licensure privilege to practice within that party state. However, only the home state shall have the power to impose adverse action against the license issued by the home state;

(4) For purposes of imposing adverse action, the licensing board of the home state shall give the same priority and effect to reported conduct received from a remote state as it would if such conduct had occurred within the home state, in so doing, it shall apply its own state laws to determine appropriate action;

(5) The home state may take adverse action based on the factual findings of the remote state, so long as each state follows its own procedures for imposing such adverse action;

(6) Nothing in this compact shall override a party state's decision that participation in an alternative program may be used in lieu of licensure action and that such participation shall remain nonpublic if required by the party state's laws. Party states must require nurses who enter any alternative programs to agree not to practice in any other party state during the term of the alternative program without prior authorization from such other party state.**]**

**[**335.325. Notwithstanding any other powers, party state nurse licensing boards shall have the authority to:

(1) If otherwise permitted by state law, recover from the affected nurse the costs of investigations and disposition of cases resulting from any adverse action taken against that nurse;

(2) Issue subpoenas for both hearings and investigations which require the attendance and testimony of witnesses, and the production of evidence. Subpoenas issued by a nurse licensing board in a party state for the attendance and testimony of witnesses, and/or the production of evidence from another party state, shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state where the witnesses and evidence are located;

(3) Issue cease and desist orders to limit or revoke a nurse's authority to practice in their state;

(4) Promulgate uniform rules and regulations as provided for in subsection 3 of section 335.335.**]**

**[**335.330. 1. All party states shall participate in a cooperative effort to create a coordinated database of all licensed registered nurses and licensed practical/vocational nurses. This system will include information on the licensure and disciplinary history of each nurse, as contributed by party states, to assist in the coordination of nurse licensure and enforcement efforts.

2. Notwithstanding any other provision of law, all party states' licensing boards shall promptly report adverse actions, actions against multistate licensure privileges, any current significant investigative information yet to result in adverse action, denials of applications, and the reasons for such denials to the coordinated licensure information system.

3. Current significant investigative information shall be transmitted through the coordinated licensure information system only to party state licensing boards.

4. Notwithstanding any other provision of law, all party states' licensing boards contributing information to the coordinated licensure information system may designate information that may not be shared with nonparty states or disclosed to other entities or individuals without the express permission of the contributing state.

5. Any personally identifiable information obtained by a party state's licensing board from the coordinated licensure information system may not be shared with nonparty states or disclosed to other entities or individuals except to the extent permitted by the laws of the party state contributing the information.

6. Any information contributed to the coordinated licensure information system that is subsequently required to be expunged by the laws of the party state contributing that information shall also be expunged from the coordinated licensure information system.

7. The compact administrators, acting jointly with each other and in consultation with the administrator of the coordinated licensure information system, shall formulate necessary and proper procedures for the identification, collection, and exchange of information under this compact.**]**

**[**335.335. 1. The head of the nurse licensing board, or his/her designee, of each party state shall be the administrator of this compact for his/her state.

2. The compact administrator of each party shall furnish to the compact administrator of each other party state any information and documents including, but not limited to, a uniform data set of investigations, identifying information, licensure data, and disclosable alternative program participation information to facilitate the administration of this compact.

3. Compact administrators shall have the authority to develop uniform rules to facilitate and coordinate implementation of this compact. These uniform rules shall be adopted by party states, under the authority invested under subsection 4 of section 335.325.**]**

**[**335.340. No party state or the officers or employees or agents of a party state's nurse licensing board who acts in accordance with the provisions of this compact shall be liable on account of any act or omission in good faith while engaged in the performance of their duties under this compact. Good faith in this article shall not include willful misconduct, gross negligence, or recklessness.**]**

**[**335.345. 1. This compact shall enter into force and become effective as to any state when it has been enacted into the laws of that state. Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until six months after the withdrawing state has given notice of the withdrawal to the executive heads of all other party states.

2. No withdrawal shall affect the validity or applicability by the licensing boards of states remaining party to the compact of any report of adverse action occurring prior to the withdrawal.

3. Nothing contained in this compact shall be construed to invalidate or prevent any nurse licensure agreement or other cooperative arrangement between a party state and a non-party state that is made in accordance with the other provisions of this compact.

4. This compact may be amended by the party states. No amendment to this compact shall become effective and binding upon the party states unless and until it is enacted into the laws of all party states.**]**

**[**335.350. 1. This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state party thereto, the compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the party state affected as to all severable matters.

2. In the event party states find a need for settling disputes arising under this compact:

(1) The party states may submit the issues in dispute to an arbitration panel which will be comprised of an individual appointed by the compact administrator in the home state, an individual appointed by the compact administrator in the remote states involved, and an individual mutually agreed upon by the compact administrators of all the party states involved in the dispute;

(2) The decision of a majority of the arbitrators shall be final and binding.**]**

**[**335.355. 1. The term "head of the nurse licensing board" as referred to in article VIII of this compact shall mean the executive director of the Missouri state board of nursing.

2. A person who is extended the privilege to practice in this state pursuant to the nurse licensure compact is subject to discipline by the board, as set forth in this chapter, for violation of this chapter or the rules and regulations promulgated herein. A person extended the privilege to practice in this state pursuant to the nurse licensure compact shall be subject to adhere to all requirements of this chapter, as if such person were originally licensed in this state.

3. Sections 335.300 to 335.355 are applicable only to nurses whose home states are determined by the Missouri state board of nursing to have licensure requirements that are substantially equivalent or more stringent than those of Missouri.

4. This compact is designed to facilitate the regulation of nurses, and does not relieve employers from complying with statutorily imposed obligations.

5. This compact does not supercede existing state labor laws.**]**

Section B. The repeal of sections 335.300 to 335.355 and the enactment of sections 335.360 to 335.415 of this act shall become effective on December 31, 2018, or upon the enactment of sections 335.360 to 335.415 of this act by no less than twenty-six states and notification of such enactment to the revisor of statutes by the Interstate Commission of Nurse Licensure Compact Administrators, whichever occurs first."; and

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

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

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

*House Amendment No. 3*

AMEND House Committee Substitute for House Bill No. 1465, Page 1, In the Title, Line 3, by deleting all of said line and inserting in lieu thereof the words "relating to licensed professionals."; and

Further amend said bill and page, Section A, Line 2, by inserting after all of said section and line the following:

"324.001. 1. For the purposes of this section, the following terms mean:

(1) "Department", the department of insurance, financial institutions and professional registration;

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

(3) "Division", the division of professional registration.

2. There is hereby established a "Division of Professional Registration" assigned to the department of insurance, financial institutions and professional registration as a type III transfer, headed by a director appointed by the governor with the advice and consent of the senate. All of the general provisions, definitions and powers enumerated in section 1 of the Omnibus State Reorganization Act of 1974 and Executive Order 06-04 shall apply to this department and its divisions, agencies, and personnel.

3. The director of the division of professional registration shall promulgate rules and regulations which designate for each board or commission assigned to the division the renewal date for licenses or certificates. After the initial establishment of renewal dates, no director of the division shall promulgate a rule or regulation which would change the renewal date for licenses or certificates if such change in renewal date would occur prior to the date on which the renewal date in effect at the time such new renewal date is specified next occurs. Each board or commission shall by rule or regulation establish licensing periods of one, two, or three years. Registration fees set by a board or commission shall be effective for the entire licensing period involved, and shall not be increased during any current licensing period. Persons who are required to pay their first registration fees shall be allowed to pay the pro rata share of such fees for the remainder of the period remaining at the time the fees are paid. Each board or commission shall provide the necessary forms for initial registration, and thereafter the director may prescribe standard forms for renewal of licenses and certificates. Each board or commission shall by rule and regulation require each applicant to provide the information which is required to keep the board's records current.

Each board or commission shall have the authority to collect and analyze information required to support workforce planning and policy development. Such information shall not be publicly disclosed so as to identify a specific health care provider, as defined in section 376.1350. Each board or commission shall issue the original license or certificate.

4. The division shall provide clerical and other staff services relating to the issuance and renewal of licenses for all the professional licensing and regulating boards and commissions assigned to the division. The division shall perform the financial management and clerical functions as they each relate to issuance and renewal of licenses and certificates. "Issuance and renewal of licenses and certificates" means the ministerial function of preparing and delivering licenses or certificates, and obtaining material and information for the board or commission in connection with the renewal thereof. It does not include any discretionary authority with regard to the original review of an applicant's qualifications for licensure or certification, or the subsequent review of licensee's or certificate holder's qualifications, or any disciplinary action contemplated against the licensee or certificate holder. The division may develop and implement microfilming systems and automated or manual management information systems.

5. The director of the division shall maintain a system of accounting and budgeting, in cooperation with the director of the department, the office of administration, and the state auditor's office, to ensure proper charges are made to the various boards for services rendered to them. The general assembly shall appropriate to the division and other state agencies from each board's funds moneys sufficient to reimburse the division and other state agencies for all services rendered and all facilities and supplies furnished to that board.

6. For accounting purposes, the appropriation to the division and to the office of administration for the payment of rent for quarters provided for the division shall be made from the "Professional Registration Fees Fund", which is hereby created, and is to be used solely for the purpose defined in subsection 5 of this section. The fund shall consist of moneys deposited into it from each board's fund. Each board shall contribute a prorated amount necessary to fund the division for services rendered and rent based upon the system of accounting and budgeting established by the director of the division as provided in subsection 5 of this section. Transfers of funds to the professional registration fees fund shall be made by each board on July first of each year; provided, however, that the director of the division may establish an alternative date or dates of transfers at the request of any board. Such transfers shall be made until they equal the prorated amount for services rendered and rent by the division. 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.

7. The director of the division shall be responsible for collecting and accounting for all moneys received by the division or its component agencies. Any money received by a board or commission shall be promptly given, identified by type and source, to the director. The director shall keep a record by board and state accounting system classification of the amount of revenue the director receives. The director shall promptly transmit all receipts to the department of revenue for deposit in the state treasury to the credit of the appropriate fund. The director shall provide each board with all relevant financial information in a timely fashion. Each board shall cooperate with the director by providing necessary information.

8. All educational transcripts, test scores, complaints, investigatory reports, and information pertaining to any person who is an applicant or licensee of any agency assigned to the division of professional registration by statute or by the department are confidential and may not be disclosed to the public or any member of the public, except with the written consent of the person whose records are involved. The agency which possesses the records or information shall disclose the records or information if the person whose records or information is involved has consented to the disclosure. Each agency is entitled to the attorney-client privilege and work-product privilege to the same extent as any other person. Provided, however, that any board may disclose confidential information without the consent of the person involved in the course of voluntary interstate exchange of information, or in the course of any litigation concerning that person, or pursuant to a lawful request, or to other administrative or law enforcement agencies acting within the scope of their statutory authority. Information regarding identity, including names and addresses, registration, and currency of the license of the persons possessing licenses to engage in a professional occupation and the names and addresses of applicants for such licenses is not confidential information.

9. Any deliberations conducted and votes taken in rendering a final decision after a hearing before an agency assigned to the division shall be closed to the parties and the public. Once a final decision is rendered, that decision shall be made available to the parties and the public.

10. A compelling governmental interest shall be deemed to exist for the purposes of section 536.025 for licensure fees to be reduced by emergency rule, if the projected fund balance of any agency assigned to the division of professional registration is reasonably expected to exceed an amount that would require transfer from that fund to general revenue.

11. (1) The following boards and commissions are assigned by specific type transfers to the division of professional registration: Missouri state board of accountancy, chapter 326; board of cosmetology and barber examiners, chapters 328 and 329; Missouri board for architects, professional engineers, professional land surveyors and landscape architects, chapter 327; Missouri state board of chiropractic examiners, chapter 331; state board of registration for the healing arts, chapter 334; Missouri dental board, chapter 332; state board of embalmers and funeral directors, chapter 333; state board of optometry, chapter 336; Missouri state board of nursing, chapter 335; board of pharmacy, chapter 338; state board of podiatric medicine, chapter 330; Missouri real estate appraisers commission, chapter 339; and Missouri veterinary medical board, chapter 340. The governor shall appoint members of these boards by and with the advice and consent of the senate.

(2) The boards and commissions assigned to the division shall exercise all their respective statutory duties and powers, except those clerical and other staff services involving collecting and accounting for moneys and financial management relating to the issuance and renewal of licenses, which services shall be provided by the division, within the appropriation therefor. Nothing herein shall prohibit employment of professional examining or testing services from professional associations or others as required by the boards or commissions on contract. Nothing herein shall be construed to affect the power of a board or commission to expend its funds as appropriated. However, the division shall review the expense vouchers of each board. The results of such review shall be submitted to the board reviewed and to the house and senate appropriations committees annually.

(3) Notwithstanding any other provisions of law, the director of the division shall exercise only those management functions of the boards and commissions specifically provided in the Reorganization Act of 1974, and those relating to the allocation and assignment of space, personnel other than board personnel, and equipment.

(4) "Board personnel", as used in this section or chapters 317, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, and 345, shall mean personnel whose functions and responsibilities are in areas not related to the clerical duties involving the issuance and renewal of licenses, to the collecting and accounting for moneys, or to financial management relating to issuance and renewal of licenses; specifically included are executive secretaries (or comparable positions), consultants, inspectors, investigators, counsel, and secretarial support staff for these positions; and such other positions as are established and authorized by statute for a particular board or commission. Boards and commissions may employ legal counsel, if authorized by law, and temporary personnel if the board is unable to meet its responsibilities with the employees authorized above. Any board or commission which hires temporary employees shall annually provide the division director and the appropriation committees of the general assembly with a complete list of all persons employed in the previous year, the length of their employment, the amount of their remuneration, and a description of their responsibilities.

(5) Board personnel for each board or commission shall be employed by and serve at the pleasure of the board or commission, shall be supervised as the board or commission designates, and shall have their duties and compensation prescribed by the board or commission, within appropriations for that purpose, except that compensation for board personnel shall not exceed that established for comparable positions as determined by the board or commission pursuant to the job and pay plan of the department of insurance, financial institutions and professional registration. Nothing herein shall be construed to permit salaries for any board personnel to be lowered except by board action.

12. All the powers, duties, and functions of the division of athletics, chapter 317, and others, are assigned by type I transfer to the division of professional registration.

13. Wherever the laws, rules, or regulations of this state make reference to the "division of professional registration of the department of economic development", such references shall be deemed to refer to the division of professional registration.

**14. (1) The state board of nursing, board of pharmacy, Missouri dental board, state committee of psychologists, state board of chiropractic examiners, state board of optometry, Missouri board of occupational therapy, or state board of registration for the healing arts may individually or collectively enter into a contractual agreement with the department of health and senior services, a public institution of higher education, or a nonprofit entity for the purpose of collecting and analyzing workforce data from its licensees, registrants, or permit holders for future workforce planning and to assess the accessibility and availability of qualified health care services and practitioners in Missouri. The boards shall work collaboratively with other state governmental entities to ensure coordination and avoid duplication of efforts.**

**(2) The boards may expend appropriated funds necessary for operational expenses of the program formed under this subsection. Each board is authorized to accept grants to fund the collection or analysis authorized in this subsection. Any such funds shall be deposited in the respective board's fund.**

**(3) Data collection shall be controlled and approved by the applicable state board conducting or requesting the collection. Notwithstanding the provisions of section 334.001, the boards may release identifying data to the contractor to facilitate data analysis of the health care workforce including, but not limited to, geographic, demographic, and practice or professional characteristics of licensees. The state board shall not request or be authorized to collect income or other financial earnings data.**

**(4) Data collected under this subsection shall be deemed the property of the state board requesting the data. Data shall be maintained by the state board in accordance with chapter 610, provided that any information deemed closed or confidential under subsection 8 of this section or any other provision of state law shall not be disclosed without consent of the applicable licensee or entity or as otherwise authorized by law. Data shall only be released in an aggregate form by geography, profession or professional specialization, or population characteristic in a manner that cannot be used to identify a specific individual or entity. Data suppression standards shall be addressed and established in the contractual agreement.**

**(5) Contractors shall maintain the security and confidentiality of data received or collected under this subsection and shall not use, disclose, or release any data without approval of the applicable state board. The contractual agreement between the applicable state board and contractor shall establish a data release and research review policy to include legal and institutional review board, or agency equivalent, approval.**

**(6) Each board may promulgate rules subject to the provisions of this subsection and chapter 536 to effectuate and implement the workforce data collection and analysis authorized by this subsection. 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 under 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, 2016, shall be invalid and void.**"; and

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

Representative Rhoads resumed the Chair.

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

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

*House Amendment No. 4*

AMEND House Committee Substitute for House Bill No. 1465, Page 1, In the Title, Line 3, by deleting the phrase "collaborative practice arrangements" and inserting in lieu thereof the phrase "licensed professionals"; and

Further amend said bill, Page 10, Section 334.104, Line 156, by inserting immediately after all of said section and line the following:

"335.016. As used in this chapter, unless the context clearly requires otherwise, the following words and terms mean:

(1) "Accredited", the official authorization or status granted by an agency for a program through a voluntary process;

(2) "Advanced practice registered nurse" **or "APRN"**, a **[**nurse who has education beyond the basic nursing education and is certified by a nationally recognized professional organization as a certified nurse practitioner, certified nurse midwife, certified registered nurse anesthetist, or a certified clinical nurse specialist. The board shall promulgate rules specifying which nationally recognized professional organization certifications are to be recognized for the purposes of this section. Advanced practice nurses and only such individuals may use the title "Advanced Practice Registered Nurse" and the abbreviation "APRN"**] person who is licensed under the provisions of this chapter to engage in the practice of advanced practice nursing**;

(3) "Approval", official recognition of nursing education programs which meet standards established by the board of nursing;

(4) "Board" or "state board", the state board of nursing;

(5) "Certified clinical nurse specialist", a registered nurse who is currently certified as a clinical nurse specialist by a nationally recognized certifying board approved by the board of nursing**. A certified clinical nurse specialist is one of the four APRN roles**;

(6) "Certified nurse midwife", a registered nurse who is currently certified as a nurse midwife by the American College of Nurse Midwives, or other nationally recognized certifying body approved by the board of nursing**. A certified nurse midwife is one of the four APRN roles**;

(7) "Certified nurse practitioner", a registered nurse who is currently certified as a nurse practitioner by a nationally recognized certifying body approved by the board of nursing**. A certified nurse practitioner is one of the four APRN roles**;

(8) "Certified registered nurse anesthetist", a registered nurse who is currently certified as a nurse anesthetist by the **[**Council on Certification of Nurse Anesthetists, the Council on Recertification of Nurse Anesthetists,**] National Board of Certification and Recertification for Nurse Anesthetists** or other nationally recognized certifying body approved by the board of nursing**. A certified registered nurse anesthetist is one of the four APRN roles**;

(9) "Executive director", a qualified individual employed by the board as executive secretary or otherwise to administer the provisions of this chapter under the board's direction. Such person employed as executive director shall not be a member of the board;

(10) "Inactive nurse", as defined by rule pursuant to section 335.061;

(11) "Lapsed license status", as defined by rule under section 335.061;

(12) "Licensed practical nurse" or "practical nurse", a person licensed pursuant to the provisions of this chapter to engage in the practice of practical nursing;

(13) "Licensure", the issuing of a license to practice **advanced practice,** professional**,** or practical nursing to candidates who have met the specified requirements and the recording of the names of those persons as holders of a license to practice **advanced practice,** professional**,** or practical nursing;

(14) **"Population focus", one of the following six areas of practice for which an advanced practice registered nurse has the education and training to provide care and services:**

**(a) A family or individual across the lifespan;**

**(b) Adult-gerontology;**

**(c) Pediatrics;**

**(d) Neonatal;**

**(e) Women's health or gender-related; and**

**(f) Psychiatric or mental health;**

**(15) "Practice of advanced practice nursing":**

**(a) The practice of advanced practice nursing that includes, but is not limited to:**

**a. The practice of professional nursing as defined in this section performed with or without compensation or personal profit;**

**b. Assessing and diagnosing actual or potential human health problems;**

**c. Planning, initiating, ordering, and evaluating therapeutic regimens;**

**d. Coordinating and consulting with a health care provider, or when appropriate, referral to a physician or other health care provider;**

**e. Prescriptive authority for legend drugs and controlled substances;**

**f. Completing certifications or similar documents that reflect a patient's current health status or continuing health needs consistent with such advanced practice registered nurse's scope of practice and the nurse-patient relationship;**

**(b) Advanced practice nursing shall be practiced in accordance with the APRN's graduate-level education and certification in one of four recognized roles, with at least one population focus, including a:**

**a. Certified clinical nurse specialist;**

**b. Certified nurse midwife;**

**c. Certified nurse practitioner; and**

**d. Certified registered nurse anesthetist;**

**(c) Nothing in the subdivision shall alter the definition of the practice of professional nursing;**

**(16)** "**Practice of** practical nursing", the performance for compensation of selected acts for the promotion of health and in the care of persons who are ill, injured, or experiencing alterations in normal health processes. Such performance requires substantial specialized skill, judgment and knowledge. All such nursing care shall be given

under the direction of a person licensed by a state regulatory board to prescribe medications and treatments or under the direction of a registered professional nurse. For the purposes of this chapter, the term "direction" shall mean guidance or **[**supervision**] oversight** provided by a person licensed by a state regulatory board to prescribe medications and treatments or a registered professional nurse, including, but not limited to, oral, written, or otherwise communicated orders or directives for patient care. When practical nursing care is delivered pursuant to the direction of a person licensed by a state regulatory board to prescribe medications and treatments or under the direction of a registered professional nurse, such care may be delivered by a licensed practical nurse without direct physical oversight;

**[**(15)**] (17)** "**Practice of** professional nursing", the performance for compensation of any act **or function** which requires substantial specialized education, judgment and skill based on knowledge and application of principles derived from the biological, physical, social**, behavioral,** and nursing sciences, including, but not limited to:

(a) Responsibility for the **promotion as well as the** teaching of health care and the prevention of illness to the patient and his or her family;

(b) Assessment, **data collection,** nursing diagnosis, nursing care, **evaluation,** and counsel of persons who are ill, injured or experiencing alterations in normal health processes;

(c) The administration of medications and treatments as prescribed by a person licensed by a state regulatory board to prescribe medications and treatments;

(d) The coordination**, initiation, performance,** and assistance in the **determination and** delivery of a plan of health care with all members of a health team;

(e) The teaching and supervision of other persons in the performance of any of the foregoing;

**[**(16) A**] (18)** "Registered professional nurse" or "registered nurse", a person licensed pursuant to the provisions of this chapter to engage in the practice of professional nursing;

**[**(17)**] (19)** "Retired license status", any person licensed in this state under this chapter who retires from such practice. Such person shall file with the board an affidavit, on a form to be furnished by the board, which states the date on which the licensee retired from such practice, an intent to retire from the practice for at least two years, and such other facts as tend to verify the retirement as the board may deem necessary; but if the licensee thereafter reengages in the practice, the licensee shall renew his or her license with the board as provided by this chapter and by rule and regulation.

335.019. **1. An advanced practice registered nurse's prescriptive authority shall include authority to:**

**(1) Prescribe, dispense, and administer nonscheduled legend drugs and medications as defined in section 338.330, within such APRN's practice and specialty;**

**(2) Notwithstanding any other provision of this chapter, prescribe, administer, and provide nonscheduled legend drug samples from pharmaceutical manufacturers to patients at no charge to the patient or any other party.**

**2.** The board of nursing may grant a certificate of controlled substance prescriptive authority to an advanced practice registered nurse who**[**:

(1)**]** submits proof of successful completion of an advanced pharmacology course that shall include **[**preceptorial experience in**]** the prescription of drugs, medicines**,** and therapeutic devices; and

(2) Provides documentation of a minimum of three hundred clock hours preceptorial experience in the prescription of drugs, medicines, and therapeutic devices with a qualified preceptor; and

(3) Provides evidence of a minimum of one thousand hours of practice in an advanced practice nursing category prior to application for a certificate of prescriptive authority. The one thousand hours shall not include clinical hours obtained in the advanced practice nursing education program. The one thousand hours of practice in an advanced practice nursing category may include transmitting a prescription order orally or telephonically or to an inpatient medical record from protocols developed in collaboration with and signed by a licensed physician; and

(4) Has a controlled substance prescribing authority delegated in the collaborative practice arrangement under section 334.104 with a physician who has an unrestricted federal Drug Enforcement Administration registration number and who is actively engaged in a practice comparable in scope, specialty, or expertise to that of the advanced practice registered nurse.

335.046. 1. An applicant for a license to practice as a registered professional nurse shall submit to the board a written application on forms furnished to the applicant. The original application shall contain the applicant's statements showing the applicant's education and other such pertinent information as the board may require. The

applicant shall be of good moral character and have completed at least the high school course of study, or the equivalent thereof as determined by the state board of education, and have successfully completed the basic professional curriculum in an accredited or approved school of nursing and earned a professional nursing degree or diploma. Each application shall contain a statement that it is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the person signing same, subject to the penalties of making a false affidavit or declaration. Applicants from non-English-speaking lands shall be required to submit evidence of proficiency in the English language. The applicant must be approved by the board and shall pass an examination as required by the board.

The board may require by rule as a requirement for licensure that each applicant shall pass an oral or practical examination. Upon successfully passing the examination, the board may issue to the applicant a license to practice nursing as a registered professional nurse. The applicant for a license to practice registered professional nursing shall pay a license fee in such amount as set by the board. The fee shall be uniform for all applicants. Applicants from foreign countries shall be licensed as prescribed by rule.

2. An applicant for license to practice as a licensed practical nurse shall submit to the board a written application on forms furnished to the applicant. The original application shall contain the applicant's statements showing the applicant's education and other such pertinent information as the board may require. Such applicant shall be of good moral character, and have completed at least two years of high school, or its equivalent as established by the state board of education, and have successfully completed a basic prescribed curriculum in a state-accredited or approved school of nursing, earned a nursing degree, certificate or diploma and completed a course approved by the board on the role of the practical nurse. Each application shall contain a statement that it is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the person signing same, subject to the penalties of making a false affidavit or declaration. Applicants from non-English-speaking countries shall be required to submit evidence of their proficiency in the English language. The applicant must be approved by the board and shall pass an examination as required by the board. The board may require by rule as a requirement for licensure that each applicant shall pass an oral or practical examination. Upon successfully passing the examination, the board may issue to the applicant a license to practice as a licensed practical nurse. The applicant for a license to practice licensed practical nursing shall pay a fee in such amount as may be set by the board. The fee shall be uniform for all applicants. Applicants from foreign countries shall be licensed as prescribed by rule.

3. **(1) An applicant for a license to practice as an advanced practice registered nurse shall submit a completed application as established by the board. The application shall, at a minimum, contain:**

**(a) The applicant's advanced nursing education and other pertinent information as the board may require;**

**(b) A statement under oath or affirmation that the applicant is of good moral character and that the representations contained in the application are true and correct to the best knowledge and belief of the applicant, subject to the penalties of making a false affidavit or declaration; and**

**(c) Documentation that demonstrates the following educational requirements:**

**a. Prior to July 1, 1998, completion of a formal post-basic educational program from or formally affiliated with an accredited college, university, or hospital of at least one academic year, which includes advanced nurse theory and clinical nursing practice, leading to a graduate degree or certificate with a concentration in an advanced nursing clinical specialty area;**

**b. From July 1, 1998, to June 30, 2009, completion of a graduate degree from an accredited college or university with a concentration in an advanced practice nursing clinical specialty area, which includes advanced nursing theory and clinical nursing practice;**

**c. On or after July 1, 2009, completion of an accredited graduate-level advanced practice registered nursing program that prepared the applicant for one of the four APRN roles in at least one population focus;**

**(d) Documentation of current certification in one of the four APRN roles from a nationally recognized certifying body approved by the board, or current documentation of recognition as an advanced practice registered nurse issued by the board prior to January 1, 2017; and**

**(e) Other evidence as required by board rule, including as may be applicable, evidence of proficiency in the English language.**

**(2) The applicant for a license to practice as an advanced practice registered nurse shall pay a license fee in such amount as set by the board that shall be uniform for all such applicants.**

**(3) Upon issuance of a license, the license holder's advanced practice registered nursing license and his or her professional nursing license shall be treated as one license for the purpose of renewal and assessment of renewal fees.**

**4.** Upon refusal of the board to allow any applicant to sit for either the registered professional nurses' examination or the licensed practical nurses' examination, as the case may be, the board shall comply with the provisions of section 621.120 and advise the applicant of his or her right to have a hearing before the administrative hearing commission. The administrative hearing commission shall hear complaints taken pursuant to section 621.120.

**[**4.**] 5.** The board shall not deny a license because of sex, religion, race, ethnic origin, age or political affiliation.

335.056. The license of every person licensed under the provisions of **[**sections 335.011 to 335.096**] this chapter** shall be renewed as provided. An application for renewal of license shall be mailed to every person to whom a license was issued or renewed during the current licensing period. The applicant shall complete the application and return it to the board by the renewal date with a renewal fee in an amount to be set by the board. The fee shall be uniform for all applicants. The certificates of renewal shall render the holder thereof a legal practitioner of nursing for the period stated in the certificate of renewal. Any person who practices nursing as **an advanced practice registered nurse, as** a registered professional nurse**,** or as a licensed practical nurse during the time his **or her** license has lapsed shall be considered an illegal practitioner and shall be subject to the penalties provided for violation of the provisions of **[**sections 335.011 to 335.096**] this chapter**.

335.086. No person, firm, corporation or association shall:

(1) Sell or attempt to sell or fraudulently obtain or furnish or attempt to furnish any nursing diploma, license, renewal or record or aid or abet therein;

(2) Practice **[**professional or practical**]** nursing as defined **[**by sections 335.011 to 335.096**] in this chapter** under cover of any diploma, license, or record illegally or fraudulently obtained or signed or issued unlawfully or under fraudulent representation;

(3) Practice **[**professional nursing or practical**]** nursing as defined **[**by sections 335.011 to 335.096**] in this chapter** unless duly licensed to do so under the provisions of **[**sections 335.011 to 335.096**] this chapter**;

(4) Use in connection with his **or her** name any designation tending to imply that he **or she** is a licensed **advanced practice registered nurse, a license** registered professional nurse**,** or a licensed practical nurse unless duly licensed so to practice under the provisions of **[**sections 335.011 to 335.096**] this chapter**;

(5) Practice **advanced practice nursing,** professional nursing**,** or practical nursing during the time his **or her** license issued under the provisions of **[**sections 335.011 to 335.096**] this chapter** shall be suspended or revoked; or

(6) Conduct a nursing education program for the preparation of professional or practical nurses unless the program has been accredited by the board."; and

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

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

Representative Rowland (155) offered **House Amendment No. 5**.

*House Amendment No. 5*

AMEND House Committee Substitute for House Bill No. 1465, Page 6, Section 334.104, Lines 42-45, by deleting all of said lines and inserting in lieu thereof the following:

"allow for geographic proximity to be waived **[**for a maximum of twenty-eight days per calendar year for rural health clinics as defined by P.L. 95-210**]**, as long as the collaborative practice arrangement includes alternative plans as required in paragraph (c) of this subdivision**[**. This exception to geographic proximity shall"; and

Further amend said bill and section, Page 7, Line 51, by inserting a closed bracket "]" immediately after the word "requested"; and

Further amend said bill, page and section, Lines 77-78, by inserting brackets around the phrase "specifying geographic areas to be covered,"; and

Further amend said bill and section, Page 9, Line 127, by deleting the word "three" and inserting in lieu thereof the words "**[**three**] five**"; and

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

On motion of Representative Rowland (155), **House Amendment No. 5** was adopted.

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

*House Amendment No. 6*

AMEND House Committee Substitute for House Bill No. 1465, Page 1, In the Title, Line 3, by deleting the words "collaborative practice arrangements" and inserting in lieu thereof the words "licensed professionals"; and

Further amend said bill, Page 10, Section 334.104, Line 156, by inserting immediately after all of said section and line the following:

"376.1235. 1. No health carrier or health benefit plan, as defined in section 376.1350, shall impose a co-payment or coinsurance percentage charged to the insured for services rendered for each date of service by a physical therapist licensed under chapter 334 **or an occupational therapist licensed under chapter 324**, for services that require a prescription, that is greater than the co-payment or coinsurance percentage charged to the insured for the services of a primary care physician licensed under chapter 334 for an office visit.

2. A health carrier or health benefit plan shall clearly state the availability of physical therapy **and occupational therapy** coverage under its plan and all related limitations, conditions, and exclusions.

3. Beginning September 1, **[**2013**] 2016**, the oversight division of the joint committee on legislative research shall perform an actuarial analysis of the cost impact to health carriers, insureds with a health benefit plan, and other private and public payers if the provisions of this section **regarding occupational therapy coverage** were enacted. By December 31, **[**2013,**] 2016,** the director of the oversight division of the joint committee on legislative research shall submit a report of the actuarial findings prescribed by this section to the speaker, the president pro tem, and the chairpersons of both the house of representatives and senate standing committees having jurisdiction over health insurance matters. If the fiscal note cost estimation is less than the cost of an actuarial analysis, the actuarial analysis requirement shall be waived."; and

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

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

On motion of Representative Burlison, **HCS HB 1465, as amended**, was adopted.

On motion of Representative Burlison, **HCS HB 1465, as amended**, was ordered perfected and printed.

**HCS HB 2057**, relating to concealed carry permits, was taken up by Representative Bernskoetter.

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

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 2057, Page 1, In the Title, Line 3, by deleting the words "concealed carry permits" and inserting in lieu thereof the word "firearms"; and

Further amend said bill, Page 12, Section 571.104, Line 164, by inserting after all of said section and line the following:

"**571.550. 1. When a law enforcement officer is at the scene of a domestic violence incident involving a threat to human life or a physical assault, or is serving a protective order under chapter 455, such officer shall take temporary custody of any firearm or other deadly weapon in plain sight or discovered under a consensual or other lawful search as necessary for the protection of the law enforcement officer or other persons present if the law enforcement officer has probable cause to believe that an act of domestic violence has occurred.**

**2. If a firearm is removed from the scene under subsection 1 of this section, the law enforcement officer shall:**

**(1) Provide to the owner of the firearm information on the process for retaking possession of the firearm; and**

**(2) Provide for the safe storage of the firearm during the pendency of any proceeding related to the alleged act of domestic violence.**

**3. Within fourteen days of the conclusion of a proceeding on the alleged act of domestic violence, the owner of the firearm may retake possession of the firearm unless ordered to surrender the firearm under section 571.095.**

**571.555. 1. It shall be unlawful to possess a firearm for a person who:**

**(1) Is subject to a court order that:**

**(a) Was issued after a hearing of which such person received actual notice and at which such person had an opportunity to participate;**

**(b) Restrains such person from harassing, stalking, or threatening a family or household member of such person or a child of such family or household member or person, or engaging in other conduct that would place a family or household member in reasonable fear of bodily injury to the family or household member or child; and**

**(c) Includes a finding that such person represents a credible threat to the physical safety of such family or household member or a child; or by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such family or household member or child that would reasonably be expected to cause bodily injury; or**

**(2) Is currently on probation or parole after having been found guilty of or pled guilty to a misdemeanor crime of domestic assault in a court of competent jurisdiction. In all cases, the prohibition on possession of firearms under this subdivision shall terminate no later than three years after release from incarceration or parole or from the ending of a probation period, whichever event occurs sooner.**

**2. For the purposes of this section, the term "family" or "household member" shall be defined as such term is defined in section 455.010.**

**3. Any person who violates the provisions of this section is guilty of a class D felony until December 31, 2016, and a class E felony beginning January 1, 2017.**"; and

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

**House Amendment No. 1** was withdrawn.

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

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 2057, Page 1, In the Title, Line 3, by deleting the words "concealed carry permits" and inserting in lieu thereof the word "firearms"; and

Further amend said bill and page, Section A, Line 2, by inserting after all of said section and line the following:

"563.031. 1. A person may, subject to the provisions of subsection 2 of this section, use physical force upon another person when and to the extent he or she reasonably believes such force to be necessary to defend himself or herself or a third person from what he or she reasonably believes to be the use or imminent use of unlawful force by such other person, unless:

(1) The actor was the initial aggressor; except that in such case his or her use of force is nevertheless justifiable provided:

(a) He or she has withdrawn from the encounter and effectively communicated such withdrawal to such other person but the latter persists in continuing the incident by the use or threatened use of unlawful force; or

(b) He or she is a law enforcement officer and as such is an aggressor pursuant to section 563.046; or

(c) The aggressor is justified under some other provision of this chapter or other provision of law;

(2) Under the circumstances as the actor reasonably believes them to be, the person whom he or she seeks to protect would not be justified in using such protective force;

(3) The actor was attempting to commit, committing, or escaping after the commission of a forcible felony.

2. A person may not use deadly force upon another person under the circumstances specified in subsection 1 of this section unless:

(1) He or she reasonably believes that such deadly force is necessary to protect himself, or herself or her unborn child, or another against death, serious physical injury, or any forcible felony;

(2) Such force is used against a person who unlawfully enters, remains after unlawfully entering, or attempts to unlawfully enter a dwelling, residence, or vehicle lawfully occupied by such person; or

(3) Such force is used against a person who unlawfully enters, remains after unlawfully entering, or attempts to unlawfully enter private property that is owned or leased by an individual**, or is occupied by an individual who has been given specific authority by the property owner to occupy the property,** claiming a justification of using protective force under this section.

3. A person does not have a duty to retreat from a dwelling, residence, or vehicle where the person is not unlawfully entering or unlawfully remaining. A person does not have a duty to retreat from private property that is owned or leased by such individual.

4. The justification afforded by this section extends to the use of physical restraint as protective force provided that the actor takes all reasonable measures to terminate the restraint as soon as it is reasonable to do so.

5. The defendant shall have the burden of injecting the issue of justification under this section. If a defendant asserts that his or her use of force is described under subdivision (2) of subsection 2 of this section, the burden shall then be on the state to prove beyond a reasonable doubt that the defendant did not reasonably believe that the use of such force was necessary to defend against what he or she reasonably believed was the use or imminent use of unlawful force.

571.030. 1. A person commits the crime of unlawful use of weapons if he or she knowingly:

(1) Carries concealed upon or about his or her person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use; or

(2) Sets a spring gun; or

(3) Discharges or shoots a firearm into a dwelling house, a railroad train, boat, aircraft, or motor vehicle as defined in section 302.010, or any building or structure used for the assembling of people; or

(4) Exhibits, in the presence of one or more persons, any weapon readily capable of lethal use in an angry or threatening manner; or

(5) Has a firearm or projectile weapon readily capable of lethal use on his or her person, while he or she is intoxicated, and handles or otherwise uses such firearm or projectile weapon in either a negligent or unlawful manner or discharges such firearm or projectile weapon unless acting in self-defense; or

(6) Discharges a firearm within one hundred yards of any occupied schoolhouse, courthouse, or church building; or

(7) Discharges or shoots a firearm at a mark, at any object, or at random, on, along or across a public highway or discharges or shoots a firearm into any outbuilding; or

(8) Carries a firearm or any other weapon readily capable of lethal use into any church or place where people have assembled for worship, or into any election precinct on any election day, or into any building owned or occupied by any agency of the federal government, state government, or political subdivision thereof; or

(9) Discharges or shoots a firearm at or from a motor vehicle, as defined in section 301.010, discharges or shoots a firearm at any person, or at any other motor vehicle, or at any building or habitable structure, unless the person was lawfully acting in self-defense; or

(10) Carries a firearm, whether loaded or unloaded, or any other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any function or activity sponsored or sanctioned by school officials or the district school board; or

(11) Possesses a firearm while also knowingly in possession of a controlled substance that is sufficient for a felony violation of section 195.202.

2. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to the persons described in this subsection, regardless of whether such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties except as otherwise provided in this subsection. Subdivisions (3), (4), (6), (7), and (9) of subsection 1 of this section shall not apply to or affect any of the following persons, when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties, except as otherwise provided in this subsection:

(1) All state, county and municipal peace officers who have completed the training required by the police officer standards and training commission pursuant to sections 590.030 to 590.050 and who possess the duty and power of arrest for violation of the general criminal laws of the state or for violation of ordinances of counties or municipalities of the state, whether such officers are on or off duty, and whether such officers are within or outside of the law enforcement agency's jurisdiction, or all qualified retired peace officers, as defined in subsection 12 of this section, and who carry the identification defined in subsection 13 of this section, or any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;

(3) Members of the Armed Forces or National Guard while performing their official duty;

(4) Those persons vested by Article V, Section 1 of the Constitution of Missouri with the judicial power of the state and those persons vested by Article III of the Constitution of the United States with the judicial power of the United States, the members of the federal judiciary;

(5) Any person whose bona fide duty is to execute process, civil or criminal;

(6) Any federal probation officer or federal flight deck officer as defined under the federal flight deck officer program, 49 U.S.C. Section 44921**,** regardless of whether such officers are on duty, or within the law enforcement agency's jurisdiction;

(7) Any state probation or parole officer, including supervisors and members of the board of probation and parole;

(8) Any corporate security advisor meeting the definition and fulfilling the requirements of the regulations established by the department of public safety under section 590.750;

(9) Any coroner, deputy coroner, medical examiner, or assistant medical examiner;

(10) Any **municipal or county** prosecuting attorney or assistant prosecuting attorney**[**,**];** circuit attorney or assistant circuit attorney**[**,**]; municipal, associate circuit, or circuit judge;** or any person appointed by a court to be a special prosecutor who has completed the firearms safety training course required under subsection 2 of section 571.111;

(11) Any member of a fire department or fire protection district who is employed on a full-time basis as a fire investigator and who has a valid concealed carry endorsement issued prior to August 28, 2013, or a valid concealed carry permit under section 571.111 when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties; and

(12) Upon the written approval of the governing body of a fire department or fire protection district, any paid fire department or fire protection district chief who is employed on a full-time basis and who has a valid concealed carry endorsement issued prior to August 28, 2013, or a valid concealed carry permit, when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties.

3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not apply when the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Subdivision (1) of subsection 1 of this section does not apply to any person nineteen years of age or older or eighteen years of age or older and a member of the United States Armed Forces, or honorably discharged from the United States Armed Forces, transporting a concealable firearm in the passenger compartment of a motor vehicle, so long as such concealable firearm is otherwise lawfully possessed, nor when the actor is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his or her dwelling unit or upon premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through this state. Subdivision (10) of subsection 1 of this section does not apply if the firearm is otherwise lawfully possessed by a person while traversing school premises for the purposes of transporting a student to or from school, or possessed by an adult for the purposes of facilitation of a school-sanctioned firearm-related event or club event.

4. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to any person who has a valid concealed carry permit issued pursuant to sections 571.101 to 571.121, a valid concealed carry endorsement issued before August 28, 2013, or a valid permit or endorsement to carry concealed firearms issued by another state or political subdivision of another state.

5. Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10) of subsection 1 of this section shall not apply to persons who are engaged in a lawful act of defense pursuant to section 563.031.

6. Notwithstanding any provision of this section to the contrary, the state shall not prohibit any state employee from having a firearm in the employee's vehicle on the state's property provided that the vehicle is locked and the firearm is not visible. This subsection shall only apply to the state as an employer when the state employee's vehicle is on property owned or leased by the state and the state employee is conducting activities within the scope of his or her employment. For the purposes of this subsection, "state employee" means an employee of the executive, legislative, or judicial branch of the government of the state of Missouri.

7. Nothing in this section shall make it unlawful for a student to actually participate in school-sanctioned gun safety courses, student military or ROTC courses, or other school-sponsored or club-sponsored firearm-related events, provided the student does not carry a firearm or other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any other function or activity sponsored or sanctioned by school officials or the district school board.

8. Unlawful use of weapons is a class D felony unless committed pursuant to subdivision (6), (7), or (8) of subsection 1 of this section, in which cases it is a class B misdemeanor, or subdivision (5) or (10) of subsection 1 of this section, in which case it is a class A misdemeanor if the firearm is unloaded and a class D felony if the firearm is loaded, or subdivision (9) of subsection 1 of this section, in which case it is a class B felony, except that if the violation of subdivision (9) of subsection 1 of this section results in injury or death to another person, it is a class A felony.

9. Violations of subdivision (9) of subsection 1 of this section shall be punished as follows:

(1) For the first violation a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony;

(2) For any violation by a prior offender as defined in section 558.016, a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony without the possibility of parole, probation or conditional release for a term of ten years;

(3) For any violation by a persistent offender as defined in section 558.016, a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony without the possibility of parole, probation, or conditional release;

(4) For any violation which results in injury or death to another person, a person shall be sentenced to an authorized disposition for a class A felony.

10. Any person knowingly aiding or abetting any other person in the violation of subdivision (9) of subsection 1 of this section shall be subject to the same penalty as that prescribed by this section for violations by other persons.

11. Notwithstanding any other provision of law, no person who pleads guilty to or is found guilty of a felony violation of subsection 1 of this section shall receive a suspended imposition of sentence if such person has previously received a suspended imposition of sentence for any other firearms- or weapons-related felony offense.

12. As used in this section "qualified retired peace officer" means an individual who:

(1) Retired in good standing from service with a public agency as a peace officer, other than for reasons of mental instability;

(2) Before such retirement, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest;

(3) Before such retirement, was regularly employed as a peace officer for an aggregate of fifteen years or more, or retired from service with such agency, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by such agency;

(4) Has a nonforfeitable right to benefits under the retirement plan of the agency if such a plan is available;

(5) During the most recent twelve-month period, has met, at the expense of the individual, the standards for training and qualification for active peace officers to carry firearms;

(6) Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and

(7) Is not prohibited by federal law from receiving a firearm.

13. The identification required by subdivision (1) of subsection 2 of this section is:

(1) A photographic identification issued by the agency from which the individual retired from service as a peace officer that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the agency to meet the standards established by the agency for training and qualification for active peace officers to carry a firearm of the same type as the concealed firearm; or

(2) A photographic identification issued by the agency from which the individual retired from service as a peace officer; and

(3) A certification issued by the state in which the individual resides that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the state to meet the standards established by the state for training and qualification for active peace officers to carry a firearm of the same type as the concealed firearm."; and

Further amend said bill, Page 12, Section 571.104, Line 164, by inserting after all of said section and line the following:

"571.111. 1. An applicant for a concealed carry permit shall demonstrate knowledge of firearms safety training. This requirement shall be fully satisfied if the applicant for a concealed carry permit:

(1) Submits a photocopy of a certificate of firearms safety training course completion, as defined in subsection 2 of this section, signed by a qualified firearms safety instructor as defined in subsection 5 of this section; or

(2) Submits a photocopy of a certificate that shows the applicant completed a firearms safety course given by or under the supervision of any state, county, municipal, or federal law enforcement agency; or

(3) Is a qualified firearms safety instructor as defined in subsection 5 of this section; or

(4) Submits proof that the applicant currently holds any type of valid peace officer license issued under the requirements of chapter 590; or

(5) Submits proof that the applicant is currently allowed to carry firearms in accordance with the certification requirements of section 217.710; or

(6) Submits proof that the applicant is currently certified as any class of corrections officer by the Missouri department of corrections and has passed at least one eight-hour firearms training course, approved by the director of the Missouri department of corrections under the authority granted to him or her, that includes instruction on the justifiable use of force as prescribed in chapter 563; or

(7) Submits a photocopy of a certificate of firearms safety training course completion that was issued on August 27, 2011, or earlier so long as the certificate met the requirements of subsection 2 of this section that were in effect on the date it was issued.

2. A certificate of firearms safety training course completion may be issued to any applicant by any qualified firearms safety instructor. On the certificate of course completion the qualified firearms safety instructor shall affirm that the individual receiving instruction has taken and passed a firearms safety course of at least eight hours in length taught by the instructor that included:

(1) Handgun safety in the classroom, at home, on the firing range and while carrying the firearm;

(2) A physical demonstration performed by the applicant that demonstrated his or her ability to safely load and unload either a revolver or a semiautomatic pistol and demonstrated his or her marksmanship with either firearm;

(3) The basic principles of marksmanship;

(4) Care and cleaning of concealable firearms;

(5) Safe storage of firearms at home;

(6) The requirements of this state for obtaining a concealed carry permit from the sheriff of the individual's county of residence;

(7) The laws relating to firearms as prescribed in this chapter;

(8) The laws relating to the justifiable use of force as prescribed in chapter 563;

(9) A live firing exercise of sufficient duration for each applicant to fire either a revolver or a semiautomatic pistol, from a standing position or its equivalent, a minimum of twenty rounds from the handgun at a distance of seven yards from a B-27 silhouette target or an equivalent target;

(10) A live-fire test administered to the applicant while the instructor was present of twenty rounds from either a revolver or a semiautomatic pistol from a standing position or its equivalent at a distance from a B-27 silhouette target, or an equivalent target, of seven yards.

3. **A certificate of firearms safety training course completion may also be issued to an applicant who presents proof to a qualified firearms safety instructor that the applicant has passed a regular or online course on firearm safety conducted by an instructor certified by the National Rifle Association that is at least one hour in length and who also passes the requirements of subdivisions (1), (2), (6), (7), (8), (9), and (10) of subsection 2 of this section in a course, not restricted by a period of hours, that is taught by a qualified firearms safety instructor.**

**4.** A qualified firearms safety instructor shall not give a grade of passing to an applicant for a concealed carry permit who:

(1) Does not follow the orders of the qualified firearms instructor or cognizant range officer; or

(2) Handles a firearm in a manner that, in the judgment of the qualified firearm safety instructor, poses a danger to the applicant or to others; or

(3) During the live-fire testing portion of the course fails to hit the silhouette portion of the targets with at least fifteen rounds.

**[**4.**] 5.** Qualified firearms safety instructors who provide firearms safety instruction to any person who applies for a concealed carry permit shall:

(1) Make the applicant's course records available upon request to the sheriff of the county in which the applicant resides;

(2) Maintain all course records on students for a period of no less than four years from course completion date; and

(3) Not have more than forty students per certified instructor in the classroom portion of the course or more than five students per range officer engaged in range firing.

**[**5.**] 6.** A firearms safety instructor shall be considered to be a qualified firearms safety instructor by any sheriff issuing a concealed carry permit pursuant to sections 571.101 to 571.121 if the instructor:

(1) Is a valid firearms safety instructor certified by the National Rifle Association holding a rating as a personal protection instructor or pistol marksmanship instructor; or

(2) Submits a photocopy of a notarized certificate from a firearms safety instructor's course offered by a local, state, or federal governmental agency; or

(3) Submits a photocopy of a notarized certificate from a firearms safety instructor course approved by the department of public safety; or

(4) Has successfully completed a firearms safety instructor course given by or under the supervision of any state, county, municipal, or federal law enforcement agency; or

(5) Is a certified police officer firearms safety instructor.

**[**6.**] 7.** Any firearms safety instructor qualified under subsection **[**5**] 6** of this section may submit a copy of a training instructor certificate, course outline bearing the notarized signature of the instructor, and a recent photograph of the instructor to the sheriff of the county in which the instructor resides. The sheriff shall review the training instructor certificate along with the course outline and verify the firearms safety instructor is qualified and the course meets the requirements provided under this section. If the sheriff verifies the firearms safety instructor is qualified and the course meets the requirements provided under this section, the sheriff shall collect an annual registration fee of ten dollars from each qualified instructor who chooses to submit such information and submit the registration to the Missouri sheriff methamphetamine relief taskforce. The Missouri sheriff methamphetamine relief taskforce, or its designated agent, shall create and maintain a statewide database of qualified instructors. This

information shall be a closed record except for access by any sheriff. Firearms safety instructors may register annually and the registration is only effective for the calendar year in which the instructor registered. Any sheriff may access the statewide database maintained by the Missouri sheriff methamphetamine relief taskforce to verify the firearms safety instructor is qualified and the course offered by the instructor meets the requirements provided under this section. Unless a sheriff has reason to believe otherwise, a sheriff shall presume a firearms safety instructor is qualified to provide firearms safety instruction in counties throughout the state under this section if the instructor is registered on the statewide database of qualified instructors.

**[**7.**] 8.** Any firearms safety instructor who knowingly provides any sheriff with any false information concerning an applicant's performance on any portion of the required training and qualification shall be guilty of a class C misdemeanor. A violation of the provisions of this section shall result in the person being prohibited from instructing concealed carry permit classes and issuing certificates."; and

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

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

On motion of Representative Bernskoetter, **HCS HB 2057, as amended**, was adopted.

On motion of Representative Bernskoetter, **HCS HB 2057, as amended**, was ordered perfected and printed.

**HCS HBs 1589 & 2307**, relating to educational scholarships, was taken up by Representative Koenig.

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

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill Nos. 1589 & 2307, Page 1, In the Title, Line 3, by deleting the words "educational scholarships" and inserting in lieu thereof the words "tax credits"; and

Further amend said bill, page, Section A, Line 3, by inserting after all of said section and line the following:

"**135.435. 1. As used in this section, the following terms mean:**

**(1) "Contribution", a donation of cash; stock, bonds, or other marketable securities; or real property;**

**(2) "Department", the department of corrections;**

**(3) "Director", the director of the department of corrections;**

**(4) "Ex-offender", a person who is paroled, discharged, or otherwise released from any correctional facility of the department of corrections or any mental health institution where such person was confined;**

**(5) "Qualified organization", an organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code including, but not limited to, any faith-based organization, that provides assistance to ex-offenders to promote or encourage healthy reintegration into society and avoid reincarceration that has operated in this capacity for longer than five years and enrolls a minimum of twenty ex-offenders per year;**

**(6) "State tax liability", in the case of a business taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapters 143, 148, and 153, excluding sections 143.191 to 143.265 and related provisions, and, in the case of an individual taxpayer, any liability incurred by such taxpayer under the provisions of chapter 143, excluding sections 143.191 to 143.265 and related provisions;**

**(7) "Taxpayer", a person, firm, a partner in a firm, corporation, or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, or an insurance company paying an annual tax on its gross premium receipts in**

**this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state under the provisions of chapter 148, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, or an individual subject to the state income tax imposed by the provisions of chapter 143, or any charitable organization which is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under chapter 143.**

**2. For all tax years beginning on or after January 1, 2017, a taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability in an amount equal to fifty percent of the taxpayer's contribution to a qualified organization. The qualified organization shall use the taxpayer's contribution to assist ex-offenders with the goal of reducing recidivism.**

**3. Tax credits issued under this section are not refundable, however any tax credit that cannot be claimed for the tax year in which the contribution was made may be carried over to the next four succeeding tax years until the full credit has been claimed.**

**4. Except for any excess credit which is carried over under subsection 3 of this section, a taxpayer shall not be allowed to claim a tax credit unless the total amount of such taxpayer's contribution or contributions to a qualified organization or organizations in such taxpayer's tax year has a value of at least one hundred dollars.**

**5. The director shall determine, at least annually, which organizations in this state may be classified as qualified organizations. The director may require of an organization seeking to be classified as a qualified organization whatever information which is reasonably necessary to make such a determination. The director shall classify an organization as a qualified organization if such organization meets the definition set forth in subsection 1 of this section.**

**6. The director shall establish a procedure by which a taxpayer can determine if an organization has been classified as a qualified organization. Qualified organizations shall be permitted to decline a contribution from a taxpayer. Upon receipt of a contribution, the qualified organization shall issue to the taxpayer a statement evidencing receipt of such donation, including the value of such donation.**

**7. Each qualified organization shall provide information to the director of revenue concerning the identity of each taxpayer making a contribution to the qualified organization who is claiming a tax credit under this section and the amount of the contribution. The director of revenue shall not authorize more than two million dollars in tax credits provided under this section in any calendar year. Contributions shall be processed on a first come, first serve basis. Contributions in excess of the tax credit cap shall be placed in line for tax credits issued the following year, or shall be given the opportunity to complete their donation without the expectation of a tax credit, or shall request to have their donation returned.**

**8. (1) The department shall develop metrics based on recidivism that show the major factors that increase the probability of an inmate being re-incarcerated. Such factors shall include but not be limited to the number of years since release, types of offenses, and numbers of previous incarceration commitments.**

**(2) Using this data, the department shall create a practical number of categories with average recidivism percentages, by year, assigned to each category.**

**(3) The department shall also track the ex-offenders assigned to 501(c)(3) aftercare programs, and for the second through fifth years after release from prison calculate the recidivism rates for former inmates served by these programs.**

**(4) The recidivism rates for these aftercare programs shall be made available to the public to allow study of best practices and to evaluate the effectiveness of the benevolent tax credit program created by this bill.**

**9. The provisions of this section shall not be construed to limit or in any way impair the department of revenue's ability to issue tax credits authorized on or before the date the program authorized under this section expires or a taxpayer's ability to redeem such tax credits.**

**10. Under section 23.253 of the Missouri sunset act:**

**(1) The program established under this section shall automatically expire on December 31, 2022, unless reauthorized by an act of the general assembly;**

**(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 a 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 McCaherty, **House Amendment No. 1** was adopted.

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

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill Nos. 1589 & 2307, Page 3, Section 135.714, Lines 19-21, by deleting the phrase "**not to exceed a total grant amount equal to the state adequacy target as defined in section 163.011 and calculated by the department of elementary and secondary education, in the form of a deposit into the scholarship account of the qualified student;**" and inserting in lieu thereof the following:

"**not to exceed the following:**

**(a) The previous school year's tuition and fees for nonscholarship students at the qualified school; or**

**(b) Ninety percent of the previous school year's average current expenditure per average daily attendance for the student's district of residence;**" and

Further amend said bill, Page 9, Section 166.700, Lines 49 through 62, by deleting all of said lines and inserting in lieu thereof the following:

"**under the Individuals with Disabilities Education Act.**"; and

Further amend said bill, Page 10, Section 166.705, Lines 36 through 40, by deleting all of said lines and inserting in lieu thereof the following:

"**(5) Moneys deposited in the qualified student's account shall not be used for consumable educational supplies including, but not limited to, paper, pens, pencils, or markers.**"; and

Further amend said bill, Page 12, Section 210.1500, Line 4, by inserting after the word "**state**" the following words "**or recently adopted**"; and

Further amend said bill and section, Page 13, Line 8, by deleting said line and inserting in lieu thereof the following:

"**verifications for such donations and provide scholarships to eligible recipients in this state with at least ninety percent of its revenues from contributions;**"; and

Further amend said bill, page and section, Line 9, by inserting after the word "**state**" the following words "**or in the case of an adopted child, a public elementary or secondary school in this state shall be considered a qualified school**"; and

Further amend said bill, page and section, Line 15, by deleting the phrase "**; or**" and inserting in lieu thereof a period "**.**"; and

Further amend said bill, page and section, Lines 16 and 17, by deleting all of said lines; and

Further amend said bill, page and section, Line 17, by inserting after all of said line the following:

"**2. Any eligible recipient who receives a scholarship under the provisions of this section shall be reimbursed for any reasonable transportation costs incurred or shall receive the mileage rate prescribed by this subsection for the distance necessarily traveled in going to and returning from a qualified school, the distance to be estimated by the most usually traveled route from the place of departure to a qualified school. Mileage shall be reimbursed at the rate prescribed by the Internal Revenue Service for allowable expenses for motor vehicle use expressed as an amount per mile.**"; and

Further amend said bill, page and section, Lines 18-29, by renumbering remaining subsections accordingly; and

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

Representative Morgan raised a point of order that a violation of Rule 86 had occurred.

Representative Rhoads requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order not well taken.

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

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

*House Amendment No. 3*

AMEND House Committee Substitute for House Bill Nos. 1589 & 2307, Page 5, Section 135.719, Line 19, by inserting after all of said section and line the following:

"**135.1910. 1. As used in this section, the following terms mean:**

**(1) "Contribution", a donation of cash; stock, bonds, or other marketable securities; or real property;**

**(2) "Director", the director of the department of social services;**

**(3) "Qualified organization", an organization that provides funding for unmet health, hunger, and hygiene needs for children in school;**

**(4) "State tax liability", in the case of a business taxpayer, any liability incurred by such taxpayer under the provisions of chapters 143, 148, and 153, excluding sections 143.191 to 143.265 and related provisions, and in the case of an individual taxpayer, any liability incurred by such taxpayer under the provisions of chapter 143, excluding sections 143.191 to 143.265 and related provisions;**

**(5) "Taxpayer", a person, firm, a partner in a firm, corporation, or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed under the provisions of chapter 143; an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state under the provisions of chapter 148; an express company which pays an annual tax on its gross receipts in this state under chapter 153; an individual subject to the state income tax imposed under the provisions of chapter 143; or any charitable organization that is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under chapter 143.**

**2. For all tax years beginning on or after January 1, 2017, a taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability in an amount equal to fifty percent of the taxpayer's contribution to a qualified organization. The qualified organization shall use the taxpayer's contribution solely for the unmet health, hunger, and hygiene needs of children in school.**

**3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the taxable year for which the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand dollars per taxable year. However, any tax credit that cannot be claimed in the taxable year in which the contribution was made may be carried over to the next four succeeding taxable years until the full credit has been claimed.**

**4. Except for any excess credit that is carried over under subsection 3 of this section, a taxpayer shall not be allowed to claim a tax credit unless the total amount of such taxpayer's contribution or contributions to a qualified organization or organizations in such taxpayer's taxable year has a value of at least one hundred dollars.**

**5. The director shall determine, at least annually, which organizations in this state may be classified as qualified organizations. The director may require of an organization seeking to be classified as a qualified organization whatever information that is reasonably necessary to make such a determination. The director shall classify an organization as a qualified organization if such organization meets the definition set forth in subsection 1 of this section.**

**6. The director shall establish a procedure by which a taxpayer can determine if an organization has been classified as a qualified organization. Qualified organizations shall be permitted to decline a contribution from a taxpayer. To claim the tax credit authorized in this section, a qualified organization may submit to the department an application for the tax credit authorized by this section on behalf of taxpayers. The department shall verify that the qualified organization has submitted the following items accurately and completely:**

**(1) A valid application in the form and format required by the department;**

**(2) A statement attesting to the contribution received, which shall include the name and taxpayer identification number of the individual making the contribution, the amount of the contribution, and the date the contribution was received by the provider; and**

**(3) Payment from the qualified organization equal to the value of the tax credit for which application is made.**

**If the provider applying for the tax credit meets all criteria required by this subsection, the department shall issue a certificate in the appropriate amount.**

**7. Each qualified organization shall provide information to the director concerning the identity of each taxpayer making a contribution to the qualified organization who is claiming a tax credit under this section and the amount of the contribution. The director shall provide the information to the director of revenue. The director shall be subject to the confidentiality and penalty provisions of section 32.057 relating to the disclosure of tax information.**

**8. The provisions of this section shall not be construed to limit or in any way impair the department's ability to issue tax credits authorized on or before the date the program authorized under this section expires or a taxpayer's ability to redeem such tax credits.**

**9. Under section 23.253 of the Missouri sunset act:**

**(1) The program established under this section shall automatically expire on December 31, 2022, unless reauthorized by an act of the general assembly;**

**(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 a program authorized under this section is sunset.**"; and

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

Speaker Richardson resumed the Chair.

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

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

*House Amendment No. 4*

AMEND House Committee Substitute for House Bill Nos. 1589 & 2307, Page 1, In the Title, Line 3, by deleting the words "educational scholarships" and inserting in lieu thereof the words "tax credits"; and

Further amend said bill, Page 5, Section 135.719, Line 19, by inserting after all of said section and line the following:

"**135.1160. 1. As used in this section, the following terms mean:**

**(1) "Eligible costs", the purchase costs of materials or labor for cabinets, carpentry, carpeting, ceramic tile, concrete, counter and vanity tops, drywall, electrical work, exterior siding, heating and cooling, insulation, masonry, painting, plaster, plumbing, plumbing fixtures, roofing, tuckpointing, waterproofing, windows, and wood flooring;**

**(2) "Tax credit", a credit against the tax otherwise due under chapter 143, excluding withholding tax under sections 143.191 to 143.265;**

**(3) "Taxpayer", any individual subject to the tax imposed under chapter 143, excluding withholding tax under sections 143.191 to 143.265, who owns a multifamily dwelling or residence with at least two or more units that is operated as rental property, who renovates the rental property, and who lives in one of the units in the renovated rented dwelling or residence.**

**2. For all tax years beginning on or after January 1, 2017, a taxpayer shall be allowed a tax credit for eligible costs incurred in renovating the taxpayer's rented dwelling or residence. The tax credit amount shall be equal to twenty percent of such eligible costs, but shall not exceed two thousand five hundred dollars per taxpayer. The amount of the tax credit issued shall not exceed the amount of the taxpayer's state tax liability for the tax year for which the credit is claimed. If the amount of the tax credit allowed exceeds the amount of the taxpayer's state tax liability for the tax year for which the credit is claimed, the difference shall not be refundable but may be carried forward to any of the taxpayer's three subsequent tax years. No tax credit issued under this section shall be transferred, sold, or assigned. The aggregate amount of tax credits that may be issued under this section in any one fiscal year shall not exceed five million dollars. The tax credits issued under this section shall be issued on a first-come, first-served filing basis.**

**3. To claim the tax credit allowed under this section, the taxpayer shall include with the taxpayer's income tax return any documentation and information required by the department to verify that the taxpayer has actually incurred the eligible costs.**

**4. The department of revenue 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, 2016, shall be invalid and void.**

**5. Under section 23.253 of the Missouri sunset act:**

**(1) The provisions of the new program authorized under this section shall automatically sunset on December thirty-first six years after the effective date of this section unless reauthorized by an act of the general assembly;**

**(2) If such program is reauthorized, the program authorized under this section shall automatically sunset on December thirty-first 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.**"; and

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

Representative Kratky moved that **House Amendment No. 4** be adopted.

Which motion was defeated.

On motion of Representative Koenig, **HCS HBs 1589 & 2307, as amended**, was adopted.

On motion of Representative Koenig, **HCS HBs 1589 & 2307, as amended**, was ordered perfected and printed.

**HB 1754**, relating to restrictive covenants, was taken up by Representative Bahr.

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

*House Amendment No. 1*

AMEND House Bill No. 1754, Page 1, Section A, Line 2, by inserting after all of said section and line the following:

"**442.011. 1. This section shall be known and may be cited as the "Homeowners' Solar Rights Act".**

**2. As used in this section, the following terms shall mean:**

**(1) "Solar collector":**

**(a) An assembly, structure, or design, including passive elements, used for gathering, concentrating, or absorbing direct and indirect solar energy, specially designed for holding a substantial amount of useful thermal energy and to transfer that energy to a gas, solid, or liquid, or to use that energy directly;**

**(b) A mechanism that absorbs solar energy and converts it into electricity;**

**(c) A mechanism or process used for gathering solar energy through wind or thermal gradients; or**

**(d) A component used to transfer thermal energy to a gas, solid, or liquid, or to convert it into electricity;**

**(2) "Solar energy", radiant energy received from the sun at wavelengths suitable for heat transfer, photosynthetic use, or photovoltaic use;**

**(3) "Solar energy system":**

**(a) A complete assembly, structure, or design of a solar collector or a solar storage mechanism that uses solar energy for generating electricity or for heating or cooling gases, solids, liquids, or other materials; and**

**(b) The design, materials, or elements of a system and its maintenance, operation, and labor components, and the necessary components, if any, of supplemental conventional energy systems designed or constructed to interface with a solar energy system;**

**(4) "Solar storage mechanism", equipment or elements, such as piping and transfer mechanisms, containers, heat exchangers, or controls thereof, and gases, solids, liquids, or combinations thereof, that are utilized for storing solar energy or are gathered by a solar collector for subsequent use.**

**3. Notwithstanding any provision of this section or other provision of law, the adoption of a bylaw or exercise of any power by the governing entity of a homeowners' association, common interest community association, or condominium unit owners' association that prohibits or has the effect of prohibiting the installation of a solar energy system is expressly prohibited.**

**4. No deed restrictions, covenants, or similar binding agreements running with the land shall prohibit or have the effect of prohibiting a solar energy system from being installed on a building erected on a lot or parcel covered by the deed restrictions, covenants, or binding agreements, if the building is subject to a homeowners' association, common interest community association, or condominium unit owners' association. A property owner shall not be denied permission to install a solar energy system by any entity granted the power or right in any deed restriction, covenant, or similar binding agreement to approve, forbid, control, or direct alteration of property. However, for purposes of this section, the entity may determine the specific location where a solar energy system may be installed on the roof with an orientation to the south or within**

**forty-five degrees east or west of due south, provided that the determination does not impair the effective operation of the solar energy system. Each homeowners' association, common interest community association, or condominium unit owners' association shall adopt an energy policy statement regarding the location, design, and architectural requirements of solar energy systems within one hundred twenty days after an association receives a request for a policy statement or an application from an association member. An association shall disclose, upon request, its energy policy statement and shall include the statement in its homeowners' common interest community or condominium unit owners' association declaration.**

**5. A solar energy system shall meet applicable standards and requirements imposed by state and local permitting authorities.**

**6. If approval is required for the installation or use of a solar energy system, the application for approval shall be processed by the appropriate approving entity of the association within ninety days after the submission of the application. However, if an application is submitted before an energy policy statement is adopted by an association, the ninety-day period shall not begin to run until the date that the policy is adopted.**

**7. Any entity, other than a public entity, that willfully violates this section shall be liable to the applicant for actual damages occasioned thereby and for any other consequential damages. Any entity that complies with the requirements of this section shall not be liable to any other resident or third party for such compliance.**

**8. In any litigation arising under this section, the prevailing party shall be entitled to costs and reasonable attorney's fees.**

**9. This section shall not apply to any building that is greater than thirty feet in height.**"; and

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

Representative McNeil moved that **House Amendment No. 1** be adopted.

Which motion was defeated.

On motion of Representative Bahr, **HB 1754** was ordered perfected and printed.

**HCS HB 1679**, relating to contraceptives, was taken up by Representative Solon.

On motion of Representative Solon, **HCS HB 1679** was adopted.

On motion of Representative Solon, **HCS HB 1679** was ordered perfected and printed.

**HCS HB 1945**, relating to automated traffic enforcement systems, was taken up by Representative Spencer.

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

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 1945, Page 2, Section 304.288, Line 22, by deleting the word "**reading**" and inserting in lieu thereof the word "**readers**"; and

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

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

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

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 1945, Page 1, In the Title, Lines 2 and 3, by deleting the phrase "automatic traffic enforcement systems" and inserting in lieu thereof the phrase "transportation regulations"; and

Further amend said bill and page, Section A, Line 2, by inserting after all of said section and line the following:

"**302.335. 1. Except as otherwise provided in subsection 2 of this section, any motorist charged with a traffic violation in this state or any county or municipality of this state shall receive notification, in person, within twenty-four hours of the violation from a law enforcement officer employed by the law enforcement agency issuing the violation.**

**2. The in-person notification requirement of subsection 1 of this section shall not apply to:**

**(1) Parking tickets;**

**(2) Violations under section 577.060;**

**(3) Incidents requiring further investigation; or**

**(4) Any other situation in which in-person notification is not possible.**"; and

Further amend said bill, Page 2, Section C, Lines 1-7, by removing all of said section and lines from the bill; and

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

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

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

*House Amendment No. 3*

AMEND House Committee Substitute for House Bill No. 1945, Page 1, In the Title, Lines 2-3, by deleting the phrase "automated traffic enforcement systems, with a referendum clause" and inserting in lieu thereof "traffic regulations"; and

Further amend said bill, Page 2, Section 304.288, Line 22, by inserting the following after all of said line:

"304.820. 1. Except as otherwise provided in this section, no person **[**twenty-one years of age or younger**]** operating a **noncommercial** moving motor vehicle upon the highways of this state shall, by means of a hand-held electronic wireless communications device, send, read, or write a text message or electronic message**, unless the device is equipped with technology allowing for voice-recognition hands-free texting and is being used in such manner**.

2. Except as otherwise provided in this section, no person shall operate a commercial motor vehicle while using a hand-held mobile telephone.

3. Except as otherwise provided in this section, no person shall operate a commercial motor vehicle while using a wireless communications device to send, read, or write a text message or electronic message.

4. The provisions of subsection 1 through subsection 3 of this section shall not apply to a person operating:

(1) An authorized emergency vehicle; or

(2) A moving motor vehicle while using a hand-held electronic wireless communications device to:

(a) Report illegal activity;

(b) Summon medical or other emergency help;

(c) Prevent injury to a person or property; or

(d) Relay information between a transit or for-hire operator and that operator's dispatcher, in which the device is permanently affixed to the vehicle.

5. Nothing in this section shall be construed or interpreted as prohibiting a person from making or taking part in a telephone call, by means of a hand-held electronic wireless communications device, while operating a noncommercial motor vehicle upon the highways of this state.

6. As used in this section, "electronic message" means a self-contained piece of digital communication that is designed or intended to be transmitted between hand-held electronic wireless communication devices. "Electronic message" includes, but is not limited to, electronic mail, a text message, an instant message, or a command or request to access an internet site.

7. As used in this section, "hand-held electronic wireless communications device" includes any hand-held cellular phone, palm pilot, blackberry, or other mobile electronic device used to communicate verbally or by text or electronic messaging, but shall not apply to any device that is permanently embedded into the architecture and design of the motor vehicle.

8. As used in this section, "making or taking part in a telephone call" means listening to or engaging in verbal communication through a hand-held electronic wireless communication device.

9. As used in this section, "send, read, or write a text message or electronic message" means using a hand-held electronic wireless telecommunications device to manually communicate with any person by using an electronic message. Sending, reading, or writing a text message or electronic message does not include reading, selecting, or entering a phone number or name into a hand-held electronic wireless communications device for the purpose of making a telephone call.

10. A violation of this section shall be deemed an infraction and shall be deemed a moving violation for purposes of point assessment under section 302.302.

11. The state preempts the field of regulating the use of hand-held electronic wireless communications devices in motor vehicles, and the provisions of this section shall supercede any local laws, ordinances, orders, rules, or regulations enacted by a county, municipality, or other political subdivision to regulate the use of hand-held electronic wireless communication devices by the operator of a motor vehicle.

12. The provisions of this section shall not apply to:

(1) The operator of a vehicle that is lawfully parked or stopped;

(2) Any of the following while in the performance of their official duties: a law enforcement officer; a member of a fire department; or the operator of a public or private ambulance;

(3) The use of factory-installed or aftermarket global positioning systems (GPS) or wireless communications devices used to transmit or receive data as part of a digital dispatch system;

(4) The use of voice-operated technology;

(5) The use of two-way radio transmitters or receivers by a licensee of the Federal Communications Commission in the Amateur Radio Service."; and

Further amend said bill and page, Section B, Lines 1-7, by deleting all of said lines from the bill; and

Further amend said bill and page, Section C, Lines 1-7, by deleting all of said lines from the bill; and

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

Representative Jones assumed the Chair.

Representative Austin moved the previous question.

Which motion was adopted by the following vote:

AYES: 092

| | | | | |
|---|---|---|---|---|
| Anderson | Andrews | Austin | Bahr | Barnes |
| Basye | Beard | Bernskoetter | Berry | Black |
| Bondon | Brattin | Brown 57 | Brown 94 | Burlison |
| Chipman | Conway 104 | Cookson | Corlew | Cornejo |

| | | | | |
|---|---|---|---|---|
| Crawford | Cross | Curtman | Davis | Dogan |
| Dohrman | Eggleston | English | Entlicher | Fitzwater 144 |
| Fitzwater 49 | Fraker | Franklin | Frederick | Gannon |
| Hicks | Hill | Hoskins | Houghton | Hubrecht |
| Hurst | Johnson | Jones | Kidd | King |
| Koenig | Kolkmeyer | Korman | Lair | Lant |
| Leara | Lichtenegger | Love | Lynch | Mathews |
| McCaherty | McDaniel | McGaugh | Messenger | Miller |
| Moon | Morris | Muntzel | Neely | Parkinson |
| Pietzman | Pike | Plocher | Pogue | Redmon |
| Rehder | Reiboldt | Remole | Rhoads | Roeber |
| Rowden | Rowland 155 | Shaul | Shull | Shumake |
| Solon | Sommer | Spencer | Swan | Taylor 139 |
| Taylor 145 | Vescovo | Walker | Wiemann | Wilson |
| Wood | Mr. Speaker | | | |

NOES: 040

| | | | | |
|---|---|---|---|---|
| Adams | Anders | Arthur | Burns | Butler |
| Carpenter | Colona | Conway 10 | Curtis | Dunn |
| Ellington | Gardner | Green | Harris | Hubbard |
| Hummel | Kratky | Lavender | Marshall | May |
| McCreery | McDonald | McGee | McNeil | Meredith |
| Mims | Mitten | Montecillo | Morgan | Nichols |
| Norr | Otto | Pace | Peters | Pierson |
| Rizzo | Rowland 29 | Runions | Walton Gray | Webber |

PRESENT: 000

ABSENT: 030

| | | | | |
|---|---|---|---|---|
| Alferman | Allen | Cierpiot | Dugger | Engler |
| Fitzpatrick | Flanigan | Haahr | Haefner | Hansen |
| Higdon | Hinson | Hough | Justus | Kelley |
| Kendrick | Kirkton | LaFaver | Lauer | McCann Beatty |
| Newman | Pfautsch | Phillips | Roden | Rone |
| Ross | Ruth | Smith | White | Zerr |

VACANCIES: 001

Representative Kratky moved that **House Amendment No. 3** be adopted.

Which motion was defeated by the following vote, the ayes and noes having been demanded pursuant to Article III, Section 26 of the Constitution:

AYES: 052

| | | | | |
|---|---|---|---|---|
| Adams | Anders | Arthur | Barnes | Berry |
| Brown 94 | Burns | Carpenter | Colona | Conway 10 |
| Corlew | Curtis | Dunn | Engler | English |
| Gardner | Green | Hansen | Harris | Hubbard |
| Hummel | King | Kratky | Lavender | McCaherty |
| McCreery | McDaniel | McDonald | McNeil | Meredith |
| Messenger | Miller | Mims | Mitten | Montecillo |
| Morgan | Nichols | Norr | Otto | Pace |
| Peters | Pierson | Rizzo | Rowland 29 | Runions |
| Shumake | Solon | Swan | Walker | Walton Gray |
| Webber | Zerr | | | |

NOES: 078

| | | | | |
|---|---|---|---|---|
| Anderson | Andrews | Austin | Bahr | Basye |
| Beard | Bernskoetter | Black | Bondon | Brattin |
| Brown 57 | Burlison | Chipman | Conway 104 | Cookson |
| Cornejo | Crawford | Cross | Curtman | Davis |
| Dogan | Dohrman | Dugger | Eggleston | Ellington |
| Entlicher | Fitzwater 144 | Fitzwater 49 | Fraker | Franklin |
| Frederick | Gannon | Haahr | Hicks | Hill |
| Hoskins | Houghton | Hubrecht | Hurst | Johnson |
| Jones | Kidd | Koenig | Korman | Lair |
| Lant | Leara | Love | Lynch | Marshall |
| Mathews | McGaugh | Moon | Morris | Muntzel |
| Neely | Parkinson | Pfautsch | Pietzman | Pike |
| Plocher | Pogue | Rehder | Reiboldt | Remole |
| Rhoads | Roeber | Rowden | Rowland 155 | Shull |
| Sommer | Spencer | Taylor 139 | Taylor 145 | Vescovo |
| Wiemann | Wilson | Wood | | |

PRESENT: 001

Kolkmeyer

ABSENT: 031

| | | | | |
|---|---|---|---|---|
| Alferman | Allen | Butler | Cierpiot | Fitzpatrick |
| Flanigan | Haefner | Higdon | Hinson | Hough |
| Justus | Kelley | Kendrick | Kirkton | LaFaver |
| Lauer | Lichtenegger | May | McCann Beatty | McGee |
| Newman | Phillips | Redmon | Roden | Rone |
| Ross | Ruth | Shaul | Smith | White |
| Mr. Speaker | | | | |

VACANCIES: 001

On motion of Representative Spencer, **HCS HB 1945, as amended**, was adopted.

On motion of Representative Spencer, **HCS HB 1945, as amended**, was ordered perfected and printed.

## THIRD READING OF SENATE BILLS

**SB 579**, relating to infection reporting, was taken up by Representative Allen.

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

*House Amendment No. 1*

AMEND Senate Bill No. 579, Page 2, Section 192.667, Line 31, by deleting the word "Prevention's" and inserting in lieu thereof the words "**[**Prevention's**]** **Prevention**"; and

Further amend said bill and section, Pages 2-3, Lines 36-40, by deleting all of said lines and inserting in lieu thereof the following:

"**condition of licensure to use the National Healthcare Safety Network for data collection; the use of the National Healthcare Safety Network for risk adjustment and analysis of hospital submitted data; and the use of the Centers for Medicare and Medicaid Services' Hospital Compare website, or its successor, for public reporting of the incidence of health care-associated**"; and

Further amend said bill and section, Page 3, Line 63, by deleting the numbers "**[**12**] 13**" and inserting in lieu thereof the number "12"; and

Further amend said bill, page and section, Line 65, by deleting all of said line and inserting in lieu thereof the following:

"Control and **[**Prevention Nosocomial Infection Surveillance System**] Prevention's National**"; and

Further amend said bill and section, Pages 3-4, Lines 75-77, by deleting all of said lines and inserting in lieu thereof the following:

"**in the National Healthcare Safety Network, or its successor. Such hospitals shall** permit the **[**federal program**] National Healthcare Safety Network, or its successor,** to disclose facility-specific **infection** data to the department as **required**"; and

Further amend said bill and section, Page 5, Line 121, by deleting the word "publication" and inserting in lieu thereof the word "**publication**"; and

Further amend said bill, page and section, Line 142, by deleting all of said line and inserting in lieu thereof the following:

"**(1) Infections associated with a minimum of four surgical procedures for hospitals and a**"; and

Further amend said bill, page and section, Line 147, by deleting the word "**which**" and inserting in lieu thereof the word "**that**"; and

Further amend said bill, page and section, Line 151, by inserting immediately after the first instance of the word "**or**" the word "**being**"; and

Further amend said bill and section, Page 6, Lines 157-158, by deleting the words "**, or its successor,**"; and

Further amend said bill, page and section, Line 158, by deleting the word "**Prevention**" and inserting in lieu thereof the word "**Prevention's**"; and

Further amend said bill, page and section, Line 161, by inserting a hard return after all of said line; and

Further amend said bill, page and section, Line 184, by deleting the phrase "infections**, under subsection 12 of this section,**" and inserting in lieu thereof the phrase "infections **under subsection 12 of this section**"; and

Further amend said bill and section, Page 8, Line 230, by deleting the words "**Center for Disease Control's**" and inserting in lieu thereof the following "**Centers for Disease Control and Prevention's**"; and

Further amend said bill, page and section, Lines 232-234, by deleting all of said lines and inserting in lieu thereof the following:

"**concerning Stage 3 of the Medicare and Medicaid Electronic Health Records Incentive Programs promulgated by the Centers for Medicare and Medicaid Services that enable the electronic interface for such reporting are**"; and

Further amend said bill, page and section, Line 240, by deleting the word "**except**" and inserting in lieu thereof the word "**but**"; and

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

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

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

*House Amendment No. 2*

AMEND Senate Bill No. 579, Page 1, In the Title, Line 3, by deleting the words "infection reporting" and inserting in lieu thereof the words "health care"; and

Further amend said bill and page, Section A, Line 3, by inserting after all of said section and line the following:

"**191.1145. 1. As used in sections 191.1145 and 191.1146, the following terms shall mean:**

**(1) "Asynchronous store-and-forward transfer", the collection of a patient's relevant health information and the subsequent transmission of that information from an originating site to a health care provider at a distant site without the patient being present;**

**(2) "Clinical staff", any health care provider licensed in this state;**

**(3) "Distant site", a site at which a health care provider is located while providing health care services by means of telemedicine;**

**(4) "Health care provider", as that term is defined in section 376.1350;**

**(5) "Originating site", a site at which a patient is located at the time health care services are provided to him or her by means of telemedicine. For the purposes of asynchronous store-and-forward transfer, originating site shall also mean the location at which the health care provider transfers information to the distant site;**

**(6) "Telehealth" or "telemedicine", the delivery of health care services by means of information and communication technologies which facilitate the assessment, diagnosis, consultation, treatment, education, care management, and self-management of a patient's health care while such patient is at the originating site and the health care provider is at the distant site. Telehealth or telemedicine shall also include the use of asynchronous store-and-forward technology.**

**2. Any licensed health care provider shall be authorized to provide telehealth services if such services are within the scope of practice for which the health care provider is licensed and are provided with the same standard of care as services provided in person.**

**3. In order to treat patients in this state through the use of telemedicine or telehealth, health care providers shall be fully licensed to practice in this state and shall be subject to regulation by their respective professional boards.**

**4. Nothing in subsection 3 of this section shall apply to:**

**(1) Informal consultation performed by a health care provider licensed in another state, outside of the context of a contractual relationship, and on an irregular or infrequent basis without the expectation or exchange of direct or indirect compensation;**

**(2) Furnishing of health care services by a health care provider licensed and located in another state in case of an emergency or disaster; provided that, no charge is made for the medical assistance; or**

**(3) Episodic consultation by a health care provider licensed and located in another state who provides such consultation services on request to a physician in this state.**

**5. Nothing in this section shall be construed to alter the scope of practice of any health care provider or to authorize the delivery of health care services in a setting or in a manner not otherwise authorized by the laws of this state.**

**6. No originating site for services or activities provided under this section shall be required to maintain immediate availability of on-site clinical staff during the telehealth services, except as necessary to meet the standard of care for the treatment of the patient's medical condition if such condition is being treated by an eligible health care provider who is not at the originating site, has not previously seen the patient in person in a clinical setting, and is not providing coverage for a health care provider who has an established relationship with the patient.**

**7. Nothing in this section shall be construed to alter any collaborative practice requirement as provided in chapters 334 and 335.**

**191.1146. 1. Physicians licensed under chapter 334 who use telemedicine shall ensure that a properly established physician-patient relationship exists with the person who receives the telemedicine services. The physician-patient relationship may be established by:**

**(1) An in-person encounter through a medical interview and physical examination;**

**(2) Consultation with another physician, or that physician's delegate, who has an established relationship with the patient and an agreement with the physician to participate in the patient's care; or**

**(3) A telemedicine encounter, if the standard of care does not require an in-person encounter, and in accordance with evidence-based standards of practice and telemedicine practice guidelines that address the clinical and technological aspects of telemedicine.**

**2. In order to establish a physician-patient relationship through telemedicine:**

**(1) The technology utilized shall be sufficient to establish an informed diagnosis as though the medical interview and physical examination has been performed in person; and**

**(2) Prior to providing treatment, including issuing prescriptions, a physician who uses telemedicine shall interview the patient, collect or review relevant medical history, and perform an examination sufficient for the diagnosis and treatment of the patient. A questionnaire completed by the patient, whether via the internet or telephone, does not constitute an acceptable medical interview and examination for the provision of treatment by telehealth.**"; and

Further amend said bill, Page 8, Section 192.667, Line 247, by inserting after all of said section and line the following:

"208.670. 1. As used in this section, these terms shall have the following meaning:

(1) "Provider", any provider of medical services and mental health services, including all other medical disciplines;

(2) "Telehealth", **[**the use of medical information exchanged from one site to another via electronic communications to improve the health status of a patient**] the same meaning as such term is defined in section 191.1145.**

**2. Reimbursement for the use of asynchronous store-and-forward technology in the practice of telehealth in the MO HealthNet program shall be allowed for orthopedics, dermatology, ophthalmology and optometry, in cases of diabetic retinopathy, burn and wound care, dental services which require a diagnosis, and maternal-fetal medicine ultrasounds**.

**[**2.**] 3.** The department of social services, in consultation with the departments of mental health and health and senior services, shall promulgate rules governing the practice of telehealth in the MO HealthNet program. Such rules shall address, but not be limited to, appropriate standards for the use of telehealth, certification of agencies offering telehealth, and payment for services by providers. Telehealth providers shall be required to obtain **[**patient**] participant** consent before telehealth services are initiated and to ensure confidentiality of medical information.

**[**3.**] 4.** Telehealth may be utilized to service individuals who are qualified as MO HealthNet participants under Missouri law. Reimbursement for such services shall be made in the same way as reimbursement for in-person contacts.

**5. The provisions of section 208.671 shall apply to the use of asynchronous store-and-forward technology in the practice of telehealth in the MO HealthNet program.**

**208.671. 1. As used in this section and section 208.673, the following terms shall mean:**

**(1) "Asynchronous store-and-forward", the transfer of a participant's clinically important digital samples, such as still images, videos, audio, text files, and relevant data from an originating site through the use of a camera or similar recording device that stores digital samples that are forwarded via telecommunication to a distant site for consultation by a consulting provider without requiring the simultaneous presence of the participant and the participant's treating provider;**

**(2) "Asynchronous store-and-forward technology", cameras or other recording devices that store images which may be forwarded via telecommunication devices at a later time;**

**(3) "Consultation", a type of evaluation and management service as defined by the most recent edition of the Current Procedural Terminology published annually by the American Medical Association;**

**(4) "Consulting provider", a provider who, upon referral by the treating provider, evaluates a participant and appropriate medical data or images delivered through asynchronous store-and-forward technology. If a consulting provider is unable to render an opinion due to insufficient information, the consulting provider may request additional information to facilitate the rendering of an opinion or decline to render an opinion;**

**(5) "Distant site", the site where a consulting provider is located at the time the consultation service is provided;**

**(6) "Originating site", the site where a MO HealthNet participant receiving services and such participant's treating provider are both physically located;**

**(7) "Provider", any provider of medical, mental health, optometric, or dental health services, including all other medical disciplines, licensed and providing MO HealthNet services who has the authority to refer participants for medical, mental health, optometric, dental, or other health care services within the scope of practice and licensure of the provider;**

**(8) "Telehealth", as that term is defined in section 191.1145;**

**(9) "Treating provider", a provider who:**

**(a) Evaluates a participant;**

**(b) Determines the need for a consultation;**

**(c) Arranges the services of a consulting provider for the purpose of diagnosis and treatment; and**

**(d) Provides or supplements the participant's history and provides pertinent physical examination findings and medical information to the consulting provider.**

**2. The department of social services, in consultation with the departments of mental health and health and senior services, shall promulgate rules governing the use of asynchronous store-and-forward technology in the practice of telehealth in the MO HealthNet program. Such rules shall include, but not be limited to:**

**(1) Appropriate standards for the use of asynchronous store-and-forward technology in the practice of telehealth;**

**(2) Certification of agencies offering asynchronous store-and-forward technology in the practice of telehealth;**

**(3) Timelines for completion and communication of a consulting provider's consultation or opinion, or if the consulting provider is unable to render an opinion, timelines for communicating a request for additional information or that the consulting provider declines to render an opinion;**

**(4) Length of time digital files of such asynchronous store-and-forward services are to be maintained;**

**(5) Security and privacy of such digital files;**

**(6) Participant consent for asynchronous store-and-forward services; and**

**(7) Payment for services by providers; except that, consulting providers who decline to render an opinion shall not receive payment under this section unless and until an opinion is rendered.**

**Telehealth providers using asynchronous store-and-forward technology shall be required to obtain participant consent before asynchronous store-and-forward services are initiated and to ensure confidentiality of medical information.**

**3. Asynchronous store-and-forward technology in the practice of telehealth may be utilized to service individuals who are qualified as MO HealthNet participants under Missouri law. The total payment for both the treating provider and the consulting provider shall not exceed the payment for a face-to-face consultation of the same level.**

**4. The standard of care for the use of asynchronous store-and-forward technology in the practice of telehealth shall be the same as the standard of care for services provided in person.**

**208.673. 1. There is hereby established the "Telehealth Services Advisory Committee" to advise the department of social services and propose rules regarding the coverage of telehealth services in the MO HealthNet program utilizing asynchronous store-and-forward technology.**

**2. The committee shall be comprised of the following members:**

**(1) The director of the MO HealthNet division, or the director's designee;**

**(2) The medical director of the MO HealthNet division;**

**(3) A representative from a Missouri institution of higher education with expertise in telehealth;**

**(4) A representative from the Missouri office of primary care and rural health;**

**(5) Two board-certified specialists licensed to practice medicine in this state;**

**(6) A representative from a hospital located in this state that utilizes telehealth;**

**(7) A primary care physician from a federally qualified health center (FQHC) or rural health clinic;**

**(8) A primary care physician from a rural setting other than from an FQHC or rural health clinic;**

**(9) A dentist licensed to practice in this state; and**

**(10) A psychologist, or a physician who specializes in psychiatry, licensed to practice in this state.**

**3. Members of the committee listed in subdivisions (3) to (10) of subsection 2 of this section shall be appointed by the governor with the advice and consent of the senate. The first appointments to the committee shall consist of three members to serve three-year terms, three members to serve two-year terms, and three members to serve a one-year term as designated by the governor. Each member of the committee shall serve for a term of three years thereafter.**

**4. Members of the committee shall not receive any compensation for their services but shall be reimbursed for any actual and necessary expenses incurred in the performance of their duties.**

**5. Any member appointed by the governor may be removed from office by the governor without cause. If there is a vacancy for any cause, the governor shall make an appointment to become effective immediately for the unexpired term.**

**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, 2016, shall be invalid and void.**

**208.675. For purposes of the provision of telehealth services in the MO HealthNet program, the following individuals, licensed in Missouri, shall be considered eligible health care providers:**

**(1) Physicians, assistant physicians, and physician assistants;**

**(2) Advanced practice registered nurses;**

**(3) Dentists, oral surgeons, and dental hygienists under the supervision of a currently registered and licensed dentist;**

**(4) Psychologists and provisional licensees;**

**(5) Pharmacists;**

**(6) Speech, occupational, or physical therapists;**

**(7) Clinical social workers;**

**(8) Podiatrists;**

**(9) Optometrists;**

**(10) Licensed professional counselors; and**

**(11) Eligible health care providers under subdivisions (1) to (10) of this section practicing in a rural health clinic, federally qualified health center, or community mental health center.**

**208.677. 1. For purposes of the provision of telehealth services in the MO HealthNet program, the term "originating site" shall mean a telehealth site where the MO HealthNet participant receiving the telehealth service is located for the encounter. The standard of care in the practice of telehealth shall be the same as the standard of care for services provided in person. An originating site shall be one of the following locations:**

**(1) An office of a physician or health care provider;**

**(2) A hospital;**

**(3) A critical access hospital;**

**(4) A rural health clinic;**

**(5) A federally qualified health center;**

**(6) A long-term care facility licensed under chapter 198;**

**(7) A dialysis center;**

**(8) A Missouri state habilitation center or regional office;**

**(9) A community mental health center;**

**(10) A Missouri state mental health facility;**

**(11) A Missouri state facility;**

**(12) A Missouri residential treatment facility licensed by and under contract with the children's division. Facilities shall have multiple campuses and have the ability to adhere to technology requirements. Only Missouri licensed psychiatrists, licensed psychologists, or provisionally licensed psychologists, and advanced practice registered nurses who are MO HealthNet providers shall be consulting providers at these locations;**

**(13) A comprehensive substance treatment and rehabilitation (CSTAR) program;**

**(14) A school;**

**(15) The MO HealthNet recipient's home;**

**(16) A clinical designated area in a pharmacy; or**

**(17) A child assessment center as described in section 210.001.**

**2. If the originating site is a school, the school shall obtain permission from the parent or guardian of any student receiving telehealth services prior to each provision of service.**

**208.686. 1. Subject to appropriations, the department shall establish a statewide program that permits reimbursement under the MO HealthNet program for home telemonitoring services. For the purposes of this section, "home telemonitoring service" shall mean a health care service that requires scheduled remote monitoring of data related to a participant's health and transmission of the data to a health call center accredited by the Utilization Review Accreditation Commission (URAC).**

**2. The program shall:**

**(1) Provide that home telemonitoring services are available only to persons who:**

**(a) Are diagnosed with one or more of the following conditions:**

**a. Pregnancy;**

**b. Diabetes;**

**c. Heart disease;**

**d. Cancer;**

**e. Chronic obstructive pulmonary disease;**

**f. Hypertension;**

**g. Congestive heart failure;**

**h. Mental illness or serious emotional disturbance;**

**i. Asthma;**

**j. Myocardial infarction; or**

**k. Stroke; and**

**(b) Exhibit two or more of the following risk factors:**

**a. Two or more hospitalizations in the prior twelve-month period;**

**b. Frequent or recurrent emergency department admissions;**

**c. A documented history of poor adherence to ordered medication regimens;**

**d. A documented history of falls in the prior six-month period;**

**e. Limited or absent informal support systems;**

**f. Living alone or being home alone for extended periods of time;**

**g. A documented history of care access challenges; or**

**h. A documented history of consistently missed appointments with health care providers;**

**(2) Ensure that clinical information gathered by a home health agency or hospital while providing home telemonitoring services is shared with the participant's physician; and**

**(3) Ensure that the program does not duplicate any disease management program services provided by MO HealthNet.**

**3. If, after implementation, the department determines that the program established under this section is not cost effective, the department may discontinue the program and stop providing reimbursement under the MO HealthNet program for home telemonitoring services.**

**4. The department shall determine whether the provision of home telemonitoring services to persons who are eligible to receive benefits under both the MO HealthNet and Medicare programs achieves cost savings for the Medicare program.**

**5. If, before implementing any provision of this section, the department determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the department shall**

**request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.**

**6. The department shall promulgate rules and regulations 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, 2016, shall be invalid and void.**

334.108. 1. Prior to prescribing any drug, controlled substance, or other treatment through **telemedicine, as defined in section 191.1145, or** the internet, a physician shall establish a valid physician-patient relationship **as described in section 191.1146**. 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**]** **Maintaining** 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) Home health services provided by a home health agency as defined in section 197.400;

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

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

(6) **Conjunction with an assistant physician licensed under section 334.036;**

**(7)** 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

**[**(7)**] (8)** On-call or cross-coverage situations.

**3. No health care provider, as defined in section 376.1350, shall prescribe any drug, controlled substance, or other treatment to a patient based solely on an evaluation over the telephone; except that, a physician, such physician's on-call designee, an advanced practice registered nurse in a collaborative practice arrangement with such physician, a physician assistant in a supervision agreement with such physician, or an assistant physician in a supervision agreement with such physician may prescribe any drug, controlled substance, or other treatment that is within his or her scope of practice to a patient based solely on a telephone evaluation if a previously established and ongoing physician-patient relationship exists between such physician and the patient being treated.**

**4. No health care provider shall prescribe any drug, controlled substance, or other treatment to a patient based solely on an internet request or an internet questionnaire.**

335.175. 1. No later than January 1, 2014, there is hereby established within the state board of registration for the healing arts and the state board of nursing the "Utilization of Telehealth by Nurses". An advanced practice registered nurse (APRN) providing nursing services under a collaborative practice arrangement under section 334.104 may provide such services outside the geographic proximity requirements of section 334.104 if the collaborating physician and advanced practice registered nurse utilize telehealth in the care of the patient and if the services are provided in a rural area of need. Telehealth providers shall be required to obtain patient consent before telehealth services are initiated and ensure confidentiality of medical information.

2. As used in this section, "telehealth" **[**means the use of medical information exchanged from one site to another via electronic communications to improve the health status of a patient, as defined in section 208.670**] shall have the same meaning as such term is defined in section 191.1145**.

3. (1) The boards shall jointly promulgate rules governing the practice of telehealth under this section. Such rules shall address, but not be limited to, appropriate standards for the use of telehealth.

(2) 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, 2013, shall be invalid and void.

4. For purposes of this section, "rural area of need" means any rural area of this state which is located in a health professional shortage area as defined in section 354.650.

5. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset six years after August 28, 2013, 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.

Section B. Because immediate action is necessary to ensure the provision of health care services for Missouri citizens, the enactment of section 191.1145 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 191.1145 of this act shall be in full force and effect upon its passage and approval."; and

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

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

On motion of Representative Allen, **SB 579, as amended**, was read the third time and passed by the following vote:

AYES: 133

| | | | | |
|---|---|---|---|---|
| Adams | Alferman | Allen | Anders | Anderson |
| Andrews | Arthur | Austin | Bahr | Barnes |
| Basye | Beard | Bernskoetter | Berry | Black |
| Bondon | Brattin | Brown 94 | Burlison | Burns |
| Butler | Carpenter | Chipman | Conway 10 | Cookson |
| Corlew | Cornejo | Crawford | Cross | Curtis |
| Curtman | Davis | Dogan | Dohrman | Dugger |
| Dunn | Eggleston | Ellington | Engler | English |
| Entlicher | Fitzwater 144 | Fitzwater 49 | Fraker | Franklin |
| Frederick | Gannon | Gardner | Green | Haahr |
| Harris | Hicks | Hill | Hoskins | Houghton |
| Hubbard | Hubrecht | Hummel | Hurst | Johnson |
| Jones | Justus | Kelley | Kendrick | Kidd |
| King | Kirkton | Koenig | Kolkmeyer | Korman |
| Kratky | Lant | Lavender | Lichtenegger | Love |
| Lynch | Mathews | May | McCaherty | McCreery |
| McDaniel | McGaugh | McGee | McNeil | Meredith |
| Messenger | Miller | Mims | Mitten | Montecillo |
| Morgan | Morris | Muntzel | Newman | Nichols |
| Norr | Otto | Pace | Parkinson | Peters |
| Pfautsch | Phillips | Pierson | Pietzman | Pike |
| Plocher | Redmon | Rehder | Reiboldt | Remole |
| Rhoads | Rizzo | Roeber | Ross | Rowden |
| Rowland 155 | Rowland 29 | Runions | Shaul | Shull |

| | | | | |
|---|---|---|---|---|
| Shumake | Solon | Sommer | Swan | Taylor 139 |
| Taylor 145 | Walker | Walton Gray | Webber | Wiemann |
| Wilson | Wood | Zerr | | |

NOES: 003

| | | |
|---|---|---|
| Marshall | Moon | Pogue |

PRESENT: 000

ABSENT: 026

| | | | | |
|---|---|---|---|---|
| Brown 57 | Cierpiot | Colona | Conway 104 | Fitzpatrick |
| Flanigan | Haefner | Hansen | Higdon | Hinson |
| Hough | LaFaver | Lair | Lauer | Leara |
| McCann Beatty | McDonald | Neely | Roden | Rone |
| Ruth | Smith | Spencer | Vescovo | White |
| Mr. Speaker | | | | |

VACANCIES: 001

Representative Jones declared the bill passed.

## PERFECTION OF HOUSE BILLS

**HB 1468, as amended, with House Amendment No. 2, as amended, pending**, relating to carrying concealed weapons, was taken up by Representative Burlison.

**House Amendment No. 2** was withdrawn.

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

*House Amendment No. 3*

AMEND House Bill No. 1468, Page 1, In the Title, Line 3, by deleting the phrase "carrying concealed weapons" and inserting in lieu thereof the word "firearms"; and

Further amend said bill and page, Section A, Line 2, by inserting immediately after all of said section and line the following:

"563.031. 1. A person may, subject to the provisions of subsection 2 of this section, use physical force upon another person when and to the extent he or she reasonably believes such force to be necessary to defend himself or herself or a third person from what he or she reasonably believes to be the use or imminent use of unlawful force by such other person, unless:

(1) The actor was the initial aggressor; except that in such case his or her use of force is nevertheless justifiable provided:

(a) He or she has withdrawn from the encounter and effectively communicated such withdrawal to such other person but the latter persists in continuing the incident by the use or threatened use of unlawful force; or

(b) He or she is a law enforcement officer and as such is an aggressor pursuant to section 563.046; or

(c) The aggressor is justified under some other provision of this chapter or other provision of law;

(2) Under the circumstances as the actor reasonably believes them to be, the person whom he or she seeks to protect would not be justified in using such protective force;

(3) The actor was attempting to commit, committing, or escaping after the commission of a forcible felony.

2. A person may not use deadly force upon another person under the circumstances specified in subsection 1 of this section unless:

(1) He or she reasonably believes that such deadly force is necessary to protect himself, or herself or her unborn child, or another against death, serious physical injury, or any forcible felony;

(2) Such force is used against a person who unlawfully enters, remains after unlawfully entering, or attempts to unlawfully enter a dwelling, residence, or vehicle lawfully occupied by such person; or

(3) Such force is used against a person who unlawfully enters, remains after unlawfully entering, or attempts to unlawfully enter private property that is owned or leased by an individual**, or is occupied by an individual who has been given specific authority by the property owner to occupy the property,** claiming a justification of using protective force under this section.

3. A person does not have a duty to retreat from a dwelling, residence, or vehicle where the person is not unlawfully entering or unlawfully remaining. A person does not have a duty to retreat from private property that is owned or leased by such individual.

4. The justification afforded by this section extends to the use of physical restraint as protective force provided that the actor takes all reasonable measures to terminate the restraint as soon as it is reasonable to do so.

5. The defendant shall have the burden of injecting the issue of justification under this section. If a defendant asserts that his or her use of force is described under subdivision (2) of subsection 2 of this section, the burden shall then be on the state to prove beyond a reasonable doubt that the defendant did not reasonably believe that the use of such force was necessary to defend against what he or she reasonably believed was the use or imminent use of unlawful force."; 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. 3**.

*House Substitute Amendment No. 1*
*for*
*House Amendment No. 3*

AMEND House Bill No. 1468, Page 1, In the Title, Line 3, by deleting the phrase "carrying concealed weapons" and inserting in lieu thereof the word "firearms"; and

Further amend said bill and page, Section A, Line 2, by inserting immediately after all of said section and line the following:

"563.031. 1. A person may, subject to the provisions of subsection 2 of this section, use physical force upon another person when and to the extent he or she reasonably believes such force to be necessary to defend himself or herself or a third person from what he or she reasonably believes to be the use or imminent use of unlawful force by such other person, unless:

(1) The actor was the initial aggressor; except that in such case his or her use of force is nevertheless justifiable provided:

(a) He or she has withdrawn from the encounter and effectively communicated such withdrawal to such other person but the latter persists in continuing the incident by the use or threatened use of unlawful force; or

(b) He or she is a law enforcement officer and as such is an aggressor pursuant to section 563.046; or

(c) The aggressor is justified under some other provision of this chapter or other provision of law;

(2) Under the circumstances as the actor reasonably believes them to be, the person whom he or she seeks to protect would not be justified in using such protective force;

(3) The actor was attempting to commit, committing, or escaping after the commission of a forcible felony.

2. A person may not use deadly force upon another person under the circumstances specified in subsection 1 of this section unless:

(1) He or she reasonably believes that such deadly force is necessary to protect himself, or herself or her unborn child, or another against death, serious physical injury, or any forcible felony;

(2) Such force is used against a person who unlawfully enters, remains after unlawfully entering, or attempts to unlawfully enter a dwelling, residence, or vehicle lawfully occupied by such person; or

(3) Such force is used against a person who unlawfully enters, remains after unlawfully entering, or attempts to unlawfully enter private property that is owned or leased by an individual**, or is occupied by an individual who has been given specific authority by the property owner to occupy the property,** claiming a justification of using protective force under this section.

3. A person does not have a duty to retreat from a dwelling, residence, or vehicle where the person is not unlawfully entering or unlawfully remaining. A person does not have a duty to retreat from private property that is owned or leased by such individual.

4. The justification afforded by this section extends to the use of physical restraint as protective force provided that the actor takes all reasonable measures to terminate the restraint as soon as it is reasonable to do so.

5. The defendant shall have the burden of injecting the issue of justification under this section. If a defendant asserts that his or her use of force is described under subdivision (2) of subsection 2 of this section, the burden shall then be on the state to prove beyond a reasonable doubt that the defendant did not reasonably believe that the use of such force was necessary to defend against what he or she reasonably believed was the use or imminent use of unlawful force."; and

Further amend said bill and page, Section 571.030, Lines 1-5, by deleting all of said lines and inserting in lieu thereof the following:

"571.030. 1. A person commits the crime of unlawful use of weapons**, except as provided by sections 571.101 to 571.121,** if he or she knowingly:

(1) Carries concealed upon or about his or her person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use **into any area where firearms are restricted under section 571.107**; or

(2) Sets a spring gun; or"; and

Further amend said bill and section, Pages 1-2, by renumbering all subsequent subdivisions; and

Further amend said bill and section, Page 2, Lines 30-34, by deleting all of said lines and inserting in lieu thereof the following:

"substance that is sufficient for a felony violation of section 195.202**[.]; or**

**(12) Carries a firearm or any other weapon readily capable of lethal use into any meeting of the governing body of a unit of local government; or any meeting of the general assembly or a committee of the general assembly.**"; and

2. Subdivisions (1), (8), **[**and**]** (10)**, and (12)** of subsection 1 of this section shall not apply to the persons described in this subsection, regardless of whether such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties except as otherwise provided in this subsection. Subdivisions (3), (4), (6), (7), and (9) of"; and

Further amend said bill and section, Pages 3-4, Lines 76-98, by deleting all of said lines and inserting in lieu thereof the following:

"3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not apply when the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Subdivision (1) of subsection 1 of this section does not apply to any person nineteen years of age or older or eighteen years of age or older and a member of the United States Armed Forces, or honorably discharged from the United States Armed Forces, transporting a concealable firearm in the passenger compartment of a motor vehicle, so long as such concealable firearm is otherwise lawfully possessed, nor when the actor is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his or her dwelling unit or upon premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through this state. Subdivision (10) of subsection 1 of this section does not apply if the firearm is otherwise lawfully possessed by a person while traversing school premises for the purposes of transporting a student to or from school, or possessed by an adult for the purposes of facilitation of a school-sanctioned firearm-related event or club event.

**[**4. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to any person who has a valid concealed carry permit issued pursuant to sections 571.101 to 571.121, a valid concealed carry endorsement issued before August 28, 2013, or a valid permit or endorsement to carry concealed firearms issued by another state or political subdivision of another state.**]**

**[**5.**] 4.** Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10) of subsection 1 of this section shall not apply to persons who are engaged in a lawful act of defense pursuant to section 563.031."; and

Further amend said bill and section, Pages 4-5, by renumbering all subsequent subsections accordingly; and

Further amend said bill, section, Page 4, Lines 112-120, by deleting all of said lines and inserting in lieu thereof the following:

"**7. A person who commits the crime of unlawful use of weapons under:**

**(1) Subdivision (2), (3) or (4) of subsection 1 of this section shall be guilty of a class D felony;**

**(2) Subdivision (1), (6), (7), (8), (11) or (12) of subsection 1 of this section shall be guilty of a class B misdemeanor, except when a concealed weapon is carried onto any private property whose owner has posted the premises as being off-limits to concealed firearms by means of one or more signs displayed in a conspicuous place of a minimum size of eleven inches by fourteen inches with the writing thereon in letters of not less than one inch, in which case the penalties of subsection 2 of section 571.107 shall apply;**

**(3) Subdivision (5) or (10) of subsection 1 of this section shall be guilty of a class A misdemeanor if the firearm is unloaded and a class D felony if the firearm is loaded;**

**(4) Subdivision (9) of subsection 1 of this section shall be guilty of a class B felony, except that if the violation of subdivision (9) of subsection 1 of this section results in injury or death to another person, it is a class A felony.**

8. **[**Unlawful use of weapons is a class D felony unless committed pursuant to subdivision (6), (7), or (8) of subsection 1 of this section, in which cases it is a class B misdemeanor, or subdivision (5) or (10) of subsection 1 of this section, in which case it is a class A misdemeanor if the firearm is unloaded and a class D felony if the firearm is loaded, or subdivision (9) of subsection 1 of this section, in which case it is a class B felony, except that if the violation of subdivision (9) of subsection 1 of this section results in injury or death to another person, it is a class A felony.

9.] **8.** Violations of subdivision (9) of subsection 1 of this section shall be punished as follows:"; and

Further amend said bill and section, Page 5, by renumbering all subsequent subdivisions accordingly; 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. 3** was adopted.

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

*House Amendment No. 4*

AMEND House Bill No. 1468, Page 3, Section 571.030, Line 72, by deleting all of said line and inserting in lieu thereof the following:

"protection district, any fire department or fire protection district [chief] **member** who is employed on"; and

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

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

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

*House Amendment No. 5*

AMEND House Bill No. 1468, Page 1, In the Title, Line 3, by deleting the words "carrying concealed weapons" and inserting in lieu thereof the word "firearms"; and

Further amend said bill, Page 1, Section A, Line 2, by inserting after all of said section and line the following:

"**537.785. 1. Sections 537.785 to 537.787 may be referred to and cited as the "Business Premises Safety Act".**

**2. As used in sections 537.785 to 537.787, the following terms mean:**

**(1) "Business", any commercial or agricultural enterprise including, but not limited to, sales, services, manufacturing, food service, property management or leasing company, or any other entity, whether for profit or not for profit, which owns, operates, or leases property that is open to the public. The term "business" shall not include commercial residential operations including, but not limited to, hotels, motels, and apartment complexes;**

**(2) "Person", any individual other than an employee or agent of the owner or occupier of the property in question;**

**(3) "Injury", any personal injury including, but not limited to, physical injury, sickness, disease, or death and all damages resulting therefrom including, but not limited to, medical expenses, wage loss, and loss of service;**

**(4) "Criminal act", those offenses specified under chapters 565 to 571 that have resulted in injury;**

**(5) "Intentional act", an act done with the object to cause injury.**

**537.786. 1. An owner or operator of a business shall not restrict any person from lawfully possessing a firearm in a motor vehicle in possession of such person except a motor vehicle owned or leased by such business.**

**2. Any individual may bring a civil cause of action to enforce this section.**

**537.787. 1. There is no duty upon the owners or operators of a business, individually or collectively, or upon merchants or shopkeepers to guard against the criminal act of a third party unless:**

**(1) They know or have reason to know that acts are then occurring or are about to occur on the premises that pose imminent probability of injury to a person; or**

**(2) The same or similar criminal acts have occurred on the premises within the prior twenty-four months such that there is reasonable foreseeability that such action will occur again. If either of these conditions are met, a duty of reasonable care to protect against such acts shall arise.**

**2. A business is not to be regarded as the insurer of the safety of its customers and has no absolute duty to implement security measures for the protection of its customers. Any measures implemented shall be determined by considering both the magnitude of the burden to the business in implementing security measures and the reasonable foreseeability of the injury to be prevented.**

**3. Any person injured by the criminal conduct of another shall have the burden to prove that the breach of the owner's duty created by this section caused or contributed to cause any injury sustained as a result of the intentional or criminal act of any person.**

**4. In the case of past criminal activities, remedial action to provide protection to customers shall not be admissible in evidence to show prior negligence or breach of a duty of a business in any action against the business for damages.**

**5. An owner or operator of a business shall not be liable for any injury or damage resulting from his or her compliance with section 537.786.**"; and

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

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

Representative Austin moved the previous question.

Which motion was adopted by the following vote:

AYES: 101

| | | | | |
|---|---|---|---|---|
| Alferman | Allen | Anderson | Andrews | Austin |
| Bahr | Barnes | Basye | Bernskoetter | Berry |
| Black | Bondon | Brattin | Brown 57 | Brown 94 |
| Burlison | Chipman | Conway 104 | Cookson | Cornejo |
| Crawford | Cross | Curtman | Davis | Dohrman |
| Eggleston | Engler | English | Entlicher | Fitzpatrick |
| Fitzwater 144 | Fitzwater 49 | Fraker | Franklin | Frederick |
| Gannon | Haefner | Hicks | Hill | Hoskins |
| Hough | Houghton | Hubrecht | Hurst | Johnson |
| Jones | Justus | Kelley | Kidd | King |
| Koenig | Kolkmeyer | Korman | Lair | Lant |
| Lichtenegger | Love | Lynch | Marshall | Mathews |
| McCaherty | McDaniel | McGaugh | Messenger | Miller |
| Moon | Morris | Muntzel | Neely | Parkinson |
| Pfautsch | Phillips | Pietzman | Pike | Plocher |
| Pogue | Redmon | Reiboldt | Remole | Rhoads |
| Roden | Roeber | Ross | Rowden | Rowland 155 |
| Shaul | Shull | Shumake | Solon | Sommer |
| Spencer | Swan | Taylor 139 | Taylor 145 | Vescovo |
| Walker | Wiemann | Wilson | Wood | Zerr |
| Mr. Speaker | | | | |

NOES: 040

| | | | | |
|---|---|---|---|---|
| Adams | Anders | Arthur | Burns | Carpenter |
| Colona | Conway 10 | Curtis | Dunn | Gardner |
| Green | Harris | Hummel | Kendrick | Kirkton |
| Kratky | LaFaver | Lavender | May | McCann Beatty |
| McCreery | McGee | McNeil | Meredith | Mims |
| Mitten | Montecillo | Morgan | Newman | Nichols |
| Norr | Otto | Pace | Peters | Pierson |
| Rizzo | Rowland 29 | Runions | Walton Gray | Webber |

PRESENT: 000

ABSENT: 021

| | | | | |
|---|---|---|---|---|
| Beard | Butler | Cierpiot | Corlew | Dogan |
| Dugger | Ellington | Flanigan | Haahr | Hansen |
| Higdon | Hinson | Hubbard | Lauer | Leara |
| McDonald | Rehder | Rone | Ruth | Smith |
| White | | | | |

VACANCIES: 001

On motion of Representative Burlison, **HB 1468, as amended**, was ordered perfected and printed by the following vote, the ayes and noes having been demanded by Representative Burlison:

AYES: 109

| | | | | |
|---|---|---|---|---|
| Alferman | Allen | Anderson | Andrews | Austin |
| Bahr | Barnes | Basye | Beard | Bernskoetter |
| Berry | Black | Bondon | Brattin | Brown 57 |
| Brown 94 | Burlison | Chipman | Conway 104 | Cookson |
| Cornejo | Crawford | Cross | Curtman | Davis |
| Dogan | Dohrman | Dugger | Eggleston | Engler |
| English | Entlicher | Fitzpatrick | Fitzwater 144 | Fitzwater 49 |
| Fraker | Franklin | Frederick | Gannon | Haefner |
| Hansen | Harris | Hicks | Hill | Hoskins |
| Hough | Houghton | Hubrecht | Hurst | Johnson |
| Jones | Justus | Kendrick | Kidd | King |
| Koenig | Kolkmeyer | Korman | Lair | Lant |
| Leara | Lichtenegger | Love | Lynch | Marshall |
| Mathews | McCaherty | McDaniel | McGaugh | Messenger |
| Miller | Moon | Morris | Muntzel | Neely |
| Parkinson | Pfautsch | Phillips | Pietzman | Pike |
| Plocher | Pogue | Redmon | Rehder | Reiboldt |
| Remole | Rhoads | Roden | Roeber | Ross |
| Rowden | Rowland 155 | Shaul | Shull | Shumake |
| Solon | Sommer | Spencer | Swan | Taylor 139 |
| Taylor 145 | Vescovo | Walker | Webber | Wiemann |
| Wilson | Wood | Zerr | Mr. Speaker | |

NOES: 036

| | | | | |
|---|---|---|---|---|
| Adams | Anders | Arthur | Burns | Carpenter |
| Colona | Conway 10 | Curtis | Dunn | Gardner |
| Hummel | Kirkton | Kratky | LaFaver | Lavender |
| May | McCann Beatty | McCreery | McGee | McNeil |
| Meredith | Mims | Mitten | Montecillo | Morgan |
| Newman | Nichols | Norr | Otto | Pace |
| Peters | Pierson | Rizzo | Rowland 29 | Runions |
| Walton Gray | | | | |

PRESENT: 002

| | |
|---|---|
| Green | Kelley |

ABSENT: 015

| | | | | |
|---|---|---|---|---|
| Butler | Cierpiot | Corlew | Ellington | Flanigan |
| Haahr | Higdon | Hinson | Hubbard | Lauer |
| McDonald | Rone | Ruth | Smith | White |

VACANCIES: 001

**HCS HB 1765**, relating to judicial proceedings, was taken up by Representative Cornejo.

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

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 1765, Page 31, Section 565.188, Line 28, by inserting after all of said section and line the following:

"565.188. 1. A person commits the offense of failure to report elder abuse or neglect if he or she is required to make a report as required under subdivision (2) of subsection 1 of section **[**197.1002**] 192.2405**, and knowingly fails to make a report.

2. The offense of failure to report elder abuse or neglect is a class A misdemeanor."; and

Further amend said bill, Page 52, Section 577.060, Line 30, by inserting after all of said section and line the following:

"578.005. As used in sections 578.005 to 578.023, the following terms shall mean:

(1) "Adequate care", normal and prudent attention to the needs of an animal, including wholesome food, clean water, shelter and health care as necessary to maintain good health in a specific species of animal;

(2) **[**"Adequate control", to reasonably restrain or govern an animal so that the animal does not injure itself, any person, any other animal, or property;

(3)**]** "Animal", every living vertebrate except a human being;

**[**(4)**] (3)** "Animal shelter", a facility which is used to house or contain animals and which is owned, operated, or maintained by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other not-for-profit organization devoted to the welfare, protection, and humane treatment of animals;

**[**(5)**] (4)** "Farm animal", an animal raised on a farm or ranch and used or intended for use in farm or ranch production, or as food or fiber;

**[**(6)**] (5)** "Farm animal professional", any individual employed at a location where farm animals are harbored;

**[**(7)**] (6)** "Harbor", to feed or shelter an animal at the same location for three or more consecutive days;

**[**(8)**] (7)** "Humane killing", the destruction of an animal accomplished by a method approved by the American Veterinary Medical Association's Panel on Euthanasia (JAVMA 173: 59-72, 1978); or more recent editions, but animals killed during the feeding of pet carnivores shall be considered humanely killed;

**[**(9)**] (8)** "Owner", in addition to its ordinary meaning, any person who keeps or harbors an animal or professes to be owning, keeping, or harboring an animal;

**[**(10)**] (9)** "Person", any individual, partnership, firm, joint stock company, corporation, association, trust, estate, or other legal entity;

**[**(11)**] (10)** "Pests", birds, rabbits, or rodents which damage property or have an adverse effect on the public health, but shall not include any endangered species listed by the United States Department of the Interior nor any endangered species listed in the Wildlife Code of Missouri."; and

Further amend said bill, Section 578.022, Page 53, Line 4, by inserting after all of said section and line the following:

"**[**578.011.**] 578.040.** 1. **For purposes of this section, the following terms shall mean:**

**(1) "Adequate control", to reasonably restrain or govern an animal so that the animal does not injure itself, any person, any other animal, or property;**

**(2) "Animal", any living vertebrate except a human being or livestock as the term "livestock" is defined under section 265.300.**

**2.** A person **[**is guilty**] commits the offense** of animal **or livestock** trespass if a person**:**

**(1)** Having ownership or custody of an animal knowingly fails to provide adequate control **[**for a period equal to or exceeding twelve hours**] and the animal trespasses onto another person's property; or**

**(2) Having ownership or custody of livestock as the term "livestock" is defined under section 265.300 knowingly fails to provide adequate control of the livestock for a period of twelve hours or more and the livestock trespasses onto another person's property.**

**[**2.**] 3. The offense of** animal **or livestock** trespass is an infraction **[**upon first conviction and for each offense punishable by a fine not to exceed two hundred dollars, and**], unless the person has previously been found guilty of a violation of this section in which case it is** a class C misdemeanor **[**punishable by imprisonment or a fine not to exceed five hundred dollars, or both, upon the second and all subsequent convictions**]**. All fines for a first **[**conviction of animal trespass**] finding of guilt under this section** may be waived by the court provided that the person found guilty of animal **or livestock** trespass shows that adequate, permanent remedies for **the** trespass

have been made. **[**Reasonable costs incurred for the care and maintenance of trespassing animals may not be waived.**]** This section shall not apply to the provisions of section 578.007 or sections 272.010 to 272.370."; and

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

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

On motion of Representative Cornejo, **HCS HB 1765, as amended**, was adopted.

On motion of Representative Cornejo, **HCS HB 1765, as amended**, was ordered perfected and printed.

## THIRD READING OF SENATE BILLS

**SS SCS SB 838**, relating to the transfer of wireless telephone numbers, was taken up by Representative Crawford.

On motion of Representative Crawford, **SS SCS SB 838** was truly agreed to and finally passed by the following vote:

AYES: 137

| | | | | |
|---|---|---|---|---|
| Adams | Alferman | Allen | Anders | Anderson |
| Andrews | Arthur | Austin | Bahr | Barnes |
| Basye | Beard | Bernskoetter | Berry | Black |
| Bondon | Brattin | Brown 57 | Brown 94 | Burlison |
| Burns | Chipman | Colona | Conway 10 | Cookson |
| Corlew | Cornejo | Crawford | Cross | Curtis |
| Curtman | Davis | Dogan | Dohrman | Dunn |
| Eggleston | Ellington | Engler | Entlicher | Fitzpatrick |
| Fitzwater 144 | Fitzwater 49 | Franklin | Frederick | Gannon |
| Gardner | Green | Haahr | Haefner | Hansen |
| Harris | Hicks | Hill | Hoskins | Hough |
| Houghton | Hubrecht | Hummel | Hurst | Johnson |
| Jones | Justus | Kelley | Kendrick | Kidd |
| King | Kirkton | Koenig | Kolkmeyer | Korman |
| Kratky | LaFaver | Lair | Lant | Lavender |
| Lichtenegger | Love | Lynch | Mathews | May |
| McCann Beatty | McCreery | McDaniel | McGaugh | McNeil |
| Meredith | Messenger | Miller | Mims | Mitten |
| Montecillo | Moon | Morgan | Morris | Muntzel |
| Neely | Newman | Nichols | Otto | Pace |
| Parkinson | Pfautsch | Phillips | Pierson | Pietzman |
| Pike | Plocher | Redmon | Rehder | Reiboldt |
| Remole | Rhoads | Rizzo | Roden | Roeber |
| Ross | Rowden | Rowland 155 | Rowland 29 | Runions |
| Shaul | Shull | Shumake | Solon | Sommer |
| Spencer | Swan | Taylor 139 | Taylor 145 | Vescovo |
| Walker | Walton Gray | Webber | Wiemann | Wilson |
| Wood | Zerr | | | |

NOES: 002

| | |
|---|---|
| Marshall | Pogue |

PRESENT: 000

ABSENT: 023

| | | | | |
|---|---|---|---|---|
| Butler | Carpenter | Cierpiot | Conway 104 | Dugger |
| English | Flanigan | Fraker | Higdon | Hinson |
| Hubbard | Lauer | Leara | McCaherty | McDonald |
| McGee | Norr | Peters | Rone | Ruth |
| Smith | White | Mr. Speaker | | |

VACANCIES: 001

Representative Jones declared the bill passed.

**SB 664**, relating to corporate registration reports for farm corporations, was taken up by Representative Franklin.

On motion of Representative Franklin, **SB 664** was truly agreed to and finally passed by the following vote:

AYES: 142

| | | | | |
|---|---|---|---|---|
| Adams | Alferman | Allen | Anders | Anderson |
| Andrews | Arthur | Austin | Bahr | Barnes |
| Basye | Beard | Bernskoetter | Berry | Black |
| Bondon | Brattin | Brown 57 | Brown 94 | Burlison |
| Burns | Carpenter | Chipman | Colona | Conway 10 |
| Conway 104 | Cookson | Corlew | Cornejo | Crawford |
| Cross | Curtis | Curtman | Davis | Dogan |
| Dohrman | Dunn | Eggleston | Ellington | Engler |
| Entlicher | Fitzpatrick | Fitzwater 144 | Fitzwater 49 | Fraker |
| Franklin | Frederick | Gannon | Gardner | Green |
| Haahr | Hansen | Harris | Hicks | Hill |
| Hoskins | Hough | Houghton | Hubrecht | Hurst |
| Johnson | Jones | Justus | Kelley | Kendrick |
| Kidd | King | Kirkton | Koenig | Kolkmeyer |
| Korman | Kratky | LaFaver | Lair | Lant |
| Lavender | Lichtenegger | Love | Lynch | Marshall |
| Mathews | May | McCaherty | McCann Beatty | McCreery |
| McDaniel | McGaugh | McNeil | Meredith | Messenger |
| Miller | Mims | Mitten | Montecillo | Moon |
| Morgan | Morris | Muntzel | Neely | Newman |
| Nichols | Otto | Pace | Parkinson | Pfautsch |
| Phillips | Pierson | Pietzman | Pike | Plocher |
| Pogue | Redmon | Rehder | Reiboldt | Remole |
| Rhoads | Rizzo | Roden | Roeber | Ross |
| Rowden | Rowland 155 | Rowland 29 | Runions | Shaul |
| Shull | Shumake | Solon | Sommer | Spencer |
| Swan | Taylor 139 | Taylor 145 | Vescovo | Walker |
| Walton Gray | Webber | Wiemann | Wilson | Wood |
| Zerr | Mr. Speaker | | | |

NOES: 000

PRESENT: 000

ABSENT: 020

| | | | | |
|---|---|---|---|---|
| Butler | Cierpiot | Dugger | English | Flanigan |
| Haefner | Higdon | Hinson | Hubbard | Hummel |
| Lauer | Leara | McDonald | McGee | Norr |
| Peters | Rone | Ruth | Smith | White |

VACANCIES: 001

Representative Jones declared the bill passed.

Speaker Richardson resumed the Chair.

## PERFECTION OF HOUSE BILLS

**HCS HB 2327**, relating to the establishment of the urban education institute, was taken up by Representative Curtis.

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

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 2327, Page 2, Section 174.340, Line 21, by inserting after the word "**private**" the words "**, except that the institute shall not be authorized to accept any gifts, bequests, donations, and grants of any kind from any committee defined under chapter 130 or any political entity**"; and

Further amend said bill, page, and section, Line 28, by inserting after all of said line the following:

"**6. The institute shall be prohibited from engaging in political lobbying or advocacy or using any funds received under subsection 3 of this section or through appropriation to fund political lobbying or advocacy on behalf of the institute.** "; and

Further amend said bill, page and section, by renumbering subsequent subsections accordingly; and

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

Representative Austin moved the previous question.

Which motion was adopted by the following vote:

AYES: 095

| | | | | |
|---|---|---|---|---|
| Allen | Anderson | Andrews | Austin | Bahr |
| Barnes | Basye | Bernskoetter | Berry | Bondon |
| Brattin | Brown 57 | Brown 94 | Burlison | Chipman |
| Conway 104 | Cookson | Cornejo | Crawford | Cross |
| Curtman | Dogan | Dohrman | Eggleston | Engler |
| Entlicher | Fitzpatrick | Fitzwater 144 | Fitzwater 49 | Fraker |
| Franklin | Frederick | Gannon | Haahr | Haefner |
| Hansen | Hill | Hoskins | Hubrecht | Hurst |
| Johnson | Jones | Justus | Kelley | Kidd |
| King | Koenig | Kolkmeyer | Korman | Lair |
| Lant | Lichtenegger | Love | Lynch | Marshall |
| Mathews | McCaherty | McGaugh | Messenger | Miller |
| Moon | Morris | Muntzel | Neely | Parkinson |

| | | | | |
|---|---|---|---|---|
| Pfautsch | Phillips | Pietzman | Pike | Plocher |
| Pogue | Redmon | Rehder | Reiboldt | Remole |
| Rhoads | Roeber | Ross | Rowden | Rowland 155 |
| Shaul | Shumake | Solon | Sommer | Spencer |
| Swan | Taylor 139 | Taylor 145 | Vescovo | Walker |
| Wiemann | Wilson | Wood | Zerr | Mr. Speaker |

NOES: 039

| | | | | |
|---|---|---|---|---|
| Adams | Anders | Arthur | Burns | Butler |
| Carpenter | Curtis | Dunn | Ellington | Gardner |
| Green | Harris | Hubbard | Hummel | Kendrick |
| Kirkton | Kratky | LaFaver | Lavender | May |
| McCann Beatty | McCreery | McGee | McNeil | Meredith |
| Mims | Mitten | Montecillo | Morgan | Newman |
| Nichols | Otto | Pace | Pierson | Rizzo |
| Rowland 29 | Runions | Walton Gray | Webber | |

PRESENT: 000

ABSENT: 028

| | | | | |
|---|---|---|---|---|
| Alferman | Beard | Black | Cierpiot | Colona |
| Conway 10 | Corlew | Davis | Dugger | English |
| Flanigan | Hicks | Higdon | Hinson | Hough |
| Houghton | Lauer | Leara | McDaniel | McDonald |
| Norr | Peters | Roden | Rone | Ruth |
| Shull | Smith | White | | |

VACANCIES: 001

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

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

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 2327, Page 1, Section A, Line 2, by inserting immediately after said line the following:

"174.125. 1. All teacher-training institutions, receiving state aid, shall provide courses in physical education, first aid**,** and cardiopulmonary resuscitation for the proper preparation of teachers to carry out the rules and regulations of the state board of education as provided in section 161.102. Each of the five state colleges shall provide extension service of properly trained and qualified field advisers for the teachers and others engaged in carrying out the provisions of sections 161.102 and 168.171 within their several territorial jurisdictions, such jurisdiction to be established and coordinated by the state commissioner of education.

2. Such teacher-training institutions as provided in subsection 1 of this section shall provide a course for teachers for annual recertification in cardiopulmonary resuscitation.

**3. In addition to the requirements of subsection 1 of this section, all teacher-training institutions receiving state aid shall require students to demonstrate proficiency on the concepts of trauma-informed approach and trauma-specific interventions as defined by the Substance Abuse and Mental Health Services Division within the United States Department of Health and Senior Services.**"; and

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

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

On motion of Representative Curtis, **HCS HB 2327, as amended**, was adopted.

On motion of Representative Curtis, **HCS HB 2327, as amended**, was ordered perfected and printed.

## THIRD READING OF SENATE BILLS

**HCS SS SB 621**, relating to health care, was taken up by Representative Barnes.

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

*House Amendment No. 1*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 621, Page 5, Section 191.1146, Line 20, by inserting after all of said section and line the following:

"**192.380. 1. For purposes of this section, the following terms shall mean:**

**(1) "Birthing facility", any hospital as defined under section 197.020 with more than one licensed obstetric bed or a neonatal intensive care unit, a hospital operated by a state university, or a birthing center licensed under sections 197.200 to 197.240;**

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

**(3) "Regional perinatal center", a comprehensive maternal and newborn service for women who have been assessed as high-risk patients or are bearing high-risk babies, as determined by a standardized risk assessment tool, who will require the highest specialized care. Centers may be comprised of more than one licensed facility.**

**2. There is hereby created the "Perinatal Advisory Council" which shall be composed of representatives from the following organizations representing diverse geographic regions of the state who shall focus on and have experience in maternal and infant health, one of which shall be elected chair by a majority of the members, to be appointed by the governor with the advice and consent of the senate:**

**(1) One physician practicing obstetrics representing the Missouri Section of the American Congress of Obstetricians and Gynecologists;**

**(2) One practicing physician from the Missouri Chapter of the American Academy of Pediatrics Section of Perinatal Pediatrics;**

**(3) One representative from the March of Dimes;**

**(4) One representative from the National Association for Nurse Practitioners in Women's Health;**

**(5) One representative from the Missouri affiliate of the American College of Nurse-Midwives;**

**(6) One representative from the Missouri Section of the Association of Women's Health, Obstetric and Neonatal Nurses;**

**(7) One representative from the Missouri Chapter of the National Association of Neonatal Nurses;**

**(8) One family physician practicing obstetrics from the Missouri Academy of Family Physicians;**

**(9) One representative from a community coalition engaged in infant mortality prevention;**

**(10) Four representatives from regional Missouri hospitals with one representative from a hospital with neonatal care equivalent to each level;**

**(11) One practicing physician from the Society for Maternal-Fetal Medicine;**

**(12) One representative from a free-standing birthing center licensed under sections 197.200 to 197.240;**

**(13) Five active community-based physicians specializing in obstetrics or gynecology, family medicine practicing obstetrics, or perinatal pediatrics representing the regional diversity of the state;**

**(14) One representative from the show-me extension for community health care outcomes (ECHO) program; and**

**(15) One representative from a federally qualified health center.**

**The director of the department of health and senior services and the director of the department of social services or their designees shall serve as ex officio members of the council and shall not have a vote. The department shall provide necessary staffing support to the council.**

**3. After holding multiple public hearings in diverse geographic regions of the state and seeking broad public and stakeholder input, the perinatal advisory council shall make recommendations in the best interest of patients for the division of the state into neonatal and maternal care regions. When making such recommendations, the council shall consider:**

**(1) Geographic proximity of facilities;**

**(2) Hospital systems;**

**(3) Insurance networks;**

**(4) Consistent geographic boundaries for neonatal and maternal care regions, if appropriate; and**

**(5) Existing referral networks and referral patterns to appropriate birthing facilities.**

**4. The perinatal advisory council shall establish criteria for levels of maternal care designations and levels of neonatal care designations for birthing facilities and regional perinatal centers. The levels developed under this section shall be based upon:**

**(1) The most current published version of the "Levels of Neonatal Care" developed by the American Academy of Pediatrics;**

**(2) The most current published version of the "Levels of Maternal Care" developed by the American Congress of Obstetricians and Gynecologists and the Society for Maternal-Fetal Medicine; and**

**(3) Necessary variance when considering the geographic and varied needs of citizens of this state.**

**5. Nothing in this section shall be construed in any way to modify or expand the licensure of any health care professional.**

**6. Nothing in this section shall be construed in any way to require a patient be transferred to a different facility.**

**7. The department shall promulgate rules to implement the provisions of this section no later than January 1, 2017. Such rules shall be limited to those necessary for the establishment of levels of neonatal care designations and levels of maternal care designations for birthing facilities and regional perinatal centers under subsection 4 of this section and the division of the state into neonatal and maternal care regions under subsection 3 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, 2016, shall be invalid and void.**

**8. Beginning January 1, 2018, any hospital with a birthing facility shall report to the department its appropriate level of maternal care designation and neonatal care designation as determined by the criteria outlined under subsection 4 of this section.**

**9. Beginning January 1, 2018, any hospital with a birthing facility operated by a state university shall report to the department its appropriate level of maternal care designation and neonatal care designation as determined by the criteria outlined under subsection 4 of this section.**

**10. Nothing in this section shall be construed to impose liability for referral or failure to refer in accordance with the recommendations of the perinatal advisory council.**

**11. The department may partner with appropriate nationally recognized professional organizations with demonstrated expertise in maternal and neonatal standards of care to administer the provisions of this section.**

**12. The criteria for levels of maternal and neonatal care developed under subsection 4 of this section shall not include pregnancy termination or counseling or referral for pregnancy termination.**"; and

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

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

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

*House Amendment No. 2*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 621, Page 22, Section 335.175, Line 33, by inserting after all of said section and line the following:

"**404.1100. Sections 404.1100 to 404.1110 shall be known and may be cited as the "Designated Health Care Decision-Maker Act".**

**404.1101. As used in sections 404.1100 to 404.1110, the following terms mean:**

**(1) "Artificially supplied nutrition and hydration", any medical procedure whereby nutrition or hydration is supplied through a tube inserted into a person's nose, mouth, stomach, or intestines, or nutrients or fluids are administered into a person's bloodstream or provided subcutaneously;**

**(2) "Best interests":**

**(a) Promoting the incapacitated person's right to enjoy the highest attainable standard of health for that person;**

**(b) Advocating that the person who is incapacitated receive the same range, quality, and standard of health care, care, and comfort as is provided to a similarly situated individual who is not incapacitated; and**

**(c) Advocating against the discriminatory denial of health care, care, or comfort, or food or fluids on the basis that the person who is incapacitated is considered an individual with a disability;**

**(3) "Designated health care decision-maker", the person designated to make health care decisions for a patient under section 404.1104, not including a person acting as a guardian or an agent under a durable power of attorney for health care or any other person legally authorized to consent for the patient under any other law to make health care decisions for an incapacitated patient;**

**(4) "Disability" or "disabled" shall have the same meaning as defined in 42 U.S.C. Section 12102, the Americans with Disabilities Act of 1990, as amended; provided that the term "this chapter" in that definition shall be deemed to refer to the Missouri health care decision-maker act;**

**(5) "Health care", a procedure to diagnose or treat a human disease, ailment, defect, abnormality, or complaint, whether of physical or mental origin and includes:**

**(a) Assisted living services, or intermediate or skilled nursing care provided in a facility licensed under chapter 198;**

**(b) Services for the rehabilitation or treatment of injured, disabled, or sick persons; or**

**(c) Making arrangements for placement in or transfer to or from a health care facility or health care provider that provides such forms of care;**

**(6) "Health care facility", any hospital, hospice, inpatient facility, nursing facility, skilled nursing facility, residential care facility, intermediate care facility, dialysis treatment facility, assisted living facility, home health or hospice agency; any entity that provides home or community-based health care services; or any other facility that provides or contracts to provide health care, and which is licensed, certified, or otherwise authorized or permitted by law to provide health care;**

**(7) "Health care provider", any individual who provides health care to persons and who is licensed, certified, registered, or otherwise authorized or permitted by law to provide health care;**

**(8) "Incapacitated", a person who is unable by reason of any physical or mental condition to receive and evaluate information or to communicate decisions to such an extent that the person lacks capacity to meet essential requirements for food, clothing, shelter, safety, or other care such that serious physical injury, illness, or disease is likely to occur;**

**(9) "Patient", any adult person or any person otherwise authorized to make health care decisions for himself or herself under Missouri law;**

**(10) "Physician", a treating, attending, or consulting physician licensed to practice medicine under Missouri law;**

**(11) "Reasonable medical judgment", a medical judgment that would be made by a reasonably prudent physician, knowledgeable about the case and the health care possibilities with respect to the medical conditions involved.**

**404.1102. The determination that a patient is incapacitated shall be made as set forth in section 404.825. A health care provider or health care facility may rely in the exercise of good faith and in accordance with reasonable medical judgment upon the health care decisions made for a patient by a designated health care decision-maker selected in accordance with section 404.1104, provided two licensed**

**physicians determine, after reasonable inquiry and in accordance with reasonable medical judgment, that such patient is incapacitated and has neither a guardian with medical decision-making authority appointed in accordance with chapter 475, an attorney in fact appointed in a durable power of attorney for health care in accordance with sections 404.800 to 404.865, is not a child under the jurisdiction of the juvenile court under section 211.031, nor any other known person who has the legal authority to make health care decisions.**

**404.1103. Upon a determination that a patient is incapacitated, the physician or another health care provider acting at the direction of the physician shall make reasonable efforts to inform potential designated health care decision-makers set forth in section 404.1104 of whom the physician or physician's designee is aware, of the need to appoint a designated health care decision-maker. Reasonable efforts include, without limitation, identifying potential designated health care decision-makers as set forth in subsection 1 of section 404.1104, a guardian with medical decision-making authority appointed in accordance with chapter 475, an attorney in fact appointed in a durable power of attorney for health care in accordance with sections 404.800 to 404.865, the juvenile court under section 211.031, or any other known person who has the legal authority to make health care decisions, by examining the patient's personal effects and medical records. If a family member, attorney in fact for health care or guardian with health care decision-making authority is identified, a documented attempt to contact that person by telephone, with all known telephone numbers and other contact information used, shall be made within twenty-four hours after a determination of incapacity is made as provided in section 404.1102.**

**404.1104. 1. If a patient is incapacitated under the circumstances described in section 404.1102 and is unable to provide consent regarding his or her own health care, and does not have a legally appointed guardian, an agent under a health care durable power of attorney, is not under the jurisdiction of the juvenile court, or does not have any other person who has legal authority to consent for the patient, decisions concerning the patient's health care may be made by the following competent persons in the following order of priority, with the exception of persons excluded under subsection 4 of section 404.1104:**

**(1) The spouse of the patient, unless the spouse and patient are separated under one of the following:**

**(a) A current dissolution of marriage or separation action;**

**(b) A signed written property or marital settlement agreement;**

**(c) A permanent order of separate maintenance or support or a permanent order approving a property or marital settlement agreement between the parties;**

**(2) An adult child of the patient;**

**(3) A parent of the patient;**

**(4) An adult sibling of the patient;**

**(5) A person who is a member of the same community of persons as the patient who is bound by vows to a religious life and who conducts or assists in the conducting of religious services and actually and regularly engages in religious, benevolent, charitable, or educational ministry, or performance of health care services;**

**(6) An adult who can demonstrate that he or she has a close personal relationship with the patient and is familiar with the patient's personal values; or**

**(7) Any other person designated by the unanimous mutual agreement of the persons listed above who is involved in the patient's care.**

**2. If a person who is a member of the classes listed in subsection 1 of this section, regardless of priority, or a health care provider or a health care facility involved in the care of the patient, disagrees on whether certain health care should be provided to or withheld or withdrawn from a patient, any such person, provider, or facility, or any other person interested in the welfare of the patient may petition the probate court for an order for the appointment of a temporary or permanent guardian in accordance with subsection 8 of this section to act in the best interest of the patient.**

**3. A person who is a member of the classes listed in subsection 1 of this section shall not be denied priority under this section based solely upon that person's support for, or direction to provide, withhold or withdraw health care to the patient, subject to the rights of other classes of potential designated decision-makers, a health care provider, or health care facility to petition the probate court for an order for the appointment of a temporary or permanent guardian under subsection 8 of this section to act in the best interests of the patient.**

**4. Priority under this section shall not be given to persons in any of the following circumstances:**

**(1) If a report of abuse or neglect of the patient has been made under section 192.2475, 198.070, 208.912, 210.115, 565.188, 630.163 or any other mandatory reporting statutes, and if the health care provider knows of such a report of abuse or neglect, then unless the report has been determined to be unsubstantiated or unfounded, or a determination of abuse was finally reversed after administrative or judicial review, the person reported as the alleged perpetrator of the abuse or neglect shall not be given priority or authority to make health care decisions under subsection 1 of this section, provided that such a report shall not be based on the person's support for, or direction to provide, health care to the patient;**

**(2) If the patient's physician or the physician's designee reasonably determines, after making a diligent effort to contact the designated health care decision-maker using known telephone numbers and other contact information and receiving no response, that such person is not reasonably available to make medical decisions as needed or is not willing to make health care decisions for the patient; or**

**(3) If a probate court in a proceeding under subsection 8 of this section finds that the involvement of the person in decisions concerning the patient's health care is contrary to instructions that the patient had unambiguously, and without subsequent contradiction or change, expressed before he or she became incapacitated. Such a statement to the patient's physician or other health care provider contemporaneously recorded in the patient's medical record and signed by the patient's physician or other health care provider shall be deemed such an instruction, subject to the ability of a party to a proceeding under subsection 8 of this section to dispute its accuracy, weight, or interpretation.**

**5. (1) The designated health care decision-maker shall make reasonable efforts to obtain information regarding the patient's health care preferences from health care providers, family, friends, or others who may have credible information.**

**(2) The designated health care decision-maker, and the probate court in any proceeding under subsection 8 of this section, shall always make health care decisions in the patient's best interests, and if the patient's religious and moral beliefs and health care preferences are known, in accordance with those beliefs and preferences.**

**6. This section does not authorize the provision or withholding of health care services that the patient has unambiguously, without subsequent contradiction or change of instruction, expressed that he or she would or would not want at a time when such patient had capacity. Such a statement to the patient's physician or other health care provider, contemporaneously recorded in the patient's medical record and signed by the patient's physician or other health care provider, shall be deemed such evidence, subject to the ability of a party to a proceeding under subsection 8 of this section to dispute its accuracy, weight, or interpretation.**

**7. A designated health care decision-maker shall be deemed a personal representative for the purposes of access to and disclosure of private medical information under the Health Insurance Portability and Accountability Act of 1996 (HIPAA), 42 U.S.C. Section 1320d and 45 CFR 160-164.**

**8. Nothing in sections 404.1100 to 404.1110 shall preclude any person interested in the welfare of a patient including, but not limited to, a designated health care decision-maker, a member of the classes listed in subsection 1 of this section regardless of priority, or a health care provider or health care facility involved in the care of the patient, from petitioning the probate court for the appointment of a temporary or permanent guardian for the patient including expedited adjudication under chapter 475.**

**9. Pending the final outcome of proceedings initiated under subsection 8 of this section, the designated health care decision-maker, health care provider, or health care facility shall not withhold or withdraw, or direct the withholding or withdrawal, of health care, nutrition, or hydration whose withholding or withdrawal, in reasonable medical judgment, would result in or hasten the death of the patient, would jeopardize the health or limb of the patient, or would result in disfigurement or impairment of the patient's faculties. If a health care provider or a health care facility objects to the provision of such health care, nutrition, or hydration on the basis of religious beliefs or sincerely held moral convictions, the provider or facility shall not impede the transfer of the patient to another health care provider or health care facility willing to provide it, and shall provide such health care, nutrition, or hydration to the patient pending the completion of the transfer. For purposes of this section, artificially supplied nutrition and hydration may be withheld or withdrawn during the pendency of the guardianship proceeding only if, based on reasonable medical judgment, the patient's physician and a second licensed physician certify that the patient meets the standard set forth in subdivision (2) of subsection 1 of section 404.1105. If tolerated by the patient and adequate to supply the patient's needs for nutrition or hydration, natural feeding should be the preferred method.**

**404.1105. 1. No designated health care decision-maker may, with the intent of hastening or causing the death of the patient, authorize the withdrawal or withholding of nutrition or hydration supplied through either natural or artificial means. A designated health care decision-maker may authorize the withdrawal or withholding of artificially supplied nutrition and hydration only when the physician and a second licensed physician certify in the patient's medical record based on reasonable medical judgment that:**

**(1) Artificially supplied nutrition or hydration are not necessary for comfort care or the relief of pain and would serve only to prolong artificially the dying process and where death will occur within a short period of time whether or not such artificially supplied nutrition or hydration is withheld or withdrawn; or**

**(2) Artificially supplied nutrition or hydration cannot be physiologically assimilated or tolerated by the patient.**

**2. When tolerated by the patient and adequate to supply the patient's need for nutrition or hydration, natural feeding should be the preferred method.**

**3. The provisions of this section shall not apply to subsection 3 of section 459.010.**

**404.1106. If any of the individuals specified in section 404.1104 or the designated health care decision-maker or physician believes the patient is no longer incapacitated, the patient's physician shall reexamine the patient and determine in accordance with reasonable medical judgment whether the patient is no longer incapacitated, shall certify the decision and the basis therefor in the patient's medical record, and shall notify the patient, the designated health care decision-maker, and the person who initiated the redetermination of capacity. Rights of the designated health care decision-maker shall end upon the physician's certification that the patient is no longer incapacitated.**

**404.1107. No health care provider or health care facility that makes good faith and reasonable attempts to identify, locate, and communicate with potential designated health care decision-makers in accordance with sections 404.1100 to 404.1110 shall be subject to civil or criminal liability or regulatory sanction for any act or omission related to his or her or its effort to identify, locate, and communicate with or act upon any decision by or for such actual or potential designated health care decision-makers.**

**404.1108. 1. A health care provider or a health care facility may decline to comply with the health care decision of a patient or a designated health care decision-maker if such decision is contrary to the religious beliefs or sincerely held moral convictions of a health care provider or health care facility.**

**2. If at any time, a health care facility or health care provider determines that any known or anticipated health care preferences expressed by the patient to the health care provider or health care facility, or as expressed through the patient's designated health care decision-maker, are contrary to the religious beliefs or sincerely held moral convictions of the health care provider or health care facility, such provider or facility shall promptly inform the patient or the patient's designated health care decision-maker.**

**3. If a health care provider declines to comply with such health care decision, no health care provider or health care facility shall impede the transfer of the patient to another health care provider or health care facility willing to comply with the health care decision.**

**4. Nothing in this section shall relieve or exonerate a health care provider or a health care facility from the duty to provide for the health care, care, and comfort of a patient pending transfer under this section. If withholding or withdrawing certain health care would, in reasonable medical judgment, result in or hasten the death of the patient, such health care shall be provided pending completion of the transfer. Notwithstanding any other provision of this section, no such health care shall be denied on the basis of a view that treats extending the life of an elderly, disabled, or terminally ill individual as of lower value than extending the life of an individual who is younger, nondisabled, or not terminally ill, or on the basis of the health care provider's or facility's disagreement with how the patient or individual authorized to act on the patient's behalf values the tradeoff between extending the length of the patient's life and the risk of disability.**

**404.1109. No health care decision-maker shall withhold or withdraw health care from a pregnant patient, consistent with existing law, as set forth in section 459.025.**

**404.1110. Nothing in sections 404.1100 to 404.1110 is intended to:**

**(1) Be construed as condoning, authorizing, or approving euthanasia or mercy killing; or**

**(2) Be construed as permitting any affirmative or deliberate act to end a person's life, except to permit natural death as provided by sections 404.1100 to 404.1110.**"; and

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

Representative Taylor (145) assumed the Chair.

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

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

*House Amendment No. 3*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 621, Page 20, Section 208.686, Line 55, by inserting after all of said section and line the following:

"324.001. 1. For the purposes of this section, the following terms mean:
(1) "Department", the department of insurance, financial institutions and professional registration;
(2) "Director", the director of the division of professional registration; and
(3) "Division", the division of professional registration.
2. There is hereby established a "Division of Professional Registration" assigned to the department of insurance, financial institutions and professional registration as a type III transfer, headed by a director appointed by the governor with the advice and consent of the senate. All of the general provisions, definitions and powers enumerated in section 1 of the Omnibus State Reorganization Act of 1974 and Executive Order 06-04 shall apply to this department and its divisions, agencies, and personnel.
3. The director of the division of professional registration shall promulgate rules and regulations which designate for each board or commission assigned to the division the renewal date for licenses or certificates. After the initial establishment of renewal dates, no director of the division shall promulgate a rule or regulation which would change the renewal date for licenses or certificates if such change in renewal date would occur prior to the date on which the renewal date in effect at the time such new renewal date is specified next occurs. Each board or commission shall by rule or regulation establish licensing periods of one, two, or three years. Registration fees set by a board or commission shall be effective for the entire licensing period involved, and shall not be increased during any current licensing period. Persons who are required to pay their first registration fees shall be allowed to pay the pro rata share of such fees for the remainder of the period remaining at the time the fees are paid. Each board or commission shall provide the necessary forms for initial registration, and thereafter the director may prescribe standard forms for renewal of licenses and certificates. Each board or commission shall by rule and regulation require each applicant to provide the information which is required to keep the board's records current. Each board or commission shall have the authority to collect and analyze information required to support workforce planning and policy development. Such information shall not be publicly disclosed so as to identify a specific health care provider, as defined in section 376.1350. Each board or commission shall issue the original license or certificate.
4. The division shall provide clerical and other staff services relating to the issuance and renewal of licenses for all the professional licensing and regulating boards and commissions assigned to the division. The division shall perform the financial management and clerical functions as they each relate to issuance and renewal of licenses and certificates. "Issuance and renewal of licenses and certificates" means the ministerial function of preparing and delivering licenses or certificates, and obtaining material and information for the board or commission in connection with the renewal thereof. It does not include any discretionary authority with regard to the original review of an applicant's qualifications for licensure or certification, or the subsequent review of licensee's or certificate holder's qualifications, or any disciplinary action contemplated against the licensee or certificate holder. The division may develop and implement microfilming systems and automated or manual management information systems.
5. The director of the division shall maintain a system of accounting and budgeting, in cooperation with the director of the department, the office of administration, and the state auditor's office, to ensure proper charges are made to the various boards for services rendered to them. The general assembly shall appropriate to the division and other state agencies from each board's funds moneys sufficient to reimburse the division and other state agencies for all services rendered and all facilities and supplies furnished to that board.

6. For accounting purposes, the appropriation to the division and to the office of administration for the payment of rent for quarters provided for the division shall be made from the "Professional Registration Fees Fund", which is hereby created, and is to be used solely for the purpose defined in subsection 5 of this section. The fund shall consist of moneys deposited into it from each board's fund. Each board shall contribute a prorated amount necessary to fund the division for services rendered and rent based upon the system of accounting and budgeting established by the director of the division as provided in subsection 5 of this section. Transfers of funds to the professional registration fees fund shall be made by each board on July first of each year; provided, however, that the director of the division may establish an alternative date or dates of transfers at the request of any board. Such transfers shall be made until they equal the prorated amount for services rendered and rent by the division. 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.

7. The director of the division shall be responsible for collecting and accounting for all moneys received by the division or its component agencies. Any money received by a board or commission shall be promptly given, identified by type and source, to the director. The director shall keep a record by board and state accounting system classification of the amount of revenue the director receives. The director shall promptly transmit all receipts to the department of revenue for deposit in the state treasury to the credit of the appropriate fund. The director shall provide each board with all relevant financial information in a timely fashion. Each board shall cooperate with the director by providing necessary information.

8. All educational transcripts, test scores, complaints, investigatory reports, and information pertaining to any person who is an applicant or licensee of any agency assigned to the division of professional registration by statute or by the department are confidential and may not be disclosed to the public or any member of the public, except with the written consent of the person whose records are involved. The agency which possesses the records or information shall disclose the records or information if the person whose records or information is involved has consented to the disclosure. Each agency is entitled to the attorney-client privilege and work-product privilege to the same extent as any other person. Provided, however, that any board may disclose confidential information without the consent of the person involved in the course of voluntary interstate exchange of information, or in the course of any litigation concerning that person, or pursuant to a lawful request, or to other administrative or law enforcement agencies acting within the scope of their statutory authority. Information regarding identity, including names and addresses, registration, and currency of the license of the persons possessing licenses to engage in a professional occupation and the names and addresses of applicants for such licenses is not confidential information.

9. Any deliberations conducted and votes taken in rendering a final decision after a hearing before an agency assigned to the division shall be closed to the parties and the public. Once a final decision is rendered, that decision shall be made available to the parties and the public.

10. A compelling governmental interest shall be deemed to exist for the purposes of section 536.025 for licensure fees to be reduced by emergency rule, if the projected fund balance of any agency assigned to the division of professional registration is reasonably expected to exceed an amount that would require transfer from that fund to general revenue.

11. (1) The following boards and commissions are assigned by specific type transfers to the division of professional registration: Missouri state board of accountancy, chapter 326; board of cosmetology and barber examiners, chapters 328 and 329; Missouri board for architects, professional engineers, professional land surveyors and landscape architects, chapter 327; Missouri state board of chiropractic examiners, chapter 331; state board of registration for the healing arts, chapter 334; Missouri dental board, chapter 332; state board of embalmers and funeral directors, chapter 333; state board of optometry, chapter 336; Missouri state board of nursing, chapter 335; board of pharmacy, chapter 338; state board of podiatric medicine, chapter 330; Missouri real estate appraisers commission, chapter 339; and Missouri veterinary medical board, chapter 340. The governor shall appoint members of these boards by and with the advice and consent of the senate.

(2) The boards and commissions assigned to the division shall exercise all their respective statutory duties and powers, except those clerical and other staff services involving collecting and accounting for moneys and financial management relating to the issuance and renewal of licenses, which services shall be provided by the division, within the appropriation therefor. Nothing herein shall prohibit employment of professional examining or testing services from professional associations or others as required by the boards or commissions on contract. Nothing herein shall be construed to affect the power of a board or commission to expend its funds as appropriated. However, the division shall review the expense vouchers of each board. The results of such review shall be submitted to the board reviewed and to the house and senate appropriations committees annually.

(3) Notwithstanding any other provisions of law, the director of the division shall exercise only those management functions of the boards and commissions specifically provided in the Reorganization Act of 1974, and those relating to the allocation and assignment of space, personnel other than board personnel, and equipment.

(4) "Board personnel", as used in this section or chapters 317, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, and 345, shall mean personnel whose functions and responsibilities are in areas not related to the clerical duties involving the issuance and renewal of licenses, to the collecting and accounting for moneys, or to financial management relating to issuance and renewal of licenses; specifically included are executive secretaries (or comparable positions), consultants, inspectors, investigators, counsel, and secretarial support staff for these positions; and such other positions as are established and authorized by statute for a particular board or commission. Boards and commissions may employ legal counsel, if authorized by law, and temporary personnel if the board is unable to meet its responsibilities with the employees authorized above. Any board or commission which hires temporary employees shall annually provide the division director and the appropriation committees of the general assembly with a complete list of all persons employed in the previous year, the length of their employment, the amount of their remuneration, and a description of their responsibilities.

(5) Board personnel for each board or commission shall be employed by and serve at the pleasure of the board or commission, shall be supervised as the board or commission designates, and shall have their duties and compensation prescribed by the board or commission, within appropriations for that purpose, except that compensation for board personnel shall not exceed that established for comparable positions as determined by the board or commission pursuant to the job and pay plan of the department of insurance, financial institutions and professional registration. Nothing herein shall be construed to permit salaries for any board personnel to be lowered except by board action.

12. All the powers, duties, and functions of the division of athletics, chapter 317, and others, are assigned by type I transfer to the division of professional registration.

13. Wherever the laws, rules, or regulations of this state make reference to the "division of professional registration of the department of economic development", such references shall be deemed to refer to the division of professional registration.

**14. (1) The state board of nursing, board of pharmacy, Missouri dental board, state committee of psychologists, state board of chiropractic examiners, state board of optometry, Missouri board of occupational therapy, or state board of registration for the healing arts may individually or collectively enter into a contractual agreement with the department of health and senior services, a public institution of higher education, or a nonprofit entity for the purpose of collecting and analyzing workforce data from its licensees, registrants, or permit holders for future workforce planning and to assess the accessibility and availability of qualified health care services and practitioners in Missouri. The boards shall work collaboratively with other state governmental entities to ensure coordination and avoid duplication of efforts.**

**(2) The boards may expend appropriated funds necessary for operational expenses of the program formed under this subsection. Each board is authorized to accept grants to fund the collection or analysis authorized in this subsection. Any such funds shall be deposited in the respective board's fund.**

**(3) Data collection shall be controlled and approved by the applicable state board conducting or requesting the collection. Notwithstanding the provisions of section 334.001, the boards may release identifying data to the contractor to facilitate data analysis of the health care workforce including, but not limited to, geographic, demographic, and practice or professional characteristics of licensees. The state board shall not request or be authorized to collect income or other financial earnings data.**

**(4) Data collected under this subsection shall be deemed the property of the state board requesting the data. Data shall be maintained by the state board in accordance with chapter 610, provided that any information deemed closed or confidential under subsection 8 of this section or any other provision of state law shall not be disclosed without consent of the applicable licensee or entity or as otherwise authorized by law. Data shall only be released in an aggregate form by geography, profession or professional specialization, or population characteristic in a manner that cannot be used to identify a specific individual or entity. Data suppression standards shall be addressed and established in the contractual agreement.**

**(5) Contractors shall maintain the security and confidentiality of data received or collected under this subsection and shall not use, disclose, or release any data without approval of the applicable state board. The contractual agreement between the applicable state board and contractor shall establish a data release and research review policy to include legal and institutional review board, or agency equivalent, approval.**

**(6) Each board may promulgate rules subject to the provisions of this subsection and chapter 536 to effectuate and implement the workforce data collection and analysis authorized by this subsection. 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 under 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, 2016, shall be invalid and void.**"; and

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

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

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

*House Amendment No. 4*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 621, Page 3, Section 191.596, Line 38, by inserting after all of said section and line the following:

"**191.1075. As used in sections 191.1075 to 191.1085, the following terms shall mean:**

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

**(2) "Health care professional", a physician or other health care practitioner licensed, accredited, or certified by the state of Missouri to perform specified health services;**

**(3) "Hospital":**

**(a) A place devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment, or care of not less than twenty-four consecutive hours in any week of three or more nonrelated individuals suffering from illness, disease, injury, deformity, or other abnormal physical conditions; or**

**(b) A place devoted primarily to provide for not less than twenty-four consecutive hours in any week medical or nursing care for three or more unrelated individuals. "Hospital" does not include convalescent, nursing, shelter, or boarding homes as defined in chapter 198.**

**191.1080. 1. There is hereby created within the department the "Missouri Palliative Care and Quality of Life Interdisciplinary Council", which shall be a palliative care consumer and professional information and education program to improve quality and delivery of patient-centered and family-focused care in this state.**

**2. On or before December 1, 2016, the following members shall be appointed to the council:**

**(1) Two members of the senate, appointed by the president pro tempore of the senate;**

**(2) Two members of the house of representatives, appointed by the speaker of the house of representatives;**

**(3) Two board-certified hospice and palliative medicine physicians licensed in this state, appointed by the governor with the advice and consent of the senate;**

**(4) Two certified hospice and palliative nurses licensed in this state, appointed by the governor with the advice and consent of the senate;**

**(5) A certified hospice and palliative social worker, appointed by the governor with the advice and consent of the senate;**

**(6) A patient and family caregiver advocate representative, appointed by the governor with the advice and consent of the senate; and**

**(7) A spiritual professional with experience in palliative care and health care, appointed by the governor with the advice and consent of the senate.**

**3. Council members shall serve for a term of three years. The members of the council shall elect a chair and vice chair whose duties shall be established by the council. The department shall determine a time and place for regular meetings of the council, which shall meet at least biannually.**

**4. Members of the council shall serve without compensation, but shall, subject to appropriations, be reimbursed for their actual and necessary expenses incurred in the performance of their duties as members of the council.**

**5. The council shall consult with and advise the department on matters related to the establishment, maintenance, operation, and outcomes evaluation of palliative care initiatives in this state, including the palliative care consumer and professional information and education program established in section 191.1085.**

**6. The council shall submit an annual report to the general assembly, which includes an assessment of the availability of palliative care in this state for patients at early stages of serious disease and an analysis of barriers to greater access to palliative care.**

**7. The council authorized under this section shall automatically expire August 28, 2022.**

**191.1085. 1. There is hereby established the "Palliative Care Consumer and Professional Information and Education Program" within the department.**

**2. The purpose of the program is to maximize the effectiveness of palliative care in this state by ensuring that comprehensive and accurate information and education about palliative care is available to the public, health care providers, and health care facilities.**

**3. The department shall publish on its website information and resources, including links to external resources, about palliative care for the public, health care providers, and health care facilities including, but not limited to:**

**(1) Continuing education opportunities for health care providers;**

**(2) Information about palliative care delivery in the home, primary, secondary, and tertiary environments; and**

**(3) Consumer educational materials and referral information for palliative care, including hospice.**

**4. Each hospital in this state is encouraged to have a palliative care presence on its intranet or internet website which provides links to one or more of the following organizations: the Institute of Medicine, the Center to Advance Palliative Care, the Supportive Care Coalition, the National Hospice and Palliative Care Organization, the American Academy of Hospice and Palliative Medicine, and the National Institute on Aging.**

**5. Each hospital in this state is encouraged to have patient education information about palliative care available for distribution to patients.**

**6. The department shall consult with the palliative care and quality of life interdisciplinary council established in section 191.1080 in implementing the section.**

**7. The department may promulgate rules to implement the provisions of sections 191.1075 to 191.1085. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in sections 191.1075 to 191.1085 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 191.1075 to 191.1085 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, 2016, shall be invalid and void.**

**8. Notwithstanding the provisions of section 23.253 to the contrary, the program authorized under this section shall automatically expire on August 28, 2022.**"; and

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

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

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

*House Amendment No. 5*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 621, Page 5, Section 191.1146, Line 20, by inserting after all of said section and line the following:

"**195.430. 1. There is hereby established in the state treasury the "Controlled Substance Abuse Prevention Fund", which shall consist of all fees collected by the department of health and senior services for the issuance of registrations to manufacture, distribute, or dispense controlled substances. The state**

**treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and moneys in the fund shall be used solely for the operation, regulation, enforcement, and educational activities of the bureau of narcotics and dangerous drugs. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.**

**2. All fees authorized to be charged by the department shall be transmitted to the department of revenue for deposit in the state treasury for credit to the fund, to be disbursed solely for the payment of operating expenses of the bureau of narcotics and dangerous drugs to conduct inspections, enforce controlled substances laws and regulations, provide education to health care professionals and the public, and to prevent abuse of controlled substances.**

**3. Any moneys appropriated or made available by gift, grant, bequest, contribution, or otherwise to carry out the purposes of this section shall be paid to and deposited in the controlled substances abuse prevention fund.**

**195.435. The bureau of narcotics and dangerous drugs shall employ no less than one investigator for every two thousand five hundred controlled substance registrants.**"; and

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

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

Representative Rowland (155) offered **House Amendment No. 6**.

*House Amendment No. 6*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 621, Page 20, Section 208.686, Line 55, by inserting immediately after said line the following:

"334.104. 1. A physician may enter into collaborative practice arrangements with registered professional nurses. Collaborative practice arrangements shall be in the form of written agreements, jointly agreed-upon protocols, or standing orders for the delivery of health care services. Collaborative practice arrangements, which shall be in writing, may delegate to a registered professional nurse the authority to administer or dispense drugs and provide treatment as long as the delivery of such health care services is within the scope of practice of the registered professional nurse and is consistent with that nurse's skill, training and competence.

2. Collaborative practice arrangements, which shall be in writing, may delegate to a registered professional nurse the authority to administer, dispense or prescribe drugs and provide treatment if the registered professional nurse is an advanced practice registered nurse as defined in subdivision (2) of section 335.016. Collaborative practice arrangements may delegate to an advanced practice registered nurse, as defined in section 335.016, the authority to administer, dispense, or prescribe controlled substances listed in Schedules III, IV, and V of section 195.017, and Schedule II - hydrocodone; except that, the collaborative practice arrangement shall not delegate the authority to administer any controlled substances listed in Schedules III, IV, and V of section 195.017, or Schedule II - hydrocodone for the purpose of inducing sedation or general anesthesia for therapeutic, diagnostic, or surgical procedures. Schedule III narcotic controlled substance and Schedule II - hydrocodone prescriptions shall be limited to a one hundred twenty-hour supply without refill. Such collaborative practice arrangements shall be in the form of written agreements, jointly agreed-upon protocols or standing orders for the delivery of health care services.

3. The written collaborative practice arrangement shall contain at least the following provisions:

(1) Complete names, home and business addresses, zip codes, and telephone numbers of the collaborating physician and the advanced practice registered nurse;

(2) A list of all other offices or locations besides those listed in subdivision (1) of this subsection where the collaborating physician authorized the advanced practice registered nurse to prescribe;

(3) A requirement that there shall be posted at every office where the advanced practice registered nurse is authorized to prescribe, in collaboration with a physician, a prominently displayed disclosure statement informing patients that they may be seen by an advanced practice registered nurse and have the right to see the collaborating physician;

(4) All specialty or board certifications of the collaborating physician and all certifications of the advanced practice registered nurse;

(5) The manner of collaboration between the collaborating physician and the advanced practice registered nurse, including how the collaborating physician and the advanced practice registered nurse will:

(a) Engage in collaborative practice consistent with each professional's skill, training, education, and competence;

(b) Maintain geographic proximity, except the collaborative practice arrangement may allow for geographic proximity to be waived **[**for a maximum of twenty-eight days per calendar year for rural health clinics as defined by P.L. 95-210,**]** as long as the collaborative practice arrangement includes alternative plans as required in paragraph (c) of this subdivision. **[**This exception to geographic proximity shall apply only to independent rural health clinics, provider-based rural health clinics where the provider is a critical access hospital as provided in 42 U.S.C. Section 1395i-4, and provider-based rural health clinics where the main location of the hospital sponsor is greater than fifty miles from the clinic. The collaborating physician is required to maintain documentation related to this requirement and to present it to the state board of registration for the healing arts when requested**]**; and

(c) Provide coverage during absence, incapacity, infirmity, or emergency by the collaborating physician;

(6) A description of the advanced practice registered nurse's controlled substance prescriptive authority in collaboration with the physician, including a list of the controlled substances the physician authorizes the nurse to prescribe and documentation that it is consistent with each professional's education, knowledge, skill, and competence;

(7) A list of all other written practice agreements of the collaborating physician and the advanced practice registered nurse;

(8) The duration of the written practice agreement between the collaborating physician and the advanced practice registered nurse;

(9) A description of the time and manner of the collaborating physician's review of the advanced practice registered nurse's delivery of health care services. The description shall include provisions that the advanced practice registered nurse shall submit a minimum of ten percent of the charts documenting the advanced practice registered nurse's delivery of health care services to the collaborating physician for review by the collaborating physician, or any other physician designated in the collaborative practice arrangement, every fourteen days; and

(10) The collaborating physician, or any other physician designated in the collaborative practice arrangement, shall review every fourteen days a minimum of twenty percent of the charts in which the advanced practice registered nurse prescribes controlled substances. The charts reviewed under this subdivision may be counted in the number of charts required to be reviewed under subdivision (9) of this subsection.

4. The state board of registration for the healing arts pursuant to section 334.125 and the board of nursing pursuant to section 335.036 may jointly promulgate rules regulating the use of collaborative practice arrangements. Such rules shall be limited to **[**specifying geographic areas to be covered,**]** the methods of treatment that may be covered by collaborative practice arrangements and the requirements for review of services provided pursuant to collaborative practice arrangements including delegating authority to prescribe controlled substances. Any rules relating to dispensing or distribution of medications or devices by prescription or prescription drug orders under this section shall be subject to the approval of the state board of pharmacy. Any rules relating to dispensing or distribution of controlled substances by prescription or prescription drug orders under this section shall be subject to the approval of the department of health and senior services and the state board of pharmacy. In order to take effect, such rules shall be approved by a majority vote of a quorum of each board. Neither the state board of registration for the healing arts nor the board of nursing may separately promulgate rules relating to collaborative practice arrangements. Such jointly promulgated rules shall be consistent with guidelines for federally funded clinics. The rulemaking authority granted in this subsection shall not extend to collaborative practice arrangements of hospital employees providing inpatient care within hospitals as defined pursuant to chapter 197 or population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008.

5. The state board of registration for the healing arts shall not deny, revoke, suspend or otherwise take disciplinary action against a physician for health care services delegated to a registered professional nurse provided the provisions of this section and the rules promulgated thereunder are satisfied. Upon the written request of a physician subject to a disciplinary action imposed as a result of an agreement between a physician and a registered professional nurse or registered physician assistant, whether written or not, prior to August 28, 1993, all records of

such disciplinary licensure action and all records pertaining to the filing, investigation or review of an alleged violation of this chapter incurred as a result of such an agreement shall be removed from the records of the state board of registration for the healing arts and the division of professional registration and shall not be disclosed to any public or private entity seeking such information from the board or the division. The state board of registration for the healing arts shall take action to correct reports of alleged violations and disciplinary actions as described in this section which have been submitted to the National Practitioner Data Bank. In subsequent applications or representations relating to his medical practice, a physician completing forms or documents shall not be required to report any actions of the state board of registration for the healing arts for which the records are subject to removal under this section.

6. Within thirty days of any change and on each renewal, the state board of registration for the healing arts shall require every physician to identify whether the physician is engaged in any collaborative practice agreement, including collaborative practice agreements delegating the authority to prescribe controlled substances, or physician assistant agreement and also report to the board the name of each licensed professional with whom the physician has entered into such agreement. The board may make this information available to the public. The board shall track the reported information and may routinely conduct random reviews of such agreements to ensure that agreements are carried out for compliance under this chapter.

7. Notwithstanding any law to the contrary, a certified registered nurse anesthetist as defined in subdivision (8) of section 335.016 shall be permitted to provide anesthesia services without a collaborative practice arrangement provided that he or she is under the supervision of an anesthesiologist or other physician, dentist, or podiatrist who is immediately available if needed. Nothing in this subsection shall be construed to prohibit or prevent a certified registered nurse anesthetist as defined in subdivision (8) of section 335.016 from entering into a collaborative practice arrangement under this section, except that the collaborative practice arrangement may not delegate the authority to prescribe any controlled substances listed in Schedules III, IV, and V of section 195.017, or Schedule II - hydrocodone.

8. A collaborating physician shall not enter into a collaborative practice arrangement with more than **[**three**]** **five** full-time equivalent advanced practice registered nurses. This limitation shall not apply to collaborative arrangements of hospital employees providing inpatient care service in hospitals as defined in chapter 197 or population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008.

9. It is the responsibility of the collaborating physician to determine and document the completion of at least a one-month period of time during which the advanced practice registered nurse shall practice with the collaborating physician continuously present before practicing in a setting where the collaborating physician is not continuously present. This limitation shall not apply to collaborative arrangements of providers of population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008.

10. No agreement made under this section shall supersede current hospital licensing regulations governing hospital medication orders under protocols or standing orders for the purpose of delivering inpatient or emergency care within a hospital as defined in section 197.020 if such protocols or standing orders have been approved by the hospital's medical staff and pharmaceutical therapeutics committee.

11. No contract or other agreement shall require a physician to act as a collaborating physician for an advanced practice registered nurse against the physician's will. A physician shall have the right to refuse to act as a collaborating physician, without penalty, for a particular advanced practice registered nurse. No contract or other agreement shall limit the collaborating physician's ultimate authority over any protocols or standing orders or in the delegation of the physician's authority to any advanced practice registered nurse, but this requirement shall not authorize a physician in implementing such protocols, standing orders, or delegation to violate applicable standards for safe medical practice established by hospital's medical staff.

12. No contract or other agreement shall require any advanced practice registered nurse to serve as a collaborating advanced practice registered nurse for any collaborating physician against the advanced practice registered nurse's will. An advanced practice registered nurse shall have the right to refuse to collaborate, without penalty, with a particular physician."; and

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

On motion of Representative Rowland (155), **House Amendment No. 6** was adopted.

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

*House Amendment No. 7*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 621, Page 1, Section 9.154, Line 11, by inserting after all of said section and line the following:

"167.638. The department of health and senior services shall develop an informational brochure relating to meningococcal disease that states that **[**an immunization**] immunizations** against meningococcal disease **[**is**] are** available. The department shall make the brochure available on its website and shall notify every public institution of higher education in this state of the availability of the brochure. Each public institution of higher education shall provide a copy of the brochure to all students and if the student is under eighteen years of age, to the student's parent or guardian. Such information in the brochure shall include:

(1) The risk factors for and symptoms of meningococcal disease, how it may be diagnosed, and its possible consequences if untreated;

(2) How meningococcal disease is transmitted;

(3) The latest scientific information on meningococcal disease immunization and its effectiveness**, including information on all meningococcal vaccines receiving a Category A or B recommendation from the Advisory Committee on Immunization Practices**; **[**and**]**

(4) A statement that any questions or concerns regarding immunization against meningococcal disease may be answered by contacting the individuals's health care provider**; and**

**(5) A recommendation that the current student or entering student receive meningococcal vaccines in accordance with current Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention guidelines**.

174.335. 1. Beginning with the 2004-05 school year and for each school year thereafter, every public institution of higher education in this state shall require all students who reside in on-campus housing to have received the meningococcal vaccine **not more than five years prior to enrollment and in accordance with the latest recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention,** unless a signed statement of medical or religious exemption is on file with the institution's administration. A student shall be exempted from the immunization requirement of this section upon signed certification by a physician licensed under chapter 334 indicating that either the immunization would seriously endanger the student's health or life or the student has documentation of the disease or laboratory evidence of immunity to the disease. A student shall be exempted from the immunization requirement of this section if he or she objects in writing to the institution's administration that immunization violates his or her religious beliefs.

2. Each public university or college in this state shall maintain records on the meningococcal vaccination status of every student residing in on-campus housing at the university or college.

3. Nothing in this section shall be construed as requiring any institution of higher education to provide or pay for vaccinations against meningococcal disease.

**4. For purposes of this section, the term "on-campus housing" shall include, but not be limited to, any fraternity or sorority residence, regardless of whether such residence is privately owned, on or near the campus of a public institution of higher education.**"; and

Further amend said bill, Page 5, Section 191.1146, Line 20, by inserting after all of said section and line the following:

"**198.054. Each year between October first and March first, all long-term care facilities licensed under this chapter shall assist their health care workers, volunteers, and other employees who have direct contact with residents in obtaining the vaccination for the influenza virus by either offering the vaccination in the facility or providing information as to how they may independently obtain the vaccination, unless contraindicated, in accordance with the latest recommendations of the Centers for Disease Control and Prevention and subject to availability of the vaccine. Facilities are encouraged to document that each health care worker, volunteer, and employee has been offered assistance in receiving a vaccination against the influenza virus and has either accepted or declined.**"; and

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

Representative King 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 Substitute for Senate Bill No. 621, Page 2, Line 10, by deleting all of said line and inserting in lieu thereof the following:

""197.258. 1. In addition to any survey pursuant to sections 197.250 to 197.280, the department may make such surveys as it deems necessary during normal business hours. The department shall survey every hospice not less than **[**once annually**] every three years**. The hospice shall permit the department's representatives to enter upon any of its business premises during normal business hours for the purpose of a survey.

2. As a part of its survey of a hospice, the department may visit the home of any client of such hospice with such client's consent.

3. In lieu of any survey required by sections 197.250 to 197.280, the department may accept in whole or in part the survey of any state or federal agency, or of any professional accrediting agency, if such survey:

(1) Is comparable in scope and method to the department's surveys; and

(2) Is conducted within one year of initial application for or renewal of the hospice's certificate.

4. The department shall not be required to survey any hospice providing service to Missouri residents through an office located in a state bordering Missouri if such bordering state has a reciprocal agreement with Missouri on hospice certification and the area served in Missouri by the agency is contiguous to the area served in the bordering state.

5. Any hospice which has its parent office in a state which does not have a reciprocal agreement with Missouri on hospice certification shall maintain a branch office in Missouri. Such branch office shall maintain all records required by the department for survey and shall be certificated as a hospice.

**198.054. Each year between October first and March first, all long-term care facilities**"; and

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

Representative LaFaver raised a point of order that **House Amendment No. 1 to House Amendment No. 7** goes beyond the scope of the bill.

Representative Taylor (145) requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order not well taken.

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

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

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

*House Amendment No. 8*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 621, Page 5, Section 191.1146, Line 20, by inserting after all of said line the following:

"**197.170. 1. This section shall be known and may be cited as the "Health Care Cost Reduction and Transparency Act".**

**2. As used in this section, the following terms shall mean:**

**(1) "Ambulatory surgical center", as such term is defined under section 197.200;**

**(2) "Direct payment", as such term is defined under section 1.330;**

**(3) "Health care provider", the same meaning as such term is defined under section 376.1350. "Health care provider" shall also include any provider located in a Kansas border county, as defined under section 135.1670, who participates in the MO HealthNet program;**

**(4) "Hospital", as such term is defined under section 197.020;**

**(5) "Imaging center", any facility at which diagnostic imaging services are provided including, but not limited to, magnetic resonance imaging (MRI);**

**(6) "Medical treatment plan", a patient-specific plan of medical treatment for a particular illness, injury, or condition determined by such patient's physician, which includes the applicable current procedural terminology (CPT) code or codes.**

**3. Beginning July 1, 2018, ambulatory surgical centers and imaging centers shall make available to the public, in a manner that is easily understood, an estimate of the most current direct payment price information for the twenty-five most common surgical procedures or the twenty most common imaging procedures, as appropriate, performed in ambulatory surgical centers or imaging centers. Disclosure of data under this subsection shall constitute compliance with subsection 5 of this section regarding any surgical or imaging procedure for which disclosure is required under this subsection.**

**4. Not later than July 1, 2017, hospitals shall make available to the public, in a manner that is easily understood, the amount that would be charged without discounts for each the one hundred most prevalent diagnosis-related groups as defined by the Medicare program, Title XVIII of the Social Security Act. The diagnosis-related groups shall be described in layman's language suitable for use by reasonably informed patients. Disclosure of data under this subsection shall constitute compliance with subsection 5 of this section regarding any diagnosis-related group for which disclosure is required under this subsection.**

**5. Upon written request by a patient, which shall include a medical treatment plan from the patient's physician, for the direct payment cost of a particular health care service or procedure, imaging procedure, or surgery procedure, a health care provider, hospital, ambulatory surgical center, or imaging center shall provide an estimate of the direct payment price information required by this section to the patient in writing either electronically, by mail, or in person, within three business days after receiving the written request. Providing a patient a specific link to such estimated prices and making such estimated prices publicly available or posting such estimated prices on a website of the health care provider, hospital, ambulatory surgical center, or imaging center shall constitute compliance with the provisions of this subsection.**

**6. No health care provider shall be required to report the information required by this section if the reporting of such information reasonably could lead to the identification of the person or persons receiving health care services or procedures in violation of the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA) or other federal law. This section shall not apply to emergency departments, which shall comply with requirements of the Emergency Medical Treatment and Active Labor Act, 42 U.S.C. 1395dd.**

**7. It shall be a condition of participation in the MO HealthNet program for a health care provider located in a Kansas border county, as defined under section 135.1670, to comply with the provisions of this section.**"; and

Further amend said bill, Page 22, Section 335.175, Line 33, by inserting after all of said line the following:

"**376.1475. 1. This section shall be known and may be cited as the "Predetermination of Health Care Benefits Act".**

**2. For the purposes of this section, the following terms shall mean:**

**(1) "Administrative simplification provision", transaction and code standards promulgated under the Health Insurance Portability and Accountability Act of 1996 (HIPAA), Public Law 104-191, and 45 CFR 160 and 162;**

**(2) "Director", the director of the department of insurance, financial institutions and professional registration;**

**(3) "Health benefit plan" and "health care provider", the same meanings as those terms are defined in section 376.1350;**

**(4) "Health care clearinghouse", the same meaning as the term is defined in 45 CFR 160.103;**

**(5) "Payment", a deductible or coinsurance payment and shall not include a co-payment;**

**(6) "Standard electronic transactions", electronic claim and remittance advice transactions created by the Accredited Standards Committee (ASC) X12 in the format of ASC X12 837I,** ASC X12 837P, or ASC X12 835, or any of their respective successors.

**3. Health benefit plans that receive an electronic health care predetermination request from a health care provider consistent with the requirements set forth in subsection 6 of this section shall provide the requesting health care provider with information on the amount of expected benefits coverage on the procedures specified in the request that is accurate at the time of the health benefit plan's response.**

**4. Any predetermination response provided by a health benefit plan under this section in good faith shall be deemed to be an estimate only and shall not be binding upon the health benefit plan with regard to the final amount of benefits actually provided by the health benefit plan.**

**5. The amounts for the referenced services under subsection 3 of this section shall include:**

**(1) The amount the patient will be expected to pay, clearly identifying any deductible amount, coinsurance, and co-payment;**

**(2) The amount the health care provider will be paid;**

**(3) The amount the institution will be paid; and**

**(4) Whether any payments will be reduced, but not to zero dollars, or increased from the agreed fee schedule amounts, and if so, the health care policy that identifies why the payments will be reduced or increased.**

**6. The health care predetermination request and predetermination response shall be conducted in accordance with administrative simplification provisions using the currently applicable standard electronic transactions, without regard to whether the transaction is mandated by HIPAA. It shall also comply with any rules promulgated by the director, without regard to whether such rules are mandated by HIPAA. To the extent HIPAA-mandated electronic claim and remittance transactions are modified to include predetermination, the provisions of this section shall not apply to health benefit plans which provide this information under HIPAA.**

**7. The health benefit plan's predetermination response to the health care predetermination request shall be returned using the same transmission method as that of the request. This shall include a real time response for a real time request.**

**8. A health care clearinghouse that contracts with a health care provider shall be required to conduct a transaction as described in subsections 5, 6, and 7 of this section if requested by the health care provider.**

**9. Nothing in this act precludes the collection of payment prior to receiving health benefit services once a health benefit plan has fulfilled any predetermination request.**

**10. 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 policy of six months or less duration, or any other supplemental policy.**

**11. The director shall adopt rules and regulations necessary to carry out the provisions of this section.**

**12. 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, 2016, shall be invalid and void.**"; and

Further amend said bill, Page 23, Section B, Line 6, by inserting after all of said line the following:

"Section C. Section 376.1475 of Section A of this act shall become effective July 1, 2018."; and

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

Representative Jones offered **House Amendment No. 1 to House Amendment No. 8**.

*House Amendment No. 1*
*to*
*House Amendment No. 8*

AMEND House Amendment No. 8 to House Committee Substitute for Senate Substitute for Senate Bill No. 621, Page 2, Line 37, by inserting immediately after all of said line the following:

"**4. A health care provider shall submit an electronic health care predetermination request for each patient encounter to such patient's health benefit plan and shall provide such information on the amount of expected benefits coverage on the procedures specified in the request that is accurate at the time of the health benefit plan's response.**"; and

Further amend such amendment, Pages 2 and 3, by renumbering subsequent subsections accordingly; and

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

**House Amendment No. 1 to House Amendment No. 8** was withdrawn.

Representative McDaniel offered **House Amendment No. 2 to House Amendment No. 8**.

*House Amendment No. 2*
*to*
*House Amendment No. 8*

AMEND House Amendment No. 8 to House Committee Substitute for Senate Substitute for Senate Bill No. 621, Page 2, Line 13, by deleting all of said line and inserting in lieu thereof the following:

"**provisions of this section.**

**198.575. 1. Sections 198.575 to 198.605 shall be known and may be cited as the "Patient Monitoring Care Act".**

**2. As used in sections 198.575 to 198.605, the following terms shall mean:**

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

**(2) "Facility", any residential care facility, assisted living facility, intermediate care facility, or skilled nursing facility;**

**(3) "Monitoring device", a surveillance instrument that broadcasts or records activity, but does not include a still camera;**

**(4) "Patient", a person who is a resident of a facility;**

**(5) "State ombudsman", the office of state ombudsman for long-term care facility residents created under section 192.2305;**

**(6) "Surrogate", a legal guardian or legally appointed health care proxy who is authorized to act on behalf of a patient.**

**198.578. 1. A patient or a surrogate may authorize the installation and use of a monitoring device in a facility provided that:**

**(1) The facility is given notice of the installation;**

**(2) If the monitoring device records activity visually, such recording shall include a record of the date and time;**

**(3) The monitoring device and all installation and maintenance costs are paid for by the patient; and**

**(4) Written consent is given by each patient or surrogate of each patient occupying the same room.**

**2. The patient may establish and the facility shall accommodate limits on the use including the time of operation, direction, focus, or volume of a monitoring device.**

**198.581. 1. At the time of admission to a facility, a patient shall be offered the option to have a monitoring device, and a record of the patient's authorization or choice not to have a monitoring device shall be kept by the facility and shall be made accessible to the state ombudsman.**

**2. After authorization, consent, and notice, a patient or surrogate may install, operate, and maintain a monitoring device in the patient's room at the patient's expense.**

**3. The facility shall cooperate to accommodate the installation of the monitoring device, provided the installation does not place undue burden on the facility.**

**4. The patient or surrogate shall be responsible for removal of the monitoring device, at the patient's or surrogate's expense, upon discharge of the patient from the facility or upon the death of the patient.**

**198.584. 1. Consent to the authorization for the installation and use of a monitoring device may be given only by the patient or the surrogate.**

**2. Consent to the authorization for the installation and use of a monitoring device shall include a release of liability for the facility for a violation of the patient's right to privacy insofar as the use of the monitoring device is concerned.**

**3. A patient or the surrogate may reverse a choice to have or not have a monitoring device installed and used at any time, after notice to the facility and to the state ombudsman upon a form prescribed by the department.**

**198.587. The form for the authorization of installation and use of a monitoring device shall provide for:**

**(1) Consent of the patient or the surrogate authorizing the installation and use of the monitoring device;**

**(2) Notice to the facility of the patient's installation of a monitoring device and specifics as to its type, function, and use;**

**(3) Consent of any other patient or that patient's surrogate sharing the same room;**

**(4) Notice of release from liability for privacy violations through the use of the monitoring device; and**

**(5) Waiver of the patient's right to privacy in conjunction with the use of the monitoring device.**

**198.590. 1. In any civil action against the facility, material obtained through the use of a monitoring device shall not be used if the monitoring device was installed or used without the knowledge of the facility or without the prescribed form.**

**2. Compliance with the provisions of sections 198.575 to 198.605 shall be a complete defense against any civil or criminal action brought against the patient, surrogate, or facility for the use or presence of a monitoring device.**

**198.593. Within six months of the effective date of sections 198.575 to 198.605, all facilities shall provide to each patient or surrogate a form prescribed by the department explaining the provisions of sections 198.575 to 198.605 and giving each patient or surrogate a choice to have a monitoring device installed in the patient's room. Copies of the completed form shall be kept by the facility and shall be made accessible to the state ombudsman.**

**198.596. The facility shall post a notice in a conspicuous place at the entrance to a room with a monitoring device that a monitoring device is in use in that room of the facility.**

**198.599. The department shall promulgate rules to implement the provisions of sections 198.575 to 198.605. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in sections 198.575 to 198.605 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 198.575 to 198.605 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, 2016, shall be invalid and void.**

**198.602. No person or patient shall be denied admission to or discharged from a facility or be otherwise discriminated against or retaliated against because of a choice to authorize installation and use of a monitoring device. Any person who violates this section shall be subject to a civil penalty of up to ten thousand dollars per occurrence.**

**198.605. Any person other than a patient or surrogate found guilty of intentionally hampering, obstructing, tampering with, or destroying a monitoring device or a recording made by a monitoring device installed in a facility under sections 198.575 to 198.605 is guilty of a class D felony until December 31, 2016, and a class E felony beginning January 1, 2017.**

**198.610. 1. The provisions of sections 198.610 to 198.630 shall be known and may be cited as the "Authorized Electronic Monitoring in Long-Term Care Facilities Act".**

**2. For purposes of sections 198.610 to 198.630, the following terms shall mean:**

**(1) "Authorized electronic monitoring", the placement and use of an electronic monitoring device by a resident in his or her room in accordance with the provisions of sections 198.610 to 198.630;**

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

**(3) "Electronic monitoring device", a surveillance instrument with a fixed position video camera or an audio recording device, or a combination thereof, that is installed in a resident's room under the provisions of sections 198.610 to 198.630 and broadcasts or records activity or sounds occurring in the room;**

**(4) "Facility", any residential care facility, assisted living facility, intermediate care facility, or skilled nursing facility;**

**(5) "Resident", a person residing in a facility;**

**(6) "Resident's representative", a resident's legal representative.**

**198.612. 1. A resident shall be permitted to conduct authorized electronic monitoring of the resident's room through the use of electronic monitoring devices placed in the room under the provisions of sections 198.610 to 198.630.**

**2. Nothing in sections 198.610 to 198.630 shall be construed to allow the use of an electronic monitoring device to take still photographs or for the nonconsensual interception of private communications.**

**3. Except as otherwise provided in this section, a resident, a resident's representative, or the parent of a resident under eighteen years of age shall consent in writing on a notification and consent form prescribed by the department in order for authorized electronic monitoring to be conducted in the resident's room. If the resident has not affirmatively objected to the authorized electronic monitoring and the resident's physician determines that the resident lacks the ability to understand and appreciate the nature and consequences of electronic monitoring, the following individuals may consent on behalf of the resident in order of priority:**

**(1) An attorney-in-fact under a durable power of attorney for health care;**

**(2) A resident's representative;**

**(3) The resident's spouse;**

**(4) The resident's parent;**

**(5) The resident's adult child who has the written consent of all other adult children of the resident to act as the sole decision maker regarding authorized electronic monitoring; or**

**(6) The resident's adult brother or sister who has the written consent of all other adult siblings of the resident to act as the sole decision maker regarding authorized electronic monitoring.**

**4. Prior to another person, other than a resident's representative, consenting on behalf of a resident eighteen years of age or older in accordance with the provisions of sections 198.610 to 198.630, the resident shall be asked by that person, in the presence of a facility employee, if he or she wants authorized electronic monitoring to be conducted. The person shall explain to the resident:**

**(1) The type of electronic monitoring device to be used;**

**(2) The standard conditions that may be placed on the electronic monitoring device's use including those listed in subdivision (7) of subsection 2 of section 198.614;**

**(3) With whom the recording may be shared according to section 198.622; and**

**(4) The resident's ability to decline all recording.**

**For the purposes of this subsection, a resident affirmatively objects if he or she orally, visually, or through the use of auxiliary aids or services declines authorized electronic monitoring. The resident's response shall be documented on the notification and consent form.**

**5. A resident or roommate may consent to authorized electronic monitoring with any conditions of the resident's choosing including, but not limited to, the list of standard conditions provided in subdivision (7) of subsection 2 of section 198.614. A resident or roommate may request that the electronic monitoring device be turned off or the visual recording component of the electronic monitoring device be blocked at any time.**

**6. Prior to the authorized electronic monitoring, a resident shall obtain the written consent of any other resident residing in the room on the notification and consent form prescribed by the department. Except as otherwise provided in this subsection, a roommate, a roommate's legal representative, or the parent of a roommate under eighteen years of age shall consent in writing to the authorized electronic monitoring in the resident's room. If the roommate has not affirmatively objected to the authorized electronic monitoring in accordance with subsection 4 of this section and the roommate's physician determines that the roommate lacks the ability to understand and appreciate the nature and consequences of electronic monitoring, the following individuals may consent on behalf of the roommate, in order of priority:**

**(1) An attorney-in-fact under a durable power of attorney for health care;**

**(2) A roommate's legal representative;**

**(3) The roommate's spouse;**

**(4) The roommate's parent;**

**(5) The roommate's adult child who has the written consent of all other adult children of the resident to act as the sole decision maker regarding authorized electronic monitoring; or**

**(6) The roommate's adult brother or sister who has the written consent of all other adult siblings of the resident to act as the sole decision maker regarding authorized electronic monitoring.**

**7. Consent by a roommate under subsection 6 of this section authorizes the resident's use of any recording obtained under sections 198.610 to 198.630 as provided under section 198.622.**

**8. Any resident previously conducting authorized electronic monitoring shall obtain consent from any new roommate before the resident may resume authorized electronic monitoring. If a new roommate does not consent to authorized electronic monitoring and the resident conducting the authorized electronic monitoring does not remove or disable the electronic monitoring device, the facility may turn off the device.**

**9. Consent may be withdrawn by the resident or roommate at any time, and the withdrawal of consent shall be documented in the resident's clinical record. If a roommate withdraws consent and the resident conducting the authorized electronic monitoring does not remove or disable the electronic monitoring device, the facility may turn off the electronic monitoring device.**

**10. If a resident who is residing in a shared room wants to conduct authorized electronic monitoring and another resident living in or moving into the same shared room refuses to consent to the use of an electronic monitoring device, the facility shall make a reasonable attempt to accommodate the resident who wants to conduct authorized electronic monitoring. A facility has met the requirement to make a reasonable attempt to accommodate a resident who wants to conduct authorized electronic monitoring if, upon notification that a roommate has not consented to the use of an electronic monitoring device in his or her room, the facility offers to move either resident to another shared room that is available at the time of the request. If a resident chooses to reside in a private room in order to accommodate the use of an electronic monitoring device, the resident shall pay the private room rate. If a facility is unable to accommodate a resident due to lack of space, the facility shall reevaluate the request every two weeks until the request is fulfilled.**

**198.614. 1. Authorized electronic monitoring may begin only after a notification and consent form prescribed by the department has been completed and submitted to the facility.**

**2. A resident shall notify the facility in writing of his or her intent to install an electronic monitoring device by providing a completed notification and consent form prescribed by the department that shall include at minimum the following information:**

**(1) The resident's signed consent to electronic monitoring or the signature of the person consenting on behalf of the resident in accordance with section 198.612. If a person other than the resident signs the consent form, the form shall document the following:**

**(a) The date the resident was asked if he or she wants authorized electronic monitoring to be conducted in accordance with subsection 4 of section 198.612;**

**(b) Who was present when the resident was asked; and**

**(c) An acknowledgment that the resident did not affirmatively object;**

**(2) The resident's roommate's signed consent or the signature of the person consenting on behalf of the resident in accordance with section 198.612, if applicable, and any conditions placed on the roommate's consent. If a person other than the roommate signs the consent form, the form shall document the following:**

**(a) The date the roommate was asked if he or she wants authorized electronic monitoring to be conducted in accordance with subsection 4 of section 198.612;**

**(b) Who was present when the roommate was asked; and**

**(c) An acknowledgment that the roommate did not affirmatively object;**

**(3) The type of electronic monitoring device to be used;**

**(4) Any installation needs such as mounting of a device to a wall or ceiling;**

**(5) The proposed date of installation for scheduling purposes;**

**(6) A copy of any contract for maintenance of the electronic monitoring device by a commercial entity;**

**(7) A list of standard conditions or restrictions that the resident or a roommate may elect to place on the use of the electronic monitoring device including, but not limited to:**

**(a) Prohibiting audio recording;**

**(b) Prohibiting broadcasting of audio or video; or**

**(c) Turning off the electronic monitoring device or blocking the visual recording component of the electronic monitoring device for the duration of an exam or procedure by a health care professional; while dressing or bathing is performed; or for the duration of a visit with a spiritual advisor, ombudsman, attorney, financial planner, intimate partner, or other visitor; and**

**(8) Any other condition or restriction elected by the resident or roommate on the use of an electronic monitoring device.**

**3. A copy of the completed notification and consent form shall be placed in the resident's and any roommate's clinical record and a copy shall be provided to the resident and his or her roommate, if applicable.**

**4. The department shall prescribe the notification and consent form required in this section no later than sixty days after the effective date of sections 198.610 to 198.630. If the department has not prescribed such a form by that date, the attorney general shall post a notification and consent form on its website for resident use until the department has prescribed the form.**

**198.616. 1. A resident choosing to conduct authorized electronic monitoring shall do so at his or her own expense including paying purchase, installation, maintenance, and removal costs.**

**2. If a resident chooses to install an electronic monitoring device that uses internet technology for visual or audio monitoring, such resident is responsible for contracting with an internet service provider.**

**3. The facility shall make a reasonable attempt to accommodate the resident's installation needs including, but not limited to, allowing access to the facility's telecommunications or equipment room. A facility has the burden of proving that a requested accommodation is not reasonable.**

**4. The electronic monitoring device shall be placed in a conspicuously visible location in the room.**

**5. No facility shall charge the resident a fee for the cost of electricity used by an electronic monitoring device.**

**6. All electronic monitoring device installations and supporting services shall comply with the requirements of the National Fire Protection Association (NFPA) 101 Life Safety Code (2015 edition).**

**198.618. 1. If a resident of a facility conducts authorized electronic monitoring, a sign shall be clearly and conspicuously posted at all building entrances accessible to visitors. The notice shall be entitled "Electronic Monitoring" and shall state in large, easy-to-read type, "The rooms of some residents may be monitored electronically by or on behalf of the residents.".**

**2. A sign shall be clearly and conspicuously posted at the entrance to a resident's room where authorized electronic monitoring is being conducted. The notice shall state in large, easy-to-read type, "This room is electronically monitored.".**

**3. The facility is responsible for installing and maintaining the signage required in this section.**

**198.620. 1. No person or entity shall knowingly hamper, obstruct, tamper with, or destroy an electronic monitoring device installed in a resident's room without the permission of the resident or the individual who consented on behalf of the resident in accordance with section 198.612.**

**2. No person or entity shall knowingly hamper, obstruct, tamper with, or destroy a video or audio recording obtained in accordance with sections 198.610 to 198.630 without the permission of the resident or the individual who consented on behalf of the resident in accordance with section 198.612.**

**3. A person or entity that violates this section is guilty of a class B misdemeanor. A person or entity that violates this section in the commission of or to conceal a misdemeanor offense is guilty of a class A misdemeanor. A person or entity that violates this section in the commission of or to conceal a felony offense is guilty of a class D felony.**

**4. It is not a violation of this section if a person or facility turns off the electronic monitoring device or blocks the visual recording component of the electronic monitoring device at the direction of the resident or the person who consented on behalf of the resident in accordance with section 198.612.**

**198.622. 1. No facility shall access any video or audio recording created through authorized electronic monitoring without the written consent of the resident or the person who consented on behalf of the resident in accordance with section 198.612.**

**2. Except as required under the Freedom of Information Act, a recording or copy of a recording made under sections 198.610 to 198.630 shall only be disseminated for the purpose of addressing concerns relating to the health, safety, or welfare of a resident or residents.**

**3. The resident or person who consented on behalf of the resident in accordance with section 198.612 shall provide a copy of any video or audio recording to parties involved in a civil, criminal, or administrative proceeding, upon a party's request, if the video or audio recording was made during the time period that the conduct at issue in the proceeding allegedly occurred.**

**198.624. Subject to applicable rules of evidence and procedure, any video or audio recording created through authorized electronic monitoring in accordance with the provisions of sections 198.610 to 198.630 may be admitted into evidence in a civil, criminal, or administrative proceeding if the contents of the recording have not been edited or artificially enhanced and the video recording includes the date and time the events occurred.**

**198.626. Each facility shall report to the department, in a manner prescribed by the department, the number of authorized electronic monitoring notification and consent forms received annually. The department shall report the total number of authorized electronic monitoring notification and consent forms received from facilities to the attorney general annually.**

**198.628. 1. No facility shall be civilly or criminally liable for the inadvertent or intentional disclosure of a recording by a resident or a person who consents on behalf of the resident for any purpose not authorized by sections 198.610 to 198.630.**

**2. No facility shall be civilly or criminally liable for a violation of a resident's right to privacy arising out of any electronic monitoring conducted under sections 198.610 to 198.630.**

**3. The department shall promulgate rules to implement the provisions of sections 198.610 to 198.630. 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, 2016, shall be invalid and void.**

**198.630. No person shall:**

**(1) Intentionally retaliate or discriminate against any resident for consenting to authorized electronic monitoring under sections 198.610 to 198.630; or**

**(2) Prevent the installation or use of an electronic monitoring device by a resident who has provided the facility with notice and consent as required under section 198.614.**"; and"; and

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

Representative McDaniel moved that **House Amendment No. 2 to House Amendment No. 8** be adopted.

Which motion was defeated.

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

Representative Brown (57) offered **House Amendment No. 9**.

*House Amendment No. 9*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 621, Page 5, Section 191.1146, Line 20, by inserting after all of said section and line the following:

"**192.500. 1. For purposes of this section, the following terms shall mean:**

**(1) "Cone beam computed tomography system", a medical imaging device using x-ray computed tomography to capture data using a cone-shaped x-ray beam;**

**(2) "Panoramic x-ray system", an imaging device that captures the entire mouth in a single, two-dimensional image including the teeth, upper and lower jaws, and surrounding structures and tissues.**

**2. Cone beam computed tomography systems and panoramic x-ray systems shall not be required to be inspected more frequently than every six years.**"; and

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

Representative Eggleston offered **House Amendment No. 1 to House Amendment No. 9**.

*House Amendment No. 1*
*to*
*House Amendment No. 9*

AMEND House Amendment No. 9 to House Committee Substitute for Senate Substitute for Senate Bill No. 621, Page 1, Line 12, by inserting immediately after all of said line the following:

"Further amend said bill, Page 22, Section 335.175, Line 33, by inserting immediately after all of said line the following:

"**376.525. The highest rate that a health care provider shall accept as payment in full for health care services from an uninsured individual or an individual not utilizing insurance to pay for such services shall be no greater than the lowest rate that the provider accepts from a health carrier or Medicare as payment in full for the same or similar health care services.**";and"; and

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

On motion of Representative Eggleston, **House Amendment No. 1 to House Amendment No. 9** was adopted.

Representative Hill offered **House Amendment No. 2 to House Amendment No. 9**.

*House Amendment No. 2*
*to*
*House Amendment No. 9*

AMEND House Amendment No. 9 to House Committee Substitute for Senate Substitute for Senate Bill No. 621, Page 1, Line 3, by inserting after all of said section and line the following:

"Further amend said bill, Page 3, Section 191.596, Line 38, by inserting after all of said section and line the following:

"**191.875. 1. This section shall be known as the "Health Care Cost Reduction and Transparency Act".**

**2. As used in this section, the following terms shall mean:**

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

**(2) "DRG", diagnosis related group;**

**(3) "Estimate of cost", an estimate based on the information entered and assumptions about typical utilization and costs for health care services. Such estimates of cost shall encompass only those services within the direct control of the health care provider and shall include the following:**

**(a) The amount that will be charged to a patient for the health services if all charges are paid in full without a public or private third party paying for any portion of the charges;**

**(b) The average negotiated settlement on the amount that will be charged to a patient required to be provided in paragraph (a) of this subdivision;**

**(c) The amount of any MO HealthNet reimbursement for the health care services, including claims and pro rata supplemental payments, if known;**

**(d) The amount of any Medicare reimbursement for the medical services, if known; and**

**(e) The amount of any insurance copayments for the health benefit plan of the patient, if known;**

**(4) "Health care provider", any ambulatory surgical center, assistant physician, chiropractor, clinical psychologist, dentist, hospital, long-term care facility, nurse anesthetist, optometrist, pharmacist, physical therapist, physician, physician assistant, podiatrist, registered nurse, or other licensed health care facility or professional providing health care services in this state. In addition, a health care provider shall also include any provider located in a Kansas border county, as defined in section 135.1670, who participates in the MO HealthNet program. To participate in the MO HealthNet program such provider shall comply with the provisions of this section. If such provider, for any reason, does not comply with such condition of participation, then a health care provider, as defined in this section, shall not include any provider located in a Missouri border county, as defined in section 135.670.;**

**(5) "Health carrier", an entity as such term is defined under section 376.1350;**

**(6) "Hospital", as such term is defined under section 197.020;**

**(7) "Insurance costs", an estimate of cost of covered services provided by a health carrier based on a specific insured's coverage and health care services to be provided. Such insurance cost shall include:**

**(a) The average negotiated reimbursement amount to any health care provider;**

**(b) Any deductibles, copayments, or coinsurance amounts, including those whose disclosure is mandated under section 376.446; and**

**(c) Any amounts not covered under the health benefit plan;**

**(8) "Public or private third party", a state government, the federal government, employer, health carrier, third-party administrator, or managed care organization.**

**3. On or after July 1, 2017, any patient or consumer of health care services who makes a written request for an estimate of the cost of health care services from a health care provider shall be provided such estimate no later than five business days after receiving such request, except when the requested information is posted on the department's website under subsection 8 of this section. Any patient or consumer of health care services who makes a written request for the insurance costs from such patient's or consumer's health carrier shall be provided such insurance costs no later than five business days after receiving such request. The provisions of this subsection shall not apply to emergency health care services.**

**4. Health care providers, and the department under subsection 8 of this section, shall include with any estimate of costs the following: "Your estimated cost is based on the information entered and assumptions about typical utilization and costs. The actual amount billed to you may be different from the estimate of costs provided to you. Many factors affect the actual bill you will receive, and this estimate of costs does not account for all of them. Additionally, the estimate of costs is not a guarantee of insurance coverage. You will be billed at the health care provider's charge for any service provided to you that is not a covered benefit under your plan. Please check with your insurance company to receive an estimate of the amount you will owe under your plan or if you need help understanding your benefits for the service chosen.".**

**5. Health carriers shall include with any insurance costs the following: "Your insurance costs are based on the information entered and assumptions about typical utilization and costs. The actual amount of insurance costs and the amount billed to you may be different from the insurance costs provided to you. Many factors affect the actual insurance costs, and the insurance costs provided do not account for all of them. Additionally, the insurance costs provided are limited to the specific information provided and are not a guarantee of insurance coverage for additional services. You will be billed at the health care provider's charge for any service provided to you that is not a covered benefit under your plan. You may contact us if you need further assistance in understanding your benefits for the service chosen.".**

**6. Each health care provider shall also make available the percentage or amount of any discounts for cash payment of any charges incurred through the health care provider's website or by making it available at the health care provider's location.**

**7. Nothing in this section shall be construed as violating any health care provider contract provisions with a health carrier that prohibit disclosure of the health care provider's fee schedule with a health carrier to third parties.**

**8. The department shall make available to the public on its website the most current price information it receives from hospitals under subsections 9 and 10 of this section. The department shall provide this information in a manner that is easily understood by the public and meets the following minimum requirements:**

**(1) Information for each participating hospital shall be listed separately and hospitals shall be listed in groups by category as determined by the department in rules adopted under this section; and**

**(2) Information for each hospital outpatient department shall be listed separately.**

**9. Beginning with the quarter ending June 30, 2017, and quarterly thereafter, each participating hospital shall provide to the department, in the manner and format determined by the department, the following information about the one hundred most frequently reported admissions by DRG for inpatients as established by the department:**

**(1) The amount that will be charged to a patient for each DRG if all charges are paid in full without a public or private third party paying for any portion of the charges;**

**(2) The average negotiated settlement on the amount that will be charged to a patient required to be provided in subdivision (1) of this subsection;**

**(3) The amount of MO HealthNet reimbursement for each DRG, including claims and pro rata supplemental payments; and**

**(4) The amount of Medicare reimbursement for each DRG.**

**A hospital shall not report or be required to report the information required by this subsection for any of the one hundred most frequently reported admissions where the reporting of that information reasonably could lead to the identification of the person or persons admitted to the hospital in violation of the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA) or other federal law.**

**10. Beginning with the quarter ending June 30, 2017, and quarterly thereafter, each participating hospital shall provide to the department, in a manner and format determined by the department, information on the total costs for the twenty most common outpatient surgical procedures and the twenty most common imaging procedures, by volume, performed in hospital outpatient settings. Participating hospitals shall report this information in the same manner as required by subsection 9 of this section, provided that hospitals shall not report or be required to report the information required by this subsection where the reporting of that information reasonably could lead to the identification of the person or persons admitted to the hospital in violation of HIPAA or other federal law.**

**11. A hospital shall provide the information specified under subsections 9 and 10 of this section to the department. A hospital which does so shall not be required to provide that information pursuant to subsection 3 of this section.**

**12. Any data disclosed to the department by a hospital under subsections 9 and 10 of this section shall be the sole property of the hospital that submitted the data. Any data or product derived from the data disclosed under subsections 9 and 10 of this section, including a consolidation or analysis of the data, shall be the sole property of the state. Any proprietary information received by the department shall be a proprietary interest and may be closed under the provisions of subdivision (15) of section 610.021. The department shall not allow information it receives or discloses under subsections 9 and 10 of this section to be used by any person or entity for commercial purposes.**

**13. The department shall promulgate rules to implement the provisions of this section. The rules relating to subsections 8 to 12 of this section shall include all of the following:**

**(1) The one hundred most frequently reported DRGs for inpatients for which participating hospitals will provide the data required under subsection 9 of this section;**

**(2) Specific categories by which hospitals shall be grouped for the purpose of disclosing this information to the public on the department's website; and**

**(3) The twenty most common outpatient surgical procedures and the twenty most common imaging procedures, by volume, performed in a hospital outpatient setting required under subsection 10 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, 2016, shall be invalid and void.**"; and"; and

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

On motion of Representative Hill, **House Amendment No. 2 to House Amendment No. 9** was adopted.

On motion of Representative Brown (57), **House Amendment No. 9, as amended**, was adopted.

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

*House Amendment No. 10*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 621, Page 1, Section 9.154, Line 11, by inserting after all of said section and line the following:

"**96.192. 1. The board of trustees of any hospital authorized under subsection 2 of this section, and established and organized under the provisions of sections 96.150 to 96.229, may invest up to twenty-five percent of the hospital's funds not required for immediate disbursement in obligations or for the operation of the hospital in any United States investment grade fixed income funds or any diversified stock funds, or both.**

**2. The provisions of this section shall only apply if the hospital:**

**(1) Receives less than one percent of its annual revenues from municipal, county, or state taxes; and**

**(2) Receives less than one percent of its annual revenue from appropriated funds from the municipality in which such hospital is located.**"; and

Further amend said bill, Page 5, Section 191.1146, Line 20, by inserting after all of said line the following:

"197.315. 1. Any person who proposes to develop or offer a new institutional health service within the state must obtain a certificate of need from the committee prior to the time such services are offered.

2. Only those new institutional health services which are found by the committee to be needed shall be granted a certificate of need. Only those new institutional health services which are granted certificates of need shall be offered or developed within the state. No expenditures for new institutional health services in excess of the applicable expenditure minimum shall be made by any person unless a certificate of need has been granted.

3. After October 1, 1980, no state agency charged by statute to license or certify health care facilities shall issue a license to or certify any such facility, or distinct part of such facility, that is developed without obtaining a certificate of need.

4. If any person proposes to develop any new institutional health care service without a certificate of need as required by sections 197.300 to 197.366, the committee shall notify the attorney general, and he shall apply for an injunction or other appropriate legal action in any court of this state against that person.

5. After October 1, 1980, no agency of state government may appropriate or grant funds to or make payment of any funds to any person or health care facility which has not first obtained every certificate of need required pursuant to sections 197.300 to 197.366.

6. A certificate of need shall be issued only for the premises and persons named in the application and is not transferable except by consent of the committee.

7. Project cost increases, due to changes in the project application as approved or due to project change orders, exceeding the initial estimate by more than ten percent shall not be incurred without consent of the committee.

8. Periodic reports to the committee shall be required of any applicant who has been granted a certificate of need until the project has been completed. The committee may order the forfeiture of the certificate of need upon failure of the applicant to file any such report.

9. A certificate of need shall be subject to forfeiture for failure to incur a capital expenditure on any approved project within six months after the date of the order. The applicant may request an extension from the committee of not more than six additional months based upon substantial expenditure made.

10. Each application for a certificate of need must be accompanied by an application fee. The time of filing commences with the receipt of the application and the application fee. The application fee is one thousand dollars, or one-tenth of one percent of the total cost of the proposed project, whichever is greater. All application fees shall be deposited in the state treasury. Because of the loss of federal funds, the general assembly will appropriate funds to the Missouri health facilities review committee.

11. In determining whether a certificate of need should be granted, no consideration shall be given to the facilities or equipment of any other health care facility located more than a fifteen-mile radius from the applying facility.

12. When a nursing facility shifts from a skilled to an intermediate level of nursing care, it may return to the higher level of care if it meets the licensure requirements, without obtaining a certificate of need.

13. In no event shall a certificate of need be denied because the applicant refuses to provide abortion services or information.

14. A certificate of need shall not be required for the transfer of ownership of an existing and operational health facility in its entirety.

15. A certificate of need may be granted to a facility for an expansion, an addition of services, a new institutional service, or for a new hospital facility which provides for something less than that which was sought in the application.

16. The provisions of this section shall not apply to facilities operated by the state, and appropriation of funds to such facilities by the general assembly shall be deemed in compliance with this section, and such facilities shall be deemed to have received an appropriate certificate of need without payment of any fee or charge. **The provisions of this subsection shall not apply to hospitals operated**

**by the state and licensed under chapter 197, except for department of mental health state-operated psychiatric hospitals.**

17. Notwithstanding other provisions of this section, a certificate of need may be issued after July 1, 1983, for an intermediate care facility operated exclusively for the intellectually disabled.

18. To assure the safe, appropriate, and cost-effective transfer of new medical technology throughout the state, a certificate of need shall not be required for the purchase and operation of**:**

**(1)** Research equipment that is to be used in a clinical trial that has received written approval from a duly constituted institutional review board of an accredited school of medicine or osteopathy located in Missouri to establish its safety and efficacy and does not increase the bed complement of the institution in which the equipment is to be located. After the clinical trial has been completed, a certificate of need must be obtained for continued use in such facility**; or**

**(2) Equipment that is to be used by an academic health center operated by the state in furtherance of its research or teaching missions**."; and

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

Representative Barnes offered **House Amendment No. 1 to House Amendment No. 10**.

*House Amendment No. 1*
*to*
*House Amendment No. 10*

AMEND House Amendment No. 10 to House Committee Substitute for Senate Substitute for Senate Bill No. 621, Page 1, Line 12, by deleting all of said line and inserting in lieu thereof the following:

"**municipality in which such hospital is located.**

**105.263. 1. Any employee of the state of Missouri shall be granted ten consecutive work days of paid parental leave for the birth of a child of the employee or because of the finalization of an adoption by the employee of a child who is under two years of age. Such paid parental leave shall be separate from any other type of paid leave granted to such employee.**

**2. An employee eligible to take the paid leave described under subsection 1 of this section shall not be required to use all or any portion of any accrued vacation leave, accrued sick leave, or other type of accrued leave before being allowed to use the paid leave described under subsection 1 of this section.**

**3. An employee who intends to take the paid leave described under subsection 1 of this section shall provide reasonable notice of such intent to his or her supervisor.**

**4. The commissioner of administration may promulgate rules as necessary 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, 2016, shall be invalid and void.**"; and"; and

Further amend said amendment, Page 2, Line 38, by deleting all of said line and inserting in lieu thereof the following:

"**its research or teaching missions.**

**205.165. 1. The board of trustees of any hospital authorized under subsection 1 of this section and organized under the provisions of sections 205.160 to 205.340 may invest up to fifteen percent of their funds not required for immediate disbursement in obligations or for the operation of the hospital into any mutual fund, in the form of an investment company, in which shareholders combine money to invest in a variety of stocks, bonds, and money-market investments.**

**2. The provisions of this section shall only apply if the hospital:**

**(1) Is located within a county of the first classification with more than one hundred fifty thousand but fewer than two hundred thousand inhabitants; and**

**(2) Receives less than one percent of its annual revenues from county or state taxes.**"; and

Further amend said bill, Page 14, Section 208.670, Line 8, by deleting the word "**only**"; and

Further amend said bill, Page 15, Section 208.671, Line 25, by deleting the words "**in this state**" and inserting in lieu thereof the words "**and providing MO HealthNet services**"; and

Further amend said bill, Page 19, Section 208.677, Line 21, by deleting the word "**enrolled**"; and"; and

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

On motion of Representative Barnes, **House Amendment No. 1 to House Amendment No. 10** was adopted.

Representative Austin moved the previous question.

Which motion was adopted by the following vote:

AYES: 093

| | | | | |
|---|---|---|---|---|
| Alferman | Allen | Anderson | Andrews | Austin |
| Bahr | Barnes | Basye | Beard | Bernskoetter |
| Berry | Black | Bondon | Brattin | Brown 57 |
| Brown 94 | Burlison | Chipman | Conway 104 | Cookson |
| Corlew | Cornejo | Crawford | Cross | Curtman |
| Davis | Dohrman | Eggleston | English | Entlicher |
| Fitzpatrick | Fraker | Franklin | Frederick | Gannon |
| Haefner | Hill | Houghton | Hubrecht | Hurst |
| Johnson | Jones | Justus | Kelley | Kidd |
| King | Koenig | Kolkmeyer | Korman | Lair |
| Lant | Lichtenegger | Love | Lynch | Marshall |
| Mathews | McCaherty | Messenger | Miller | Moon |
| Morris | Muntzel | Neely | Pfautsch | Phillips |
| Pietzman | Pike | Plocher | Pogue | Redmon |
| Rehder | Reiboldt | Remole | Rhoads | Roden |
| Roeber | Rone | Ross | Rowden | Rowland 155 |
| Shaul | Shull | Shumake | Solon | Sommer |
| Swan | Taylor 139 | Taylor 145 | Vescovo | Walker |
| Wiemann | Wood | Zerr | | |

NOES: 038

| | | | | |
|---|---|---|---|---|
| Adams | Anders | Arthur | Burns | Butler |
| Carpenter | Colona | Curtis | Dunn | Gardner |
| Green | Harris | Hubbard | Hummel | Kendrick |
| Kratky | LaFaver | Lavender | May | McCann Beatty |
| McCreery | McDaniel | McGee | McNeil | Meredith |
| Mims | Mitten | Montecillo | Newman | Nichols |
| Otto | Pace | Pierson | Rizzo | Rowland 29 |
| Runions | Walton Gray | Webber | | |

PRESENT: 000

ABSENT: 031

| | | | | |
|---|---|---|---|---|
| Cierpiot | Conway 10 | Dogan | Dugger | Ellington |
| Engler | Fitzwater 144 | Fitzwater 49 | Flanigan | Haahr |
| Hansen | Hicks | Higdon | Hinson | Hoskins |
| Hough | Kirkton | Lauer | Leara | McDonald |
| McGaugh | Morgan | Norr | Parkinson | Peters |
| Ruth | Smith | Spencer | White | Wilson |
| Mr. Speaker | | | | |

VACANCIES: 001

On motion of Representative Jones, **House Amendment No. 10, as amended**, was adopted.

On motion of Representative Barnes, **HCS SS SB 621, as amended**, was adopted.

On motion of Representative Barnes, **HCS SS SB 621, as amended**, was read the third time and passed by the following vote:

AYES: 084

| | | | | |
|---|---|---|---|---|
| Alferman | Allen | Anderson | Andrews | Austin |
| Barnes | Basye | Beard | Bernskoetter | Berry |
| Black | Brattin | Brown 57 | Brown 94 | Conway 104 |
| Cookson | Corlew | Cornejo | Crawford | Cross |
| Curtis | Curtman | Davis | Dogan | Dohrman |
| Eggleston | Engler | Entlicher | Fitzwater 144 | Fitzwater 49 |
| Fraker | Franklin | Frederick | Gannon | Haahr |
| Haefner | Hansen | Hill | Houghton | Hubrecht |
| Jones | Justus | Kelley | Kendrick | King |
| Koenig | Kolkmeyer | Korman | Lair | Lant |
| Leara | Lichtenegger | Love | Lynch | Mathews |
| McCaherty | McGaugh | McNeil | Miller | Muntzel |
| Pfautsch | Phillips | Pike | Plocher | Redmon |
| Reiboldt | Rhoads | Roden | Roeber | Rowden |
| Rowland 155 | Shaul | Shull | Shumake | Solon |
| Sommer | Swan | Taylor 145 | Vescovo | Walker |
| Wiemann | Wood | Zerr | Mr. Speaker | |

NOES: 057

| | | | | |
|---|---|---|---|---|
| Adams | Anders | Arthur | Bahr | Bondon |
| Burlison | Burns | Butler | Chipman | Colona |
| Dunn | English | Fitzpatrick | Gardner | Green |
| Harris | Hubbard | Hummel | Hurst | Johnson |
| Kidd | Kratky | LaFaver | Lavender | Marshall |
| May | McCann Beatty | McCreery | McDaniel | McGee |
| Meredith | Messenger | Mims | Mitten | Montecillo |
| Moon | Morgan | Morris | Neely | Newman |
| Nichols | Otto | Pace | Pierson | Pietzman |
| Pogue | Rehder | Remole | Rizzo | Ross |
| Rowland 29 | Runions | Spencer | Taylor 139 | Walton Gray |
| Webber | Wilson | | | |

PRESENT: 001

Carpenter

ABSENT: 020

| | | | | |
|---|---|---|---|---|
| Cierpiot | Conway 10 | Dugger | Ellington | Flanigan |
| Hicks | Higdon | Hinson | Hoskins | Hough |
| Kirkton | Lauer | McDonald | Norr | Parkinson |
| Peters | Rone | Ruth | Smith | White |

VACANCIES: 001

Representative Taylor (145) declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 112

| | | | | |
|---|---|---|---|---|
| Adams | Alferman | Allen | Anders | Anderson |
| Andrews | Arthur | Austin | Bahr | Barnes |
| Basye | Black | Bondon | Brattin | Brown 57 |
| Brown 94 | Burlison | Carpenter | Chipman | Colona |
| Conway 104 | Cookson | Corlew | Cornejo | Crawford |
| Cross | Curtis | Curtman | Davis | Dogan |
| Dohrman | Eggleston | English | Entlicher | Fitzpatrick |
| Fitzwater 144 | Fitzwater 49 | Fraker | Franklin | Frederick |
| Gannon | Green | Haefner | Hansen | Harris |
| Hill | Hoskins | Houghton | Hubbard | Hubrecht |
| Hummel | Johnson | Jones | Justus | Kelley |
| Kendrick | Kidd | King | Koenig | Kolkmeyer |
| Korman | Kratky | LaFaver | Lair | Lant |
| Lavender | Leara | Lichtenegger | Love | Lynch |
| Mathews | May | McCaherty | McCreery | McGaugh |
| McNeil | Messenger | Miller | Mitten | Morgan |
| Morris | Muntzel | Pace | Pfautsch | Phillips |
| Pietzman | Pike | Plocher | Redmon | Rehder |
| Reiboldt | Remole | Rizzo | Roden | Ross |
| Rowden | Rowland 155 | Shaul | Shull | Shumake |
| Solon | Sommer | Swan | Taylor 139 | Taylor 145 |
| Vescovo | Walker | Webber | Wiemann | Wood |
| Zerr | Mr. Speaker | | | |

NOES: 028

| | | | | |
|---|---|---|---|---|
| Beard | Berry | Burns | Butler | Dunn |
| Engler | Gardner | Hurst | Marshall | McCann Beatty |
| McDaniel | McGee | Meredith | Mims | Montecillo |
| Moon | Neely | Newman | Nichols | Otto |
| Pierson | Pogue | Roeber | Rowland 29 | Runions |
| Spencer | Walton Gray | Wilson | | |

PRESENT: 000

ABSENT: 022

| | | | | |
|---|---|---|---|---|
| Bernskoetter | Cierpiot | Conway 10 | Dugger | Ellington |
| Flanigan | Haahr | Hicks | Higdon | Hinson |

| | | | | |
|---|---|---|---|---|
| Hough | Kirkton | Lauer | McDonald | Norr |
| Parkinson | Peters | Rhoads | Rone | Ruth |
| Smith | White | | | |

VACANCIES: 001

## MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HB 1562** entitled:

An act to repeal sections 566.210, 566.211, 566.212, and 566.213, RSMo, section 566.209 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, and section 566.209 as enacted by house bill no. 214, ninety-sixth general assembly, first regular session, and to enact in lieu thereof five new sections relating to sexual trafficking of a child, with penalty provisions.

With Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 3, Senate Amendment No. 4, Senate Amendment No. 5, and Senate Amendment No. 6.

*Senate Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 1562, Page 1, Section Title, Line 6, by striking the following:

"of a child".

*Senate Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 1562, Page 1, Section A, Line 5, by inserting after all of said line the following:

"**510.035. 1. Except as provided in subsection 2 of this section, any visual or aural recordings or photographs of a minor who is alleged to be the victim of an offense under chapter 566 created by or in the possession of a child assessment center, health care provider, or multidisciplinary team member shall not be copied or distributed to any person or entity, unless required by supreme court rule 25.03 or if a court orders such copying or distribution upon a showing of good cause after notice and a hearing and after considering the safety and privacy interests of any victim.**

**2. The following persons or entities may access or share any copies of visual or aural recordings or photographs as described in subsection 1 of this section for the following purposes:**

**(1) Multidisciplinary team members as part of an investigation, as well as for the provision of protective or preventive social services for minors and their families. For purposes of this section, multidisciplinary team members shall consist of representatives of law enforcement, the children's division, the prosecuting attorney, the child assessment center, the juvenile office, and the health care provider;**

**(2) Department of social services employees and their legal counsel as part of the provision of child protection as described in section 210.109, as well as for use in administrative proceedings as established by department regulations or through the administrative hearing commission as provided under section 621.075;**

**(3) Department of mental health employees and their legal counsel as part of an investigation conducted under section 630.167, as well as for use in administrative proceedings as established by department regulations or through the administrative hearing commission as provided under section 621.075;**

**(4) The office of child advocate as part of a review under section 37.710;**

**(5) The child abuse and neglect review board as part of a review under sections 210.152 and 210.153; and**

**(6) The attorney general as part of a legal proceeding.**

**3. If a court orders the copying or distribution of visual or aural recordings or photographs as described in subsection 1 of this section, the order shall:**

**(1) Be limited solely to the use of the recordings or photographs for the purposes of a pending court proceeding or in preparation for a pending court proceeding;**

**(2) Prohibit further copying, reproduction, or distribution of the recordings or photographs; and**

**(3) Require, upon the final disposition of the case, the return of all copies to the health care provider, child assessment center or multidisciplinary team member that originally had possession of the recordings or photographs, or provide an affidavit to the health care provider, child assessment center, or multidisciplinary team member that originally had possession of the recordings or photographs certifying that all copies have been destroyed.**

**4. Nothing in this section shall prohibit multidisciplinary team members from exercising discretion to grant access to viewing, but not copying, the visual or aural recordings or photographs.**"; and

"**545.950. 1. Except as provided by subsection 2 of this section, the defendant, the defendant's attorney, or an investigator, expert, consulting legal counsel, or other agent of the defendant's attorney shall not copy or distribute to a third party any visual or aural recordings or photographs of a minor who is alleged to be the victim of an offense under chapter 566 created by or in the possession of a child assessment center, health care provider, or multidisciplinary team member unless a court orders the copying or distribution upon a showing of good cause after notice and a hearing and after considering the safety and privacy interests of any victim.**

**2. The defendant's attorney or an investigator, expert, consulting legal counsel, or agent for the defendant's attorney may allow a defendant, witness, or prospective witness to view the information provided under this section, but shall not allow such person to have copies of the information provided.**

**3. If a court orders the copying or distribution of visual or aural recordings or photographs as described in subsection 1 of this section, the order shall:**

**(1) Be limited solely to the use of the recordings or photographs for the purposes of a pending court proceeding or in preparation for a pending court proceeding;**

**(2) Prohibit further copying, reproduction, or distribution of the recordings or photographs; and**

**(3) Require, upon the final disposition of the case, the return of all copies to the health care provider, child assessment center, or multidisciplinary team member that originally had possession of the recordings or photographs, or provide an affidavit to the health care provider, child assessment center, or multidisciplinary team member that originally had possession of the recordings or photographs certifying that all copies have been destroyed.**"; and

Further amend said bill, Page 4, Section 566.213, Line 22, by inserting after all of said section and line the following:

"595.226. 1. After August 28, 2007, any information contained in any court record, whether written or published on the internet, **including any visual or aural recordings** that could be used to identify or locate any victim of an offense under chapter 566 or a victim of domestic assault or stalking shall be closed and redacted from such record prior to disclosure to the public. Identifying information shall include the name, home or temporary address, telephone number, Social Security number, place of employment, or physical characteristics**, including an unobstructed visual image of the victim's face or body**.

2. If the court determines that a person or entity who is requesting identifying information of a victim has a legitimate interest in obtaining such information, the court may allow access to the information, but only if the court determines that disclosure to the person or entity would not compromise the welfare or safety of such victim, and only after providing reasonable notice to the victim and after allowing the victim the right to respond to such request.

3. Notwithstanding the provisions of subsection 1 of this section, the judge presiding over a case under chapter 566, or a case of domestic assault or stalking shall have the discretion to publicly disclose identifying information regarding the defendant which could be used to identify or locate the victim of the crime. The victim may provide a statement to the court regarding whether he or she desires such information to remain closed. When making the decision to disclose such information, the judge shall consider the welfare and safety of the victim and any statement to the court received from the victim regarding the disclosure."; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 3*

AMEND House Committee Substitute for House Bill No. 1562, Page 4, Section 566.213, Line 22, by inserting immediately after said line the following:

"589.660. As used in sections 589.660 to 589.681, the following terms mean:

(1) "Address", a residential street address, school address, or work address of a person, as specified on the person's application to be a program participant;

(2) "Application assistant", an employee of a state or local agency, or of a nonprofit program that provides counseling, referral, shelter, or other specialized service to victims of domestic violence, rape, sexual assault, **human trafficking,** or stalking, who has been designated by the respective agency or program, and who has been trained and registered by the secretary of state to assist individuals in the completion of program participation applications;

(3) "Designated address", the address assigned to a program participant by the secretary;

(4) "Mailing address", an address that is recognized for delivery by the United States Postal Service;

(5) "Program", the address confidentiality program established in section 589.663;

(6) "Program participant", a person certified by the secretary of state as eligible to participate in the address confidentiality program;

(7) "Secretary", the secretary of state.

589.663. There is created in the office of the secretary of state a program to be known as the "Address Confidentiality Program" to protect victims of domestic violence, rape, sexual assault, **human trafficking,** or stalking by authorizing the use of designated addresses for such victims and their minor children. The program shall be administered by the secretary under the following application and certification procedures:

(1) An adult person, a parent or guardian acting on behalf of a minor, or a guardian acting on behalf of an incapacitated person may apply to the secretary to have a designated address assigned by the secretary to serve as the person's address or the address of the minor or incapacitated person;

(2) The secretary may approve an application only if it is filed with the office of the secretary in the manner established by rule and on a form prescribed by the secretary. A completed application shall contain:

(a) The application preparation date, the applicant's signature, and the signature and registration number of the application assistant who assisted the applicant in applying to be a program participant;

(b) A designation of the secretary as agent for purposes of service of process and for receipt of first-class mail, legal documents, and certified mail;

(c) A sworn statement by the applicant that the applicant has good reason to believe that he or she:

a. Is a victim of domestic violence, rape, sexual assault, **human trafficking,** or stalking; and

b. Fears further violent acts from his or her assailant;

(d) The mailing address where the applicant may be contacted by the secretary or a designee and the telephone number or numbers where the applicant may be called by the secretary or the secretary's designee; and

(e) One or more addresses that the applicant requests not be disclosed for the reason that disclosure will jeopardize the applicant's safety or increase the risk of violence to the applicant or members of the applicant's household;

(3) Upon receipt of a properly completed application, the secretary may certify the applicant as a program participant. A program participant is certified for four years following the date of initial certification unless the certification is withdrawn or cancelled before that date. The secretary shall send notification of lapsing certification and a reapplication form to a program participant at least four weeks prior to the expiration of the program participant's certification;

(4) The secretary shall forward first class mail, legal documents, and certified mail to the appropriate program participants."; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 4*

AMEND House Committee Substitute for House Bill No. 1562, Page 1, Section Title, Line 6, by striking "trafficking of a child" and inserting in lieu thereof the following:

"offenses".

*Senate Amendment No. 5*

AMEND House Committee Substitute for House Bill No. 1562, Page 1, Section A, Line 5, by inserting immediately after said line the following:

"565.225. 1. As used in this section and section 565.227, the term "disturbs" shall mean to engage in a course of conduct directed at a specific person that serves no legitimate purpose and that would cause a reasonable person under the circumstances to be frightened, intimidated, or emotionally distressed.

2. A person commits the offense of stalking in the first degree if he or she purposely, through his or her course of conduct, disturbs or follows with the intent of disturbing another person and:

(1) Makes a threat communicated with the intent to cause the person who is the target of the threat to reasonably fear for his or her safety, the safety of his or her family or household member, or the safety of domestic animals or livestock as defined in section 276.606 kept at such person's residence or on such person's property. The threat shall be against the life of, or a threat to cause physical injury to, or the kidnapping of the person, the person's family or household members, or the person's domestic animals or livestock as defined in section 276.606 kept at such person's residence or on such person's property; or

(2) At least one of the acts constituting the course of conduct is in violation of an order of protection and the person has received actual notice of such order; or

(3) At least one of the actions constituting the course of conduct is in violation of a condition of probation, parole, pretrial release, or release on bond pending appeal; or

(4) At any time during the course of conduct, the other person is seventeen years of age or younger and the person disturbing the other person is twenty-one years of age or older; or

(5) He or she has previously been found guilty of domestic assault, violation of an order of protection, or any other crime where the other person was the victim**; or**

**(6) At any time during the course of conduct, the other person is a participant of the address confidentiality program under sections 589.660 to 589.681, and the person disturbing the other person knowingly accesses or attempts to access the address of the other person**.

3. Any law enforcement officer may arrest, without a warrant, any person he or she has probable cause to believe has violated the provisions of this section.

4. This section shall not apply to activities of federal, state, county, or municipal law enforcement officers conducting investigations of any violation of federal, state, county, or municipal law.

5. The offense of stalking in the first degree is a class E felony, unless the defendant has previously been found guilty of a violation of this section or section 565.227, or any offense committed in another jurisdiction which, if committed in this state, would be chargeable or indictable as a violation of any offense listed in this section or section 565.227, in which case stalking in the first degree is a class D felony.

565.225. 1. As used in this section, the following terms shall mean:

(1) "Course of conduct", a pattern of conduct composed of two or more acts, which may include communication by any means, over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of course of conduct. Such constitutionally protected activity includes picketing or other organized protests;

(2) "Credible threat", a threat communicated with the intent to cause the person who is the target of the threat to reasonably fear for his or her safety, or the safety of his or her family, or household members or domestic animals or livestock as defined in section 276.606 kept at such person's residence or on such person's property. The threat must be against the life of, or a threat to cause physical injury to, or the kidnapping of, the person, the person's family, or the person's household members or domestic animals or livestock as defined in section 276.606 kept at such person's residence or on such person's property;

(3) "Harasses", to engage in a course of conduct directed at a specific person that serves no legitimate purpose, that would cause a reasonable person under the circumstances to be frightened, intimidated, or emotionally distressed.

2. A person commits the crime of stalking if he or she purposely, through his or her course of conduct, harasses or follows with the intent of harassing another person.

3. A person commits the crime of aggravated stalking if he or she purposely, through his or her course of conduct, harasses or follows with the intent of harassing another person, and:

(1) Makes a credible threat; or

(2) At least one of the acts constituting the course of conduct is in violation of an order of protection and the person has received actual notice of such order; or

(3) At least one of the actions constituting the course of conduct is in violation of a condition of probation, parole, pretrial release, or release on bond pending appeal; or

(4) At any time during the course of conduct, the other person is seventeen years of age or younger and the person harassing the other person is twenty-one years of age or older; or

(5) He or she has previously pleaded guilty to or been found guilty of domestic assault, violation of an order of protection, or any other crime where the other person was the victim**; or**

**(6) At any time during the course of conduct, the other person is a participant of the address confidentiality program under sections 589.660 to 589.681, and the person harassing the other person knowingly accesses or attempts to access the address of the other person**.

4. The crime of stalking shall be a class A misdemeanor unless the person has previously pleaded guilty to or been found guilty of a violation of this section, or of any offense committed in violation of any county or municipal ordinance in any state, any state law, any federal law, or any military law which, if committed in this state, would be chargeable or indictable as a violation of any offense listed in this section, in which case stalking shall be a class D felony.

5. The crime of aggravated stalking shall be a class D felony unless the person has previously pleaded guilty to or been found guilty of a violation of this section, or of any offense committed in violation of any county or municipal ordinance in any state, any state law, any federal law, or any military law which, if committed in this state, would be chargeable or indictable as a violation of any offense listed in this section, aggravated stalking shall be a class C felony.

6. Any law enforcement officer may arrest, without a warrant, any person he or she has probable cause to believe has violated the provisions of this section.

7. This section shall not apply to activities of federal, state, county, or municipal law enforcement officers conducting investigations of violation of federal, state, county, or municipal law."; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 6*

AMEND House Committee Substitute for House Bill No. 1562, Page 1, Section Title, Lines 5-6, by striking "sexual trafficking of a child" and inserting in lieu thereof the following:

"victims of crime".

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 adopted **SCR 67**.

In which the concurrence of the House is respectfully requested.

## REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

**HCS HB 1561** - Fiscal Review
**HCS HB 1562** - Fiscal Review
**HCS HB 1605** - Fiscal Review

**HCS HB 1955** - Fiscal Review
**HCS HB 2213** - Fiscal Review

## REFERRAL OF SENATE BILL

The following Senate Bill was referred to the Committee indicated:

**HCS SS SB 732** - Fiscal Review

## COMMITTEE REPORTS

**Committee on Children and Families**, Chairman Franklin reporting:

Mr. Speaker: Your Committee on Children and Families, to which was referred **HB 2492**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 27(12) be referred to the Select Committee on Social Services.

Mr. Speaker: Your Committee on Children and Families, to which was referred **HB 2558**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1**, and pursuant to Rule 27(12) be referred to the Select Committee on Social Services.

*House Committee Amendment No. 1*

AMEND House Bill No. 2558, Page 1, Section 452.375, Lines 4 through 9, by deleting all of said lines and inserting in lieu thereof the following:

"(2) "**In vitro human embryo", any human embryo at any stage of development**"; and

Further amend said bill and section, Pages 1 and 2, by renumbering subsequent subdivisions accordingly; and

Further amend said bill and section, Page 5, Line 152, by deleting all of said line and inserting in lieu thereof the following:

"**standards, which shall apply solely to such custody disputes:**"; and

Further amend said bill, page and section, Lines 153 through 159, by deleting all of said lines from the bill; and

Further amend said bill and section, Pages 5 and 6, by renumbering subsequent subdivisions accordingly; and

Further amend said bill and section, Page 6, Line 162, by deleting the words "**him or her**" and inserting in lieu thereof the words "**such embryo**"; and

Further amend said bill, page and section, Line 170, by inserting immediately after the word "**case**" the words "**involving the custody of an in vitro human embryo**"; and

Further amend said bill, page, section and line, by deleting the words "**DNA donor,**"; and

Further amend said bill, page and section, Line 175, by deleting the word "**disposition**" and inserting in lieu thereof the word "**custody**"; and

Further amend said bill, page and section, Line 176, by deleting the word "**section**" and inserting in lieu thereof the word "**subsection**"; and

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

Mr. Speaker: Your Committee on Children and Families, to which was referred **HB 2624**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 27(12) be referred to the Select Committee on Social Services.

Mr. Speaker: Your Committee on Children and Families, to which was referred **SCS SBs 688 & 854**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1**, and pursuant to Rule 27(12) be referred to the Select Committee on Social Services.

*House Committee Amendment No. 1*

AMEND Senate Committee Substitute for Senate Bill Nos. 688 & 854, Page 1, Section 208.952, Line 11, by deleting all of said line and inserting in lieu thereof the following:

"**independence from safety net programs among participants as may be**"; and

Further amend said bill and section, Page 2, Line 18, by deleting the word "**supplemental**" and inserting in lieu thereof the words "**the supplemental**"; and

Further amend said bill, page and section, Line 29, by inserting immediately after the word "house" the words "**of representatives**"; and

Further amend said bill, page and section, Lines 33 and 34, by deleting all of said lines and inserting in lieu thereof the following:

"(3) The chair and the ranking minority member of the **standing** house **of representatives** committee [on appropriations for health, mental health, and social services] **designated to**"; and

Further amend said bill, page and section, Line 42, by deleting the word "house" and inserting in lieu thereof the word "**[**house**] chamber**"; and

Further amend said bill and section, Page 3, Line 65, by inserting immediately after the word "**house**" the words "**of representatives**"; and

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

**Committee on Consumer Affairs**, Chairman Parkinson reporting:

Mr. Speaker: Your Committee on Consumer Affairs, to which was referred **HB 2411**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1 to House Committee Amendment No. 1** and **House Committee Amendment No. 1, as amended**, and pursuant to Rule 27(9) be referred to the Select Committee on Judiciary.

*House Committee Amendment No. 1*
*to*
*House Committee Amendment No. 1*

AMEND House Committee Amendment No.1 to House Bill No. 2411, Page 1, Lines 1-2, by deleting all of said lines and inserting in lieu thereof the following:

"AMEND House Bill No. 2411, Page 1, In the Title, Line 3, by deleting the phrase "motor vehicle franchise practices" and inserting in lieu thereof the phrase "the definition of the term motor vehicle"; and

Further amend said bill, Pages 1-15, Section 407.825, Lines 1-515, and Section 407.826, Pages 15-17, Lines 1-67, by deleting all of said sections and lines and inserting in lieu thereof the following:"; and

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

*House Committee Amendment No. 1*

AMEND House Bill No. 2411, Page 1, Section A, Line 2, by inserting after all of said section and line the following:

"301.550. 1. The definitions contained in section 301.010 shall apply to sections 301.550 to 301.573, and in addition as used in sections 301.550 to 301.573, the following terms mean:

(1) "Boat dealer", any natural person, partnership, or corporation who, for a commission or with an intent to make a profit or gain of money or other thing of value, sells, barters, exchanges, leases or rents with the option to purchase, offers, attempts to sell, or negotiates the sale of any vessel or vessel trailer, whether or not the vessel or vessel trailer is owned by such person. The sale of six or more vessels or vessel trailers or both in any calendar year shall be required as evidence that such person is eligible for licensure as a boat dealer under sections 301.550 to 301.573. The boat dealer shall demonstrate eligibility for renewal of his license by selling six or more vessels or vessel trailers or both in the prior calendar year while licensed as a boat dealer pursuant to sections 301.550 to 301.573;

(2) "Boat manufacturer", any person engaged in the manufacturing, assembling or modification of new vessels or vessel trailers as a regular business, including a person, partnership or corporation which acts for and is under the control of a manufacturer or assembly in connection with the distribution of vessels or vessel trailers;

(3) "Department", the Missouri department of revenue;

(4) "Director", the director of the Missouri department of revenue;

(5) "Emergency vehicles", motor vehicles used as ambulances, law enforcement vehicles, and fire fighting and assistance vehicles;

(6) "Manufacturer", any person engaged in the manufacturing, assembling or modification of new motor vehicles or trailers as a regular business, including a person, partnership or corporation which acts for and is under the control of a manufacturer or assembly in connection with the distribution of motor vehicles or accessories for motor vehicles;

(7) "Motor vehicle broker", a person who holds himself out through solicitation, advertisement, or otherwise as one who offers to arrange a transaction involving the retail sale of a motor vehicle, and who is not:

(a) A dealer, or any agent, or any employee of a dealer when acting on behalf of a dealer;

(b) A manufacturer, or any agent, or employee of a manufacturer when acting on behalf of a manufacturer;

(c) The owner of the vehicle involved in the transaction; or

(d) A public motor vehicle auction or wholesale motor vehicle auction where buyers are licensed dealers in this or any other jurisdiction;

(8) "Motor vehicle dealer" or "dealer", any person who, for commission or with an intent to make a profit or gain of money or other thing of value, sells, barters, exchanges, leases or rents with the option to purchase, or who offers or attempts to sell or negotiates the sale of motor vehicles or trailers whether or not the motor vehicles or trailers are owned by such person; provided, however, an individual auctioneer or auction conducted by an auctioneer licensed pursuant to chapter 343 shall not be included within the definition of a motor vehicle dealer. The sale of six or more motor vehicles or trailers in any calendar year shall be required as evidence that such person is engaged in the motor vehicle business and is eligible for licensure as a motor vehicle dealer under sections 301.550 to 301.573. Any motor vehicle dealer licensed before August 28, 2007, shall be required to meet the

minimum calendar year sales of six or more motor vehicles provided the dealer can prove the business achieved, cumulatively, six or more sales per year for the preceding twenty-four months in business; or if the dealer has not been in business for twenty-four months, the cumulative equivalent of one sale every two months for the months the dealer has been in business before August 28, 2007. Any licensed motor vehicle dealer failing to meet the minimum vehicle sales requirements as referenced in this subsection shall not be qualified to renew his or her license for one year. Applicants who reapply after the one-year period shall meet the requirement of six sales per year;

(9) "New motor vehicle", any motor vehicle being transferred for the first time from a manufacturer, distributor or new vehicle dealer which has not been registered or titled in this state or any other state and which is offered for sale, barter or exchange by a dealer who is franchised to sell, barter or exchange that particular make of motor vehicle. The term "new motor vehicle" shall not include manufactured homes, as defined in section 700.010;

(10) "New motor vehicle franchise dealer", any motor vehicle dealer who has been franchised to deal in a certain make of motor vehicle by the manufacturer or distributor of that make and motor vehicle and who may, in line with conducting his business as a franchise dealer, sell, barter or exchange used motor vehicles;

(11) "Person" includes an individual, a partnership, corporation, an unincorporated society or association, joint venture or any other entity;

(12) "Powersport dealer", any motor vehicle dealer who sells, either pursuant to a franchise agreement or otherwise, primarily motor vehicles including but not limited to motorcycles, all-terrain vehicles, and personal watercraft, as those terms are defined in this chapter and chapter 306;

(13) "Public motor vehicle auction", any person, firm or corporation who takes possession of a motor vehicle whether by consignment, bailment or any other arrangement, except by title, for the purpose of selling motor vehicles at a public auction by a licensed auctioneer;

(14) "Recreational motor vehicle dealer", a dealer of new or used motor vehicles designed, constructed or substantially modified for use as temporary housing quarters, including sleeping and eating facilities which are either permanently attached to the motor vehicle or attached to a unit which is securely attached to the motor vehicle;

(15) "Storage lot", an area within the same city or county where a dealer may store excess vehicle inventory;

(16) "Trailer dealer", any person selling, either exclusively or otherwise, trailers as defined in subdivision (60) of section 301.010. A trailer dealer may acquire a motor vehicle for resale only as a trade-in for a trailer. Notwithstanding the provisions of subdivision (11) of section 301.010 and section 301.069, trailer dealers may purchase one driveaway license plate to display such motor vehicle for demonstration purposes. The sale of six or more trailers in any calendar year shall be required as evidence that such person is engaged in the trailer business and is eligible for licensure as a trailer dealer under sections 301.550 to 301.573. Any trailer dealer licensed before August 28, 2007, shall be required to meet the minimum calendar year sales of six or more trailers provided the dealer can prove the business achieved, cumulatively, six or more sales per year for the preceding twenty-four months in business; or if the dealer has not been in business for twenty-four months, the cumulative equivalent of one sale every two months for the months the dealer has been in business before August 28, 2007. Any licensed trailer dealer failing to meet the minimum trailer and vehicle sales requirements as referenced in this subsection shall not be qualified to renew his or her license for one year. Applicants who reapply after the one-year period shall meet the requirement of six sales per year;

(17) "Used motor vehicle", any motor vehicle which is not a new motor vehicle, as defined in sections 301.550 to 301.573, and which has been sold, bartered, exchanged or given away or which may have had a title issued in this state or any other state, or a motor vehicle so used as to be what is commonly known as a secondhand motor vehicle. In the event of an assignment of the statement of origin from an original franchise dealer to any individual or other motor vehicle dealer other than a new motor vehicle franchise dealer of the same make, the vehicle so assigned shall be deemed to be a used motor vehicle and a certificate of ownership shall be obtained in the assignee's name. The term "used motor vehicle" shall not include manufactured homes, as defined in section 700.010;

(18) "Used motor vehicle dealer", any motor vehicle dealer who is not a new motor vehicle franchise dealer;

(19) "Vessel", every boat and watercraft defined as a vessel in section 306.010;

(20) "Vessel trailer", any trailer, as defined by section 301.010 which is designed and manufactured for the purposes of transporting vessels;

(21) "Wholesale motor vehicle auction", any person, firm or corporation in the business of providing auction services solely in wholesale transactions at its established place of business in which the purchasers are motor vehicle dealers licensed by this or any other jurisdiction, and which neither buys, sells nor owns the motor vehicles it auctions in the ordinary course of its business. Except as required by law with regard to the auction sale of a government-owned motor vehicle, a wholesale motor vehicle auction shall not provide auction services in connection with the retail sale of a motor vehicle;

(22) "Wholesale motor vehicle dealer", a motor vehicle dealer who sells motor vehicles only to other new motor vehicle franchise dealers or used motor vehicle dealers or via auctions limited to other dealers of any class.

2. **(1)** For purposes of sections 301.550 to 301.573, neither the term motor vehicle nor the term trailer shall include manufactured homes, as defined in section 700.010**[.];**

**(2) For purposes of sections 301.550 to 301.573, subdivision (26) of section 407.825, and 407.826, the term motor vehicle shall not include engines manufactured for installation in any motor-driven vehicle with a gross vehicle weight rating of more than sixteen thousand pounds that is registered for the operations on the highways of this state under chapter 301, provided that:**

**(a) the manufacturer does not own or operate more than seven dealers or dealership locations in this state;**

**(b) the manufacturer is not otherwise a manufacturer of motor vehicles as defined by subdivision (15) of section 407.815; and**

**(c) the manufacturer provides to dealers on substantially equal terms access to all support for completing repairs, including but not limited to parts and assemblies, training and technical service bulletins and other information concerning repairs, that the manufacturer provides to facilities owned, operated, or controlled by the manufacturer.**

3. Dealers shall be divided into classes as follows:

(1) Boat dealers;

(2) Franchised new motor vehicle dealers;

(3) Used motor vehicle dealers;

(4) Wholesale motor vehicle dealers;

(5) Recreational motor vehicle dealers;

(6) Historic motor vehicle dealers;

(7) Classic motor vehicle dealers;

(8) Powersport dealers; and

(9) Trailer dealers."; and

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

**Committee on Corrections**, Chairman Fitzwater (144) reporting:

Mr. Speaker: Your Committee on Corrections, to which was referred **SS SCS SB 986**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 27(9) be referred to the Select Committee on Judiciary.

**Committee on Economic Development and Business Attraction and Retention**, Chairman Rowden reporting:

Mr. Speaker: Your Committee on Economic Development and Business Attraction and Retention, to which was referred **HB 1391**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 27(4) be referred to the Select Committee on Commerce.

Mr. Speaker: Your Committee on Economic Development and Business Attraction and Retention, to which was referred **HB 2489**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 27(4) be referred to the Select Committee on Commerce.

Mr. Speaker: Your Committee on Economic Development and Business Attraction and Retention, to which was referred **SCS SB 800**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1** and **House Committee Amendment No. 2**, and pursuant to Rule 27(4) be referred to the Select Committee on Commerce.

*House Committee Amendment No. 1*

AMEND Senate Committee Substitute for Senate Bill No. 800, Page 3, Section 620.1620, Line 89, by deleting all of said line and inserting in lieu thereof the following:

"**(d) The positive net fiscal impact to the general revenue of the state through any and all taxes**"; and

Further amend said bill and section, Page 4, Line 103, by inserting after the phrase "**convention event**" the following:

"**, positive net fiscal impact to general revenue,**"; and

Further amend said bill, page and section, Lines 105-108, by deleting all of said lines and inserting in lieu thereof the following:

"**(2) All approved grants schedule for disbursement each year shall be disbursed from the general revenue fund subject to appropriation by the general assembly. Any such appropriation**"; and

Further amend said bill, page and section, Line 113, by inserting after the number "**7.**" the number "**(1)**"; and

Further amend said bill, page and section, Line 118, by deleting the phrase "**subsection 2 of**"; and

Further amend said bill and section, Pages 4-5, Lines 123-139, by deleting all of said lines and inserting in lieu thereof the following:

"**for deposit into the fund.**

**(2) An eligible commission shall refund the following amounts to the state treasurer based on the actual attendance figures in relation to the projected total attendance for the even as provided in the major convention plan:**

**(a) If the actual attendance figure is less than twenty-five percent of the projected total attendance, the commission shall refund an amount equal to the full amount of the grant;**

**(b) If the actual attendance figure is equal to or less than eighty-five percent and greater than or equal to twenty-five percent of the projected total attendance, the commission shall keep a portion of the grant received under this section equal to the proportion of the actual attendance figure to the projected attendance figure rounded to the nearest dollar and refund the remaining amount;**

**(c) If the actual attendance figure is greater than eighty-five percent of the projected total attendance, the commission shall keep the entire grant amount received under this section unless otherwise provided by this section.**"; and

Further amend said bill and section, Page 5, Line 140, by deleting the phrase "**The provisions of this subsection**" and inserting in lieu thereof the phrase "**(3) The provisions of this subdivision**"; and

Further amend said bill, page and section, Line 142, by inserting after the phrase "**civil unrest**" the following:

"**or where attendance at the convention is adversely affected by a substantial inclement weather-related event**"; and

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

*House Committee Amendment No. 2*

AMEND Senate Committee Substitute for Senate Bill No. 800, Page 1, Section A, Line 2, by inserting immediately after all of said line and section the following:

"184.815. 1. Whenever the creation of a district is desired, the owners of real property who own at least two-thirds of the real property within the proposed district may file a petition requesting the creation of a district. The petition shall be filed in the circuit court of the county in which the proposed district is located. Any petition to create a museum and cultural district pursuant to the provisions of sections 184.800 to 184.880 shall be filed within **[**five**] ten** years after the Presidential declaration establishing the disaster area.

2. The proposed district area may contain one or more parcels of real property, which may or may not be contiguous and may further include any portion of one or more municipalities.

3. The petition shall set forth:

(1) The name and address of each owner of real property located within the proposed district;

(2) A specific description of the proposed district boundaries including a map illustrating such boundaries;

(3) A general description of the purpose or purposes for which the district is being formed, including a description of the proposed museum or museums and cultural asset or cultural assets and a general plan for operation of each museum and each cultural asset within the district; and

(4) The name of the proposed district.

4. In the event any owner of real property within the proposed district who is named in the petition shall not join in the petition or file an entry of appearance and waiver of service of process in the case, a copy of the petition shall be served upon said owner in the manner provided by supreme court rule for the service of petitions generally. Any objections to the petition shall be raised by answer within the time provided by supreme court rule for the filing of an answer to a petition."; and

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

Mr. Speaker: Your Committee on Economic Development and Business Attraction and Retention, to which was referred **SB 879**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 27(4) be referred to the Select Committee on Commerce.

**Committee on Employment Security**, Chairman Brown (57) reporting:

Mr. Speaker: Your Committee on Employment Security, to which was referred **HB 1836**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1**, and pursuant to Rule 27(10) be referred to the Select Committee on Labor and Industrial Relations.

*House Committee Amendment No. 1*

AMEND House Bill No. 1836, Page 1, Section A, Line 2, by inserting after all of said section and line the following:

"**21.815. 1. There is hereby established a "Joint Committee on Missouri Division of Workers' Compensation" to be composed of seven members of the house of representatives appointed by the speaker of the house of representatives and minority floor leader and seven members of the senate appointed by the president pro tem of the senate and the minority floor leader. The appointment of each member shall continue during the member's term of office or until a successor has been appointed to fill the member's place when his or her term of office as a member of the general assembly has expired. No party shall be represented by more than four members from the house of representatives or more than four members from the senate. A majority of the joint committee shall constitute a quorum, but the concurrence of a majority of the members shall be required for the determination of any matter within the joint committee's duties.**

**2. The joint committee shall:**

**(1) Investigate disparity directed at injured minorities, low-income workers, and workers under thirty-five years of age;**

**(2) Make a continuing study and analysis of the division of workers' compensation bias; fraud; and noncompliance, investigation system, and regulatory agency;**

**(3) Address the need for additional resources to improve the quality of fairness provided to injured minorities while processing claims in this state;**

**(4) Review and redress for claims that prove to be fraudulent or noncompliant;**

**(5) Devise a plan for improving the structured decision making for compromise settlements;**

**(6) Determine the additional personnel and resources to adequately protect injured minorities, low-income workers, and workers under the age of thirty-five and improve their welfare and the welfare of their families;**

**(7) Determine from the study and the analysis the need for changes in the statutory laws;**

**(8) Investigate the operations, effects, and administration of the Missouri division of workers' compensation;**

**(9) Investigate measures and methods for elimination of bias within the program;**

**(10) Request the presence of the director of the division of workers' compensation to answer questions from the study;**

**(11) Make every effort to meet in at least three urban regions of the state to seek public input and examine trends in the state for injured workers in those regions and their needs, existing services and resources, and needed state policies;**

**(12) Make any recommendation to the general assembly necessary to provide adequate protection for injured minorities, low-income workers, and workers under the age of thirty-five in this state regarding due process and equal protection rights;**

**(13) Meet within thirty days after its creation and select a chairperson and a vice chairperson, and meet quarterly thereafter; and**

**(14) Compile a full report of its activities for submission to the general assembly by January thirtieth of each year the general assembly convenes in a regular session.**

**3. The provisions of this section shall expire on January 30, 2022.**"; and

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

**Committee on Health and Mental Health Policy**, Chairman Frederick reporting:

Mr. Speaker: Your Committee on Health and Mental Health Policy, to which was referred **SB 627**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 27(12) be referred to the Select Committee on Social Services.

Mr. Speaker: Your Committee on Health and Mental Health Policy, to which was referred **SCS SB 646**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 27(12) be referred to the Select Committee on Social Services.

Mr. Speaker: Your Committee on Health and Mental Health Policy, to which was referred **SB 864**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 27(12) be referred to the Select Committee on Social Services.

Mr. Speaker: Your Committee on Health and Mental Health Policy, to which was referred **SB 988**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 27(12) be referred to the Select Committee on Social Services.

**Committee on Health Insurance**, Chairman Hansen reporting:

Mr. Speaker: Your Committee on Health Insurance, to which was referred **SCS SB 973**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 27(8) be referred to the Select Committee on Insurance.

**Committee on Local Government**, Chairman Hinson reporting:

Mr. Speaker: Your Committee on Local Government, to which was referred **HB 2662**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1 to House Committee Amendment No. 1** and **House Committee Amendment No. 1, as amended**, and pursuant to Rule 27(13) be referred to the Select Committee on State and Local Governments.

*House Committee Amendment No. 1*
*to*
*House Committee Amendment No. 1*

AMEND House Committee Amendment No. 1 to House Bill No. 2662, Page 1, Line 17, by deleting the word "**days**" and inserting in lieu thereof the words "**days; provided, however, that "transient guest" shall not mean an occupant under a lease agreement**"; and

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

*House Committee Amendment No. 1*

AMEND House Bill No. 2662, Page 1, In the Title, Line 3, by deleting the words "dwelling rentals" and inserting in lieu thereof the words "dwellings offered for rent to transient guests"; and

Further amend said bill, Pages 1-2, Section 67.309, Lines 1-33, and Pages 2-3, Section 315.005, Lines 1-33, by deleting all of said sections and lines and inserting in lieu thereof the following:

"**67.5110. 1. As used in this section the following terms mean:**

**(1) "Facilitation platform", an intermediary that facilitates the rental of a residential dwelling and collects payment from a transient guest;**

**(2) "Political subdivision", any county, city, town, village, or township;**

**(3) "Residential dwelling", any building, structure, or part of the building or structure, that is primarily used and occupied for human habitation or intended to be so used and includes any appurtenances belonging to it or enjoyed with it;**

**(4) "Residential dwelling rental", a residential dwelling or any part thereof that is offered for rent to transient guests;**

**(5) "Transient guest", any person who rents and occupies a guest room in a residential dwelling rental for a period of less than thirty-one days.**

**2. A political subdivision may not enact or enforce an ordinance that prohibits or unreasonably restricts residential dwelling rentals, or that regulates or otherwise restricts residential dwelling rentals based solely on their classification, use, or occupancy as a residential dwelling unit.**

**3. The provisions of subsection 2 of this section shall not prohibit a political subdivision from applying and enforcing any ordinance in effect prior to August 28, 2016.**

**4. Nothing in this section limits the authority of a political subdivision to enact or enforce an ordinance that imposes reasonable restrictions on residential dwelling rentals in any of the following areas:**

**(1) Protection of the public's health and safety, including rules and regulations related to fire and building codes, health and sanitation, transportation and traffic control, solid and hazardous wastes, and pollution control;**

**(2) Local taxes that may be imposed on residential dwelling rentals to transient guests;**

**(3) A requirement that any person who rents out his or her residential dwellings shall obtain a business license and pay an annual license fee;**

**(4) The imposition or payment of inspection fees for residential dwellings;**

**(5) Posting requirements for licenses, certificates, or registrations as well as emergency procedures;**

**(6) Response time periods for complaints and short-term renter concerns;**

**(7) Nuisances related to residential dwellings;**

**(8) Age requirements for renters;**

**(9) Off-street parking requirements; or**

**(10) Zoning requirements.**

**5. A transient guest shall pay all applicable tax on the occupancy of a residential dwelling rental by a transient guest imposed by the state or by the municipality, county, or local taxing entity in which the residential dwelling is located, whether the tax imposed be a sales and use tax, hotel tax, occupancy tax, or otherwise. A facilitation platform shall collect and remit any such applicable taxes on the occupancy of a residential dwelling rental by a transient guest. An intermediary that facilitates the rental of a residential dwelling but does not collect payment from the transient guest shall:**

**(1) Disclose in its terms of service the obligation to pay any applicable taxes to both the transient guest and the owner of the residential dwelling;**

**(2) Require as a term of service that the transient guest and the owner of the residential dwelling acknowledge the obligation to pay any applicable taxes; and**

**(3) Maintain records of any rentals facilitated for a period of three years for audits requested by a tax administrator and conducted during normal business hours.**

315.005. As used in sections 315.005 to 315.065, unless the context clearly indicates otherwise, the following terms mean:

(1) "Code", the standards relating to fire safety, sanitation, electrical wiring, fuel-burning appliances, plumbing, swimming pools and spas, sewage and waste treatment and disposal as adopted by the department. The department in its discretion, may incorporate, in whole or in part, the standards or codes promulgated by the National Fire Protection Association, Building Officials and Code Administration International, Inc., Great Lakes Upper Mississippi River Board of State Sanitary Engineers, and American Society of Sanitary Engineers;

(2) "Department", the director of the department of health and senior services or an agent of the director of the department of health and senior services;

(3) "Guest room", any room or unit where sleeping accommodations are regularly furnished to the public;

(4) "Lodging establishment", any building, group of buildings, structure, facility, place, or places of business where five or more guest rooms are provided, which is owned, maintained, or operated by any person and which is kept, used, maintained, advertised or held out to the public for hire which can be construed to be a hotel, motel, motor hotel, apartment hotel, tourist court, resort, cabins, tourist home, bunkhouse, dormitory, or other similar place by whatever name called, and includes all such accommodations operated for hire as lodging establishments for either transient guests, permanent guests, or for both transient and permanent guests**, except that "lodging establishment" does not include a residential dwelling rental as defined in section 67.5110**;

(5) "Owner", the person responsible for obtaining a license from the department for operating the lodging establishment;

(6) "Permanent guest", any person who rents and occupies a guest room in a lodging establishment for a period of thirty-one days or more;

(7) "Person", any individual, partnership, corporation, association, organization, firm, or federal, state, county, city, village, or municipal association or corporation;

(8) "Transient guest", any person who rents and occupies a guest room in a lodging establishment for a period of less than thirty-one days."; and

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

**Committee on Professional Registration and Licensing**, Chairman Burlison reporting:

Mr. Speaker: Your Committee on Professional Registration and Licensing, to which was referred **HB 2522**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 27(7) be referred to the Select Committee on General Laws.

Mr. Speaker: Your Committee on Professional Registration and Licensing, to which was referred **HB 2523**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 27(7) be referred to the Select Committee on General Laws.

**Committee on Small Business**, Chairman McCaherty reporting:

Mr. Speaker: Your Committee on Small Business, to which was referred **SCS SB 861**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1**, and pursuant to Rule 27(4) be referred to the Select Committee on Commerce.

*House Committee Amendment No. 1*

AMEND Senate Committee Substitute for Senate Bill No. 861, Page 12, Section 143.2115, Line 174, by inserting immediately after all of said line the following:

"227.600. 1. Sections 227.600 to 227.669 shall be known and may be cited as the "Missouri Public-Private Partnerships Transportation Act".

2. As used in sections 227.600 to 227.669, unless the context clearly requires otherwise, the following terms mean:

(1) "Commission", the Missouri highways and transportation commission;

(2) "Comprehensive agreement", the final binding written comprehensive project agreement between a private partner and the commission required in section 227.621 to finance, develop, and/or operate the project;

(3) "Department", the Missouri department of transportation;

(4) "Develop" or "development", to plan, locate, relocate, establish, acquire, lease, design, or construct;

(5) "Finance", to fund the costs, expenses, liabilities, fees, profits, and all other charges incurred to finance, develop, and/or operate the project;

(6) "Interim agreement", a preliminary binding written agreement between a private partner and the commission that provides for completion of studies and any other activities to advance the financing, development, and/or operation of the project required by section 227.618;

(7) "Material default", any uncured default by a private partner in the performance of its duties that jeopardizes adequate service to the public from the project as determined by the commission;

(8) "Operate" or "operation", to improve, maintain, equip, modify, repair, administer, or collect user fees;

(9) "Private partner", any natural person, corporation, partnership, limited liability company, joint venture, business trust, nonprofit entity, other business entity, or any combination thereof;

(10) "Project", exclusively includes any pipeline, ferry, **[**river**]** port **facility, water facility, water way, fuel supply facility or pipeline, water supply facility or pipeline, public work, wastewater or wastewater treatment facility, public building**, airport, railroad, light rail**, vehicle parking facility, mass transit facility,** or other **similar facility currently available or to be made available to a government entity for public use, including any structure, parking area, appurenance and other property required to operate the structure or**

**facility [**mass transit facility,**]** to be financed, developed, and/or operated under agreement between the commission and a private partner. Any project not specifically included in this subdivision shall not be financed, developed, or operated by a private partner until such project is approved by a vote of the people;

(11) "Public use", a finding by the commission that the project to be financed, developed, and/or operated by a private partner under sections 227.600 to 227.669 will improve or is needed as a necessary addition to the state transportation system;

(12) "Revenues", include but are not limited to the following which arise out of or in connection with the financing, development, and/or operation of the project:

(a) Income;

(b) Earnings;

(c) Proceeds;

(d) User fees;

(e) Lease payments;

(f) Allocations;

(g) Federal, state, and local moneys; or

(h) Private sector moneys, grants, bond proceeds, and/or equity investments;

(13) "State", the state of Missouri;

(14) "State highway system", the state system of highways and bridges planned, located, relocated, established, acquired, constructed, and maintained by the commission under Section 30(b), Article IV, Constitution of Missouri;

(15) "State transportation system", the state system of nonhighway transportation programs, including but not limited to aviation, transit and mass transportation, railroads, ports, waterborne commerce, freight and intermodal connections;

(16) "User fees", tolls, fees, or other charges authorized to be imposed by the commission and collected by the private partner for the use of all or a portion of a project under a comprehensive agreement."; and

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

**Committee on Transportation**, Chairman Kolkmeyer reporting:

Mr. Speaker: Your Committee on Transportation, to which was referred **HB 2423**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 27(13) be referred to the Select Committee on State and Local Governments.

Mr. Speaker: Your Committee on Transportation, to which was referred **HB 2424**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 27(13) be referred to the Select Committee on State and Local Governments.

Mr. Speaker: Your Committee on Transportation, to which was referred **SB 625**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1** and **House Committee Amendment No. 2**, and pursuant to Rule 27(13) be referred to the Select Committee on State and Local Governments.

*House Committee Amendment No. 1*

AMEND Senate Bill No. 625, Page 1, In the Title, Line 3, by deleting the phrase ""Sgt. Peggy Vassallo Way"" and inserting in lieu thereof the word "highways"; and

Further amend said bill and page, Section A, Line 2, by inserting immediately after all of said line the following:

"**227.218. 1. The highways and transportation commission may issue a request for proposals to sell or lease naming rights for a particular segment of highway or a for a bridge to the best qualified bidder. All contracts for the sale or lease of naming rights shall be first approved by the highways and transportation commission and then approved by the joint committee on transportation. The highways and transportation commission and the joint committee on transportation may disapprove a contract for any reason. The proceeds of a sale or lease of naming rights shall be deposited into the state road fund.**

**2. The purchaser or lessee of a naming right shall pay the cost of erecting, maintaining, and removing signage as well as an annual fee as determined by the proposal.**

**3. The term of contract for naming rights shall not exceed ten years and may be shorter at the discretion of the highways and transportation commission. The purchaser or lessee of a naming right shall have an option of early termination.**

**4. No naming rights shall be sold or leased for any segment of roadway or bridge that has been designated prior to August 28, 2016, as a named memorial highway or bridge under this chapter or through the joint committee on transportation approval process established under section 227.297.**

**5. The department of transportation may promulgate all necessary rules and regulations for the administration 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, 2016, shall be invalid and void.**

**6. The provisions of this section shall expire on December 31, 2036.**"; and

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

*House Committee Amendment No. 2*

AMEND Senate Bill No. 625, Page 1, Section A, Line 2, by inserting immediately after all of said line the following:

"**227.446. The portion of U.S. Highway 50 from County Line Road continuing west to Mockingbird Road in Moniteau County shall be designated as the "Phyllis D. Shelley Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with costs to be paid for by private donation.**"; and

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

Mr. Speaker: Your Committee on Transportation, to which was referred **SB 640**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1**, and pursuant to Rule 27(13) be referred to the Select Committee on State and Local Governments.

*House Committee Amendment No. 1*

AMEND Senate Bill No. 640, Page 1, In the Title, Line 3, by deleting the phrase "permanent trailer plate registration" and inserting in lieu thereof the word "vehicles"; and

Further amend said bill and page, Section A, Line 2, by inserting immediately after all of said section and line the following:

"304.170 1. No vehicle operated upon the highways of this state shall have a width, including load, in excess of one hundred two inches, except clearance lights, rearview mirrors or other accessories required by federal, state or city law or regulation. Provided however, a recreational vehicle as defined in section 700.010 may exceed the foregoing width limits if the appurtenances on such recreational vehicle extend no further than the rearview

mirrors. Such mirrors may only extend the distance necessary to provide the required field of view before the appurtenances were attached.

2. No vehicle operated upon the interstate highway system or upon any route designated by the chief engineer of the state transportation department shall have a height, including load, in excess of fourteen feet. On all other highways, no vehicle shall have a height, including load, in excess of thirteen and one-half feet, except that any vehicle or combination of vehicles transporting automobiles or other motor vehicles may have a height, including load, of not more than fourteen feet.

3. No single motor vehicle operated upon the highways of this state shall have a length, including load, in excess of forty-five feet, except as otherwise provided in this section.

4. No bus, recreational motor vehicle or trackless trolley coach operated upon the highways of this state shall have a length in excess of forty-five feet, except that such vehicles may exceed the forty-five feet length when such excess length is caused by the projection of a front safety bumper or a rear safety bumper or both**, and such buses may exceed the forty-five feet length, but not have a length in excess of sixty feet, when such buses are articulated buses, having two or more sections connected by a flexible joint or other mechanism**. Such safety bumper shall not cause the length of the bus or recreational motor vehicle to exceed the forty-five feet length limit by more than one foot in the front and one foot in the rear.

The term "safety bumper" means any device which may be fitted on an existing bumper or which replaces the bumper and is so constructed, treated, or manufactured that it absorbs energy upon impact.

5. No combination of truck-tractor and semitrailer or truck-tractor equipped with dromedary and semitrailer operated upon the highways of this state shall have a length, including load, in excess of sixty feet; except that in order to comply with the provisions of Title 23 of the United States Code (Public Law 97-424), no combination of truck-tractor and semitrailer or truck-tractor equipped with dromedary and semitrailer operated upon the interstate highway system of this state shall have an overall length, including load, in excess of the length of the truck-tractor plus the semitrailer or truck-tractor equipped with dromedary and semitrailer. The length of such semitrailer shall not exceed fifty-three feet.

6. In order to comply with the provisions of Title 23 of the United States Code (Public Law 97-424), no combination of truck-tractor, semitrailer and trailer operated upon the interstate highway system of this state shall have an overall length, including load, in excess of the length of the truck-tractor plus the semitrailer and trailer, neither of which semitrailer or trailer shall exceed twenty-eight feet in length, except that any existing semitrailer or trailer up to twenty-eight and one-half feet in length actually and lawfully operated on December 1, 1982, within a sixty-five foot overall length limit in any state, may continue to be operated upon the interstate highways of this state. On those primary highways not designated by the state highways and transportation commission as provided in subsection 10 of this section, no combination of truck-tractor, semitrailer and trailer shall have an overall length, including load, in excess of sixty-five feet; provided, however, the state highways and transportation commission may designate additional routes for such sixty-five foot combinations.

7. Automobile transporters, boat transporters, truck-trailer boat transporter combinations, stinger-steered combination automobile transporters and stinger-steered combination boat transporters having a length not in excess of seventy-five feet may be operated on the interstate highways of this state and such other highways as may be designated by the highways and transportation commission for the operation of such vehicles plus a distance not to exceed ten miles from such interstate or designated highway. All length provisions regarding automobile or boat transporters, truck-trailer boat transporter combinations and stinger-steered combinations shall include a semitrailer length not to exceed fifty-three feet and are exclusive of front and rear overhang, which shall be no greater than a three-foot front overhang and no greater than a four-foot rear overhang.

8. Driveaway saddlemount combinations having a length not in excess of ninety-seven feet may be operated on the interstate highways of this state and such other highways as may be designated by the highways and transportation commission for the operation of such vehicles plus a distance not to exceed ten miles from such interstate or designated highway. Saddlemount combinations must comply with the safety requirements of section 393.71 of Title 49 of the Code of Federal Regulations and may contain no more than three saddlemounted vehicles and one fullmount.

9. No truck-tractor semitrailer-semitrailer combination vehicles operated upon the interstate and designated primary highway system of this state shall have a semitrailer length in excess of twenty-eight feet or twenty-eight and one-half feet if the semitrailer was in actual and lawful operation in any state on December 1, 1982, operating in a truck-tractor semitrailer-semitrailer combination. The B-train assembly is excluded from the measurement of semitrailer length when used between the first and second semitrailer of a truck-tractor semitrailer-semitrailer

combination, except that when there is no semitrailer mounted to the B-train assembly, it shall be included in the length measurement of the semitrailer.

10. The highways and transportation commission is authorized to designate routes on the state highway system other than the interstate system over which those combinations of vehicles of the lengths specified in subsections 5, 6, 7, 8 and 9 of this section may be operated. Combinations of vehicles operated under the provisions of subsections 5, 6, 7, 8 and 9 of this section may be operated at a distance not to exceed ten miles from the interstate system and such routes as designated under the provisions of this subsection.

11. Except as provided in subsections 5, 6, 7, 8, 9 and 10 of this section, no other combination of vehicles operated upon the primary or interstate highways of this state plus a distance of ten miles from a primary or interstate highway shall have an overall length, unladen or with load, in excess of sixty-five feet or in excess of fifty-five feet on any other highway, except the state highways and transportation commission may designate additional routes for use by sixty-five foot combinations, seventy-five foot stinger-steered combinations or seventy-five foot saddlemount combinations. Any vehicle or combination of vehicles transporting automobiles, boats or other motor vehicles may carry a load which extends no more than three feet beyond the front and four feet beyond the rear of the transporting vehicle or combination of vehicles.

12. (1) Except as hereinafter provided, these restrictions shall not apply to agricultural implements operating occasionally on the highways for short distances including tractor parades for fund-raising activities or special events, provided the tractors are driven by licensed drivers during daylight hours only and with the approval of the superintendent of the Missouri state highway patrol; or to self-propelled hay-hauling equipment or to implements of husbandry, or to the movement of farm products as defined in section 400.9-102 or to vehicles temporarily transporting agricultural implements or implements of husbandry or road-making machinery, or road materials or towing for repair purposes vehicles that have become disabled upon the highways; or to implement dealers delivering or moving farm machinery for repairs on any state highway other than the interstate system.

(2) Implements of husbandry and vehicles transporting such machinery or equipment and the movement of farm products as defined in section 400.9-102 may be operated occasionally for short distances on state highways when operated between the hours of sunrise and sunset by a driver licensed as an operator or chauffeur.

13. As used in this chapter the term "implements of husbandry" means all self-propelled machinery operated at speeds of less than thirty miles per hour, specifically designed for, or especially adapted to be capable of, incidental over-the-road and primary offroad usage and used exclusively for the application of commercial plant food materials or agricultural chemicals, and not specifically designed or intended for transportation of such chemicals and materials.

14. Sludge disposal units may be operated on all state highways other than the interstate system. Such units shall not exceed one hundred thirty-eight inches in width and may be equipped with over-width tires. Such units shall observe all axle weight limits. The chief engineer of the state transportation department shall issue special permits for the movement of such disposal units and may by such permits restrict the movements to specified routes, days and hours."; and

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

Mr. Speaker: Your Committee on Transportation, to which was referred **SB 852**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 27(13) be referred to the Select Committee on State and Local Governments.

Mr. Speaker: Your Committee on Transportation, to which was referred **SB 909**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1** and **House Committee Amendment No. 2**, and pursuant to Rule 27(13) be referred to the Select Committee on State and Local Governments.

*House Committee Amendment No. 1*

AMEND Senate Bill No. 909, Page 1, In the Title, Line 3, by deleting all of said line and inserting in lieu thereof the phrase "designation of highways."; and

Further amend said bill and page, Section A, Line 2, by inserting immediately after all of said line the following:

"**227.218. 1. The highways and transportation commission may issue a request for proposals to sell or lease naming rights for a particular segment of highway or a for a bridge to the best qualified bidder. All contracts for the sale or lease of naming rights shall be first approved by the highways and transportation commission and then approved by the joint committee on transportation. The highways and transportation commission and the joint committee on transportation may disapprove a contract for any reason. The proceeds of a sale or lease of naming rights shall be deposited into the state road fund.**

**2. The purchaser or lessee of a naming right shall pay the cost of erecting, maintaining, and removing signage as well as an annual fee as determined by the proposal.**

**3. The term of contract for naming rights shall not exceed ten years and may be shorter at the discretion of the highways and transportation commission. The purchaser or lessee of a naming right shall have an option of early termination.**

**4. No naming rights shall be sold or leased for any segment of roadway or bridge that has been designated prior to August 28, 2016, as a named memorial highway or bridge under this chapter or through the joint committee on transportation approval process established under section 227.297.**

**5. The department of transportation may promulgate all necessary rules and regulations for the administration 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, 2016, shall be invalid and void.**

**6. The provisions of this section shall expire on December 31, 2036.**"; and

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

*House Committee Amendment No. 2*

AMEND Senate Bill No. 909, Page 1, Section 227.411, Line 5, by inserting immediately after all of said line the following:

"**227.446. The portion of U.S. Highway 50 from County Line Road continuing west to Mockingbird Road in Moniteau County shall be designated as the "Phyllis D. Shelley Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with costs to be paid for by private donation.**"; and

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

Mr. Speaker: Your Committee on Transportation, to which was referred **SB 915**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 27(13) be referred to the Select Committee on State and Local Governments.

Mr. Speaker: Your Committee on Transportation, to which was referred **SCS SB 1009**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 27(13) be referred to the Select Committee on State and Local Governments.

**Committee on Ways and Means**, Chairman Koenig reporting:

Mr. Speaker: Your Committee on Ways and Means, to which was referred **HB 2784**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1**, and pursuant to Rule 27(6) be referred to the Select Committee on Financial Institutions and Taxation.

*House Committee Amendment No. 1*

AMEND House Bill No. 2784, Page 6, Section 155.010, Lines 1-14, by striking said section from the bill; and

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

Mr. Speaker: Your Committee on Ways and Means, to which was referred **SB 641**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 27(6) be referred to the Select Committee on Financial Institutions and Taxation.

Mr. Speaker: Your Committee on Ways and Means, to which was referred **SCS SB 794**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1**, and pursuant to Rule 27(6) be referred to the Select Committee on Financial Institutions and Taxation.

*House Committee Amendment No. 1*

AMEND Senate Committee Substitute for Senate Bill No. 794, Page 1, In the Title, Lines 2-3, by deleting the words "a sales tax exemption on parts and accessories for medical equipment" and inserting in lieu thereof the words "sales tax"; and

Further amend said bill, Page 5, Section 144.030, Line 135-139, by deleting all of said lines and inserting in lieu thereof the following:

"(19) All sales of insulin**,** and **all sales, rentals, accessories, repairs, and parts of durable medical equipment and** prosthetic **[**or**]** **devices as defined in this subdivision, as well as** orthopedic devices as defined **[**on January 1, 1980,**]** by the federal Medicare program pursuant to Title XVIII of the Social Security Act of 1965, including the items specified in Section 1862(a)(12) of that act, and also specifically including **class III medical devices that use electric fields for the treatment of cancer, including components, parts, and supplies required for the use of such devices,** hearing aids**,** and hearing"; and

Further amend said bill, page, and section, Lines 146, 147, and 150, by inserting after the word "**parts**" the following words "**and accessories**"; and

Further amend said bill, page and section, Line 157, by inserting after all of said line the following:

"**(a) For purposes of this subdivision, "durable medical equipment" means equipment including repair and replacement parts for same, but does not include "mobility enhancing equipment" which can withstand repeated use, is primarily and customarily used to serve a medical purpose, and is not worn in or on the body;**

**(b) For purposes of this subdivision, "prosthetic device" means a replacement, corrective, or supportive device including repair and replacement parts for same worn on or in the body to artificially replace a missing portion of the body, prevent or correct physical deformity or malfunction, or support a weak or deformed portion of the body;**"; and

Further amend said bill, Page 11, said section, Line 370, by inserting after all of said line the following:

"144.087. 1. The director of revenue shall require all applicants for retail sales licenses and all licensees in default in filing a return and paying their taxes when due to file a bond in an amount to be determined by the director, which may be a corporate surety bond or a cash bond, but such bond shall not be more than **[**three**] two** times the average monthly tax liability of the taxpayer, estimated in the case of a new applicant, otherwise based on the previous twelve months' experience. At such time as the director of revenue shall deem the amount of a bond required by this section to be insufficient to cover the average monthly tax liability of a given taxpayer, he may

require such taxpayer to adjust the amount of the bond to the level satisfactory to the director which will cover the amount of such liability. The director shall, after a reasonable period of satisfactory tax compliance for **[**two years**]** **one year** from the initial date of bonding, release such taxpayer from the bonding requirement as set forth in this section. All itinerant or temporary businesses shall be required to procure the license and post the bond required under the provisions of sections 144.083 and 144.087 prior to the selling of goods at retail, and in the event that such business is to be conducted for less than one month, the amount of the bond shall be determined by the director.

2. All cash bonds shall be deposited by the director of revenue into the state general revenue fund, and shall be released to the taxpayer pursuant to subsection 1 of this section from funds appropriated by the general assembly for such purpose. If appropriated funds are available, the commissioner of administration and the state treasurer shall cause such refunds to be paid within thirty days of the receipt of a warrant request for such payment from the director of the department of revenue.

3. An applicant or licensee in default may, in lieu of filing any bond required under this section, provide the director of revenue with an irrevocable letter of credit, as defined in section 400.5-103, issued by any state or federally chartered financial institution, in an amount to be determined by the director or may obtain a certificate of deposit issued by any state or federally chartered financial institution, in an amount to be determined by the director, where such certificate of deposit is pledged to the department of revenue until released by the director in the same manner as bonds are released pursuant to subsection 1 of this section. As used in this subsection, the term "certificate of deposit" means a certificate representing any deposit of funds in a state or federally chartered financial institution for a specified period of time which earns interest at a fixed or variable rate, where such funds cannot be withdrawn prior to a specified time without forfeiture of some or all of the earned interest."; and

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

Mr. Speaker: Your Committee on Ways and Means, to which was referred **SCS SB 823**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 27(6) be referred to the Select Committee on Financial Institutions and Taxation.

**Select Committee on Social Services**, Chairman Allen reporting:

Mr. Speaker: Your Select Committee on Social Services, to which was referred **SB 607, with House Committee Amendment No. 1**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**.

Mr. Speaker: Your Select Committee on Social Services, to which was referred **SB 635**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**.

In which the concurrence of the House is respectfully requested.

## COMMITTEE CHANGE

April 20, 2016

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
State Capitol, Room 317B
Jefferson City, MO 65101

Dear Mr. Crumbliss:

I hereby remove Representative Jeanie Lauer from the Conference Committee on **SCS HCS HB 2003** and add Representative Scott Fitzpatrick.

If you have any questions, please feel free to contact my office.

Sincerely,

/s/ Todd Richardson
Speaker of the Missouri House of Representatives
152nd District

## RECESS

On motion of Representative Austin, the House will stand in recess until such time as **CCR SCS HCS HB 2002** through **CCR SCS HCS HB 2014** are distributed, or 3:00 a.m., whichever is first, and then stand adjourned until 10:00 a.m., Thursday, April 21, 2016.

**CONFERENCE COMMITTEE REPORT**
**ON**
**SENATE COMMITTEE SUBSTITUTE**
**FOR**
**HOUSE COMMITTEE SUBSTITUTE**
**FOR**
**HOUSE BILL NO. 2002**

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 2002, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 2002.

2. That the House recede from its position on House Committee Substitute for House Bill No. 2002.

3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2002, be truly agreed to and finally passed.

| FOR THE HOUSE: | FOR THE SENATE: |
|---|---|
| /s/ Rep. Scott Fitzpatrick | /s/ Sen. Kurt Schaefer |
| /s/ Rep. Kurt Bahr | /s/ Sen. Ryan Silvey |
| /s/ Rep. Elaine Gannon | /s/ Sen. Dan Brown |
| /s/ Rep. Kip Kendrick | /s/ Sen. Shalonn “Kiki” Curls |
| /s/ Rep. Genise Montecillo | /s/ Sen. Jamilah Nasheed |

**CONFERENCE COMMITTEE REPORT**
**ON**
**SENATE COMMITTEE SUBSTITUTE**
**FOR**
**HOUSE COMMITTEE SUBSTITUTE**
**FOR**
**HOUSE BILL NO. 2003**

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 2003, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 2003.

2. That the House recede from its position on House Committee Substitute for House Bill No. 2003.

3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2003, be truly agreed to and finally passed.

| FOR THE HOUSE: | FOR THE SENATE: |
|---|---|
| /s/ Rep. Scott Fitzpatrick | /s/ Sen. Kurt Schaefer |
| /s/ Rep. Donna Lichtenegger | /s/ Sen. Ryan Silvey |
| /s/ Rep. Caleb Rowden | /s/ Sen. Dan Brown |
| /s/ Rep. Karla May | /s/ Sen. Shalonn “Kiki” Curls |
| /s/ Rep. Michael Butler | /s/ Sen. Jamilah Nasheed |

**CONFERENCE COMMITTEE REPORT**
**ON**
**SENATE COMMITTEE SUBSTITUTE**
**FOR**
**HOUSE COMMITTEE SUBSTITUTE**
**FOR**
**HOUSE BILL NO. 2004**

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 2004, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 2004.

2. That the House recede from its position on House Committee Substitute for House Bill No. 2004.

3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2004, be truly agreed to and finally passed.

| FOR THE HOUSE: | FOR THE SENATE: |
|---|---|
| /s/ Rep. Scott Fitzpatrick | /s/ Sen. Kurt Schaefer |
| /s/ Rep. Chuck Basye | /s/ Sen. Ryan Silvey |
| /s/ Rep. Lincoln Hough | /s/ Sen. Dan Brown |
| /s/ Rep. Gail McCann Beatty | /s/ Sen. Shalonn “Kiki” Curls |
| /s/ Rep. Michael Butler | /s/ Sen. Gina Walsh |

**CONFERENCE COMMITTEE REPORT**
**ON**
**SENATE COMMITTEE SUBSTITUTE**
**FOR**
**HOUSE COMMITTEE SUBSTITUTE**
**FOR**
**HOUSE BILL NO. 2005**

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 2005, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 2005.

2. That the House recede from its position on House Committee Substitute for House Bill No. 2005.

3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2005, be truly agreed to and finally passed.

| FOR THE HOUSE: | FOR THE SENATE: |
|---|---|
| /s/ Rep. Scott Fitzpatrick | /s/ Sen. Kurt Schaefer |
| /s/ Rep. Jeffery Justus | /s/ Sen. Ryan Silvey |
| /s/ Rep. Robert Ross | /s/ Sen. Dan Brown |
| | /s/ Sen. Shalonn “Kiki” Curls |
| | /s/ Sen. Gina Walsh |

**CONFERENCE COMMITTEE REPORT**
**ON**
**SENATE COMMITTEE SUBSTITUTE**
**FOR**
**HOUSE COMMITTEE SUBSTITUTE**
**FOR**
**HOUSE BILL NO. 2006**

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 2006, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

l. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 2006.

2. That the House recede from its position on House Committee Substitute for House Bill No. 2006.

3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2006, be truly agreed to and finally passed.

| FOR THE HOUSE: | FOR THE SENATE: |
|---|---|
| /s/ Rep. Scott Fitzpatrick | /s/ Sen. Kurt Schaefer |
| /s/ Rep. Craig Redmon | /s/ Sen. Ryan Silvey |
| /s/ Rep. Gail McCann Beatty | /s/ Sen. Dan Brown |
| /s/ Rep. Kip Kendrick | /s/ Sen. Shalonn “Kiki” Curls |
| | /s/ Sen. Gina Walsh |

**CONFERENCE COMMITTEE REPORT**
**ON**
**SENATE COMMITTEE SUBSTITUTE**
**FOR**
**HOUSE COMMITTEE SUBSTITUTE**
**FOR**
**HOUSE BILL NO. 2007**

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 2007, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 2007.

2. That the House recede from its position on House Committee Substitute for House Bill No. 2007.

3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2007, be truly agreed to and finally passed.

| FOR THE HOUSE: | FOR THE SENATE: |
|---|---|
| /s/ Rep. Scott Fitzpatrick | /s/ Sen. Kurt Schaefer |
| /s/ Rep. Chuck Basye | /s/ Sen. Ryan Silvey |
| /s/ Rep. Lincoln Hough | /s/ Sen. Dan Brown |
| /s/ Rep. Gail McCann Beatty | /s/ Sen. Shalonn “Kiki” Curls |
| /s/ Rep. Jeremy LaFaver | /s/ Sen. Gina Walsh |

**CONFERENCE COMMITTEE REPORT**
**ON**
**SENATE COMMITTEE SUBSTITUTE**
**FOR**
**HOUSE COMMITTEE SUBSTITUTE**
**FOR**
**HOUSE BILL NO. 2008**

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 2008, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 2008.

2. That the House recede from its position on House Committee Substitute for House Bill No. 2008.

3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2008, be truly agreed to and finally passed.

| FOR THE HOUSE: | FOR THE SENATE: |
|---|---|
| /s/ Rep. Scott Fitzpatrick | /s/ Sen. Kurt Schaefer |
| /s/ Rep. Kathie Conway | /s/ Sen. Ryan Silvey |
| /s/ Rep. Ken Wilson | /s/ Sen. Dan Brown |
| /s/ Rep. Gail McCann Beatty | /s/ Sen. Shalonn “Kiki” Curls |
| /s/ Rep. Michael Butler | /s/ Sen. Gina Walsh |

**CONFERENCE COMMITTEE REPORT**
**ON**
**SENATE COMMITTEE SUBSTITUTE**
**FOR**
**HOUSE COMMITTEE SUBSTITUTE**
**FOR**
**HOUSE BILL NO. 2009**

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 2009, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

l. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 2009.

2. That the House recede from its position on House Committee Substitute for House Bill No. 2009.

3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2009, be truly agreed to and finally passed.

| FOR THE HOUSE: | FOR THE SENATE: |
|---|---|
| /s/ Rep. Scott Fitzpatrick | /s/ Sen. Kurt Schaefer |
| /s/ Rep. Kathie Conway | /s/ Sen. Ryan Silvey |
| /s/ Rep. Ken Wilson | /s/ Sen. Dan Brown |
| /s/ Rep. Gail McCann Beatty | /s/ Sen. Shalonn “Kiki” Curls |
| /s/ Rep. Jeremy Lafaver | /s/ Sen. Gina Walsh |

**CONFERENCE COMMITTEE REPORT**
**ON**
**SENATE COMMITTEE SUBSTITUTE**
**FOR**
**HOUSE COMMITTEE SUBSTITUTE**
**FOR**
**HOUSE BILL NO. 2010**

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 2010, as amended, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 2010, as amended.

2. That the House recede from its position on House Committee Substitute for House Bill No. 2010.

3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2010, be truly agreed to and finally passed.

FOR THE HOUSE:

/s/ Rep. Scott Fitzpatrick
/s/ Rep. Marsha Haefner
/s/ Rep. David Wood
/s/ Rep. Jeanne Kirkton
/s/ Rep. Bonnaye Mims

FOR THE SENATE:

/s/ Sen. Kurt Schaefer
/s/ Sen. Ryan Silvey
/s/ Sen. Dan Brown
/s/ Sen. Shalonn “Kiki” Curls
/s/ Sen. Gina Walsh

**CONFERENCE COMMITTEE REPORT**
**ON**
**SENATE COMMITTEE SUBSTITUTE**
**FOR**
**HOUSE COMMITTEE SUBSTITUTE**
**FOR**
**HOUSE BILL NO. 2011**

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 2011, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 2011.

2. That the House recede from its position on House Committee Substitute for House Bill No. 2011.

3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2011, be truly agreed to and finally passed.

| FOR THE HOUSE: | FOR THE SENATE: |
|---|---|
| /s/ Rep. Scott Fitzpatrick | /s/ Sen. Kurt Schaefer |
| /s/ Rep. Sue Allen | /s/ Sen. Ryan Silvey |
| /s/ Rep. Marsha Haefner | /s/ Sen. Dan Brown |

**CONFERENCE COMMITTEE REPORT**
**ON**
**SENATE COMMITTEE SUBSTITUTE**
**FOR**
**HOUSE COMMITTEE SUBSTITUTE**
**FOR**
**HOUSE BILL NO. 2012**

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 2012, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

l. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 2012.

2. That the House recede from its position on House Committee Substitute for House Bill No. 2012.

3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2012, be truly agreed to and finally passed.

FOR THE HOUSE:

/s/ Rep. Scott Fitzpatrick
/s/ Rep. Jeffery Justus
/s/ Rep. Robert Ross
/s/ Rep. Gail McCann Beatty
/s/ Rep. Stacey Newman

FOR THE SENATE:

/s/ Sen. Kurt Schaefer
/s/ Sen. Ryan Silvey
/s/ Sen. Dan Brown
/s/ Sen. Shalonn “Kiki” Curls
/s/ Sen. Gina Walsh

**CONFERENCE COMMITTEE REPORT**
**ON**
**SENATE COMMITTEE SUBSTITUTE**
**FOR**
**HOUSE COMMITTEE SUBSTITUTE**
**FOR**
**HOUSE BILL NO. 2014**

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 2009, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

l. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 2014.

2. That the House recede from its position on House Committee Substitute for House Bill No. 2014.

3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2014, be truly agreed to and finally passed.

| FOR THE HOUSE: | FOR THE SENATE: |
|---|---|
| /s/ Rep. Scott Fitzpatrick | /s/ Sen. Kurt Schaefer |
| /s/ Rep. Justin Alferman | /s/ Sen. Ryan Silvey |
| /s/ Rep. Sue Allen | /s/ Sen. Dan Brown |
| /s/ Rep. Gail McCann Beatty | /s/ Sen. Shalonn “Kiki” Curls |
| /s/ Rep. Genise Montecillo | /s/ Sen. Gina Walsh |

**REFERRAL OF CONFERENCE COMMITTEE REPORTS**

The following Conference Committee Reports were referred to the Committee indicated:

**CCR SCS HCS HB 2002** - Fiscal Review
**CCR SCS HCS HB 2003** - Fiscal Review
**CCR SCS HCS HB 2004** - Fiscal Review
**CCR SCS HCS HB 2005** - Fiscal Review
**CCR SCS HCS HB 2006** - Fiscal Review
**CCR SCS HCS HB 2007** - Fiscal Review
**CCR SCS HCS HB 2008** - Fiscal Review
**CCR SCS HCS HB 2009** - Fiscal Review
**CCR SCS HCS HB 2010, as amended** - Fiscal Review
**CCR SCS HCS HB 2011** - Fiscal Review
**CCR SCS HCS HB 2012** - Fiscal Review
**CCR SCS HCS HB 2014** - Fiscal Review

## ADJOURNMENT

Pursuant to the motion of Representative Austin, the House adjourned until 10:00 a.m., Thursday, April 21, 2016.

## COMMITTEE HEARINGS

EMERGING ISSUES IN EDUCATION
Monday, April 25, 2016, 1:00 PM, House Hearing Room 1.
Public hearing will be held: HB 1498, HB 1500
Executive session may be held on any matter referred to the committee.

FISCAL REVIEW
Thursday, April 21, 2016, 9:15 AM, South Gallery.
Executive session may be held on any matter referred to the committee.

JOINT COMMITTEE ON EDUCATION
Monday, May 2, 2016, 12:00 PM, House Hearing Room 3.
Executive session may be held on any matter referred to the committee.
Election of Chair and Vice-Chair; Recognition of Outgoing Members; Discussion of Interim Projects.

JOINT COMMITTEE ON LEGISLATIVE RESEARCH
Thursday, April 21, 2016, 9:30 AM, House Hearing Room 4.
Executive session may be held on any matter referred to the committee.
Board of Public Buildings Request.

JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT
Thursday, April 21, 2016, 9:00 AM, House Hearing Room 3.
Executive session may be held on any matter referred to the committee.
2nd Quarter Meeting
*Portions of the meeting may be closed pursuant to Section 610.021, RSMo.*

PUBLIC SAFETY AND EMERGENCY PREPAREDNESS
Monday, May 9, 2016, 2:00 PM, House Hearing Room 5.
Public hearing will be held: HB 1516, HB 1520, HB 1521, HB 1522, HB 1523
Executive session may be held on any matter referred to the committee.
CORRECTED

SELECT COMMITTEE ON AGRICULTURE
Thursday, April 21, 2016, 8:00 AM, South Gallery.
Executive session will be held: SB 665, SCS SB 703, SB 994, HB 2412
Executive session may be held on any matter referred to the committee.

SELECT COMMITTEE ON EDUCATION
Thursday, April 21, 2016, 8:00 AM, House Hearing Room 5.
Executive session will be held: SCS SB 650, HB 2569, HB 2742, HB 2576
Executive session may be held on any matter referred to the committee.

SELECT COMMITTEE ON FINANCIAL INSTITUTIONS AND TAXATION
Thursday, April 21, 2016, 8:30 AM, House Hearing Room 7.
Executive session will be held: HB 2812, SB 624
Executive session may be held on any matter referred to the committee.

SELECT COMMITTEE ON JUDICIARY
Thursday, April 21, 2016, 9:45 AM, South Gallery.
Executive session will be held: HB 2458
Executive session may be held on any matter referred to the committee.

SELECT COMMITTEE ON STATE AND LOCAL GOVERNMENTS
Thursday, April 21, 2016, 8:00 AM, House Hearing Room 1.
Executive session will be held: SB 867, SCS SB 921
Executive session may be held on any matter referred to the committee.

WORKFORCE STANDARDS AND DEVELOPMENT
Monday, April 25, 2016, 1:00 PM, House Hearing Room 5.
Public hearing will be held: HB 2266
Executive session may be held on any matter referred to the committee.

## HOUSE CALENDAR

FIFTY-SEVENTH DAY, THURSDAY, APRIL 21, 2016

### HOUSE JOINT RESOLUTIONS FOR PERFECTION

HCS HJR 56 - Burlison
HJR 59 - Lauer

### HOUSE BILLS FOR PERFECTION

HCS HB 1995 - Cornejo
HB 1396 - McCreery
HB 1389 - King
HB 2322 - Rowden
HB 1965 - Zerr
HB 2243 - Cornejo
HCS HB 2388, with HA 1, pending - Fitzwater (144)
HCS HBs 2565 & 2564 - Montecillo
HB 2575 - Montecillo
HCS HB 2399 - Colona
HCS HB 1578 - Higdon

HB 2448 - Conway (10)
HCS HB 1866 - Hubrecht
HB 1831 - McGaugh
HCS HB 2367 - McGaugh
HB 2271 - Entlicher
HCS HB 2472 - Franklin
HB 2042 - Curtman
HB 2473, with HCA 1 - Montecillo
HB 1755 - Bahr
HB 1685 - Fitzwater (49)
HB 1792 - Lauer
HB 1731 - Reiboldt
HCS HB 2566 - Pfautsch
HCS HB 2344 - Wilson
HCS HB 2269 - Frederick
HCS HB 2078 - Fraker
HCS HB 1566 - Davis
HCS HB 1617 - McCaherty
HCS HB 1732 - Davis
HCS HB 1927 - Redmon
HB 2043 - Swan
HB 2464 - Davis
HCS HB 2515 - Engler
HB 2461 - Ross
HB 2671 - Fitzwater (49)
HCS HB 2416 - Leara
HCS HB 2632 - Reiboldt
HCS HB 2757 - Kolkmeyer
HCS HB 2638 - Wiemann

**HOUSE BILLS FOR PERFECTION - REVISION**

HRB 2467 - Shaul

**HOUSE CONCURRENT RESOLUTIONS FOR THIRD READING**

HCS HCR 94 - Hummel
HCS HCR 60 - Love
HCR 99 - Hinson
HCS HCR 91 - Walton Gray
HCS HCR 57 - Burlison
HCR 72 - Fitzwater (49)
HCR 66 - Hubrecht

**HOUSE BILLS FOR THIRD READING**

HCS HB 1448, (Fiscal Review 4/19/16) - Redmon
HB 2028 - Hoskins
HB 1852 - Rowland (155)
HB 1867, (Fiscal Review 4/19/16) - Fitzpatrick
HB 2065 - Berry
HB 2093 - Chipman
HCS HB 1928, (Fiscal Review 4/19/16) - Burlison
HB 2237 - Rowden
HCS HB 2345 - Kolkmeyer
HCS HB 1605, (Fiscal Review 4/20/16) - Kelley
HCS HB 1561, (Fiscal Review 4/20/16) - Leara
HB 1534 - Flanigan
HCS HB 2496 - Fitzpatrick
HB 1585 - Hill
HCS HB 1955, (Fiscal Review 4/20/16) - Dohrman
HCS HB 2213, (Fiscal Review 4/20/16) - Hinson

**HOUSE BILLS FOR THIRD READING - CONSENT**

HB 2348 - Richardson

**SENATE CONCURRENT RESOLUTIONS FOR SECOND READING**

SCR 67

**SENATE BILLS FOR THIRD READING - CONSENT**

SB 660 - Dugger

**SENATE BILLS FOR THIRD READING**

SS#2 SB 847 - McGaugh
SCS SB 591 - Corlew
SCS SBs 620 & 582 - Swan
HCS SB 639 - Walker
SB 655 - Reiboldt
HCS SS SCS SB 657 - Houghton
HCS SB 677 - Franklin
SB 700 - Dohrman
HCS SCS SB 814 - Davis
HCS SS SB 608, (Fiscal Review 4/19/16) - Allen
HCS SS SB 732, (Fiscal Review 4/20/2016) - Kelley
HCS SS SCS SBs 865 & 866, (Fiscal Review 4/19/16) - Morris
HCS SB 607 - Franklin
HCS SB 635 - Cornejo

**SENATE CONCURRENT RESOLUTIONS FOR THIRD READING**

SCS SCR 43 - Richardson

**HOUSE BILLS WITH SENATE AMENDMENTS**

HCS HB 1562, with SA 1, SA 2, SA 3, SA 4, SA 5, and SA 6, (Fiscal Review 4/20/16) - Haahr

**BILLS IN CONFERENCE**

CCR SCS HCS HB 2002, (Fiscal Review 4/20/16) - Fitzpatrick
CCR SCS HCS HB 2003, (Fiscal Review 4/20/16) - Fitzpatrick
CCR SCS HCS HB 2004, (Fiscal Review 4/20/16) - Fitzpatrick
CCR SCS HCS HB 2005, (Fiscal Review 4/20/16) - Fitzpatrick
CCR SCS HCS HB 2006, (Fiscal Review 4/20/16) - Fitzpatrick
CCR SCS HCS HB 2007, (Fiscal Review 4/20/16) - Fitzpatrick
CCR SCS HCS HB 2008, (Fiscal Review 4/20/16) - Fitzpatrick
CCR SCS HCS HB 2009, (Fiscal Review 4/20/16) - Fitzpatrick
CCR SCS HCS HB 2010, as amended, (Fiscal Review 4/20/16) - Fitzpatrick
CCR SCS HCS HB 2011, (Fiscal Review 4/20/16) - Fitzpatrick
CCR SCS HCS HB 2012, (Fiscal Review 4/20/2016) - Fitzpatrick
CCR SCS HCS HB 2014, (Fiscal Review 4/20/16) - Fitzpatrick

**HOUSE RESOLUTIONS**

HR 1103 - Richardson

**VETOED HOUSE BILLS**

SS HCS HB 1891 - Rehder

**VETOED SENATE BILLS**

SCR 46 - Barnes

**ACTIONS PURSUANT TO ARTICLE IV, SECTION 27**

SCS HCS HB 1 - Flanigan
CCS SCS HCS HB 2 - Flanigan
CCS SCS HCS HB 3 - Flanigan
CCS SCS HCS HB 4 - Flanigan
CCS SCS HCS HB 5 - Flanigan
CCS SCS HCS HB 6 - Flanigan
CCS SCS HCS HB 7 - Flanigan
CCS SCS HCS HB 8 - Flanigan

CCS SCS HCS HB 9 - Flanigan
CCS SCS HCS HB 10 - Flanigan
CCS SCS HCS HB 11 - Flanigan
CCS SS SCS HCS HB 12 - Flanigan
CCS SCS HCS HB 13 - Flanigan
SS SCS HCS HB 17 - Flanigan
SCS HCS HB 18 - Flanigan
SCS HCS HB 19 - Flanigan