

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for
2 Senate Bill Nos. 775, 751 & 640, Page 1, Section A, Line 4, by inserting after all of said section and
3 line the following:
4

5 "435.300. As used in sections 435.300 to 435.312, the following terms mean:

6 (1) "Alternative dispute resolution communication", a statement, whether communicated
7 orally, in writing, or by nonverbal conduct, that is either:

8 (a) Related to the subject matter of the dispute and made during an alternative dispute
9 resolution process; or

10 (b) Made as part of considering, conducting, participating in, initiating, continuing, or
11 reconvening an alternative dispute resolution process.
12

13 The term "alternative dispute resolution communication" shall not include the notifications or
14 reports made under subsection 2 of section 435.303 or subsection 8 of section 435.306 or a written
15 agreement as described under section 435.312;

16 (2) "Alternative dispute resolution process", mediation, arbitration, or early neutral
17 evaluation used in conjunction with a pending civil action, and any other alternative to trial that has
18 been included in a local court rule applicable to a civil dispute;

19 (3) "Arbitration", a procedure in which a neutral or panel of neutrals hears and decides a
20 dispute between two or more parties;

21 (4) "Conflict of interest", any direct or indirect financial or personal interest in the outcome
22 of a dispute or any existing or prior financial, business, professional, family, or social relationship
23 with any participant in an alternative dispute resolution process that is likely to affect the
24 impartiality of the neutral or that may reasonably create an appearance of partiality or bias;

25 (5) "Early neutral evaluation", a process in which a neutral provides parties to a dispute with
26 a nonbinding assessment of their dispute;

27 (6) "In camera", a proceeding held in a judge's chambers or in a courtroom from which the
28 public is excluded;

29 (7) "Mandated reporter", an individual who is required to report abuse or neglect under the
30 provisions of section 192.2405, 192.2475, 198.070, 208.912, 210.115, 352.400, 630.162, or

Action Taken _____ Date _____

1 630.165;

2 (8) "Mediation", a process in which a neutral facilitates communications among the parties
 3 and assists the parties in their efforts to reach a voluntary agreement regarding the dispute;

4 (9) "Mediator", a neutral who conducts mediation;

5 (10) "Neutral", an individual who, acting independently and not as a representative, agent,
 6 or advocate of any of the parties, assists the parties in their efforts to reach a resolution of their
 7 dispute through an alternative dispute resolution process;

8 (11) "Participant", any person or entity, including any neutral or party, who participates in an
 9 alternative dispute resolution process;

10 (12) "Party", an individual or entity named as a party in a pending civil action, or in an
 11 agreement to use an alternative dispute resolution process as described under sections 435.309 and
 12 435.312;

13 (13) "Person", an individual; a public or private corporation, business trust, estate, trust,
 14 partnership, limited liability company, or insurance company; an association; a joint venture; a
 15 governmental unit, subdivision, agency, or instrumentality of the state; or any other legal or
 16 commercial entity;

17 (14) "Proceeding", a judicial, administrative, arbitral, or other adjudicative process,
 18 including related prehearing and posthearing motions, conferences, hearings, and discovery;

19 (15) "Writing" or "written", a tangible or electronic record of a communication or
 20 representation, including handwriting, typewriting, printing, photostating, photography, audio or
 21 video recording, and electronic communication;

22 (16) "Written agreement", a writing that:

23 (a) Contains the essential terms of an agreement; and

24 (b) Is signed, executed, or adopted by the parties by any process described under
 25 subdivision (15) of this section, including electronic signatures as permitted by section 432.230,
 26 with the intent to sign and be bound by the writing and attached to or logically associated with the
 27 writing.

28 435.303. 1. A court may refer any individual civil case or category of civil cases to
 29 mediation or another nonbinding alternative dispute resolution process either by rule or court order.

30 2. Within thirty days of referral by a court to a nonbinding alternative dispute resolution
 31 process under subsection 1 of this section, or such longer time as may be set by the court, or with
 32 leave of the court, the parties may:

33 (1) Notify the court that all of the parties have chosen to pursue an alternative dispute
 34 resolution process different from the nonbinding alternative dispute resolution process ordered by
 35 the court if such choice is evidenced in a written agreement between the parties;

36 (2) Notify the court that all of the parties have agreed to delay such process until a date
 37 certain, which date may be subsequently modified by the court, to allow for the exchange of
 38 specified information, the identification of representatives with authority, or another identified
 39 action or event related to the ability of the parties to participate effectively in that process; or

1 (3) File a motion for relief from the referral setting forth the reasons for not participating if
2 any party, after conferring with all other parties, concludes that referral to a nonbinding alternative
3 dispute resolution process has no reasonable chance of helping the parties to better understand or
4 resolve one or more of the procedural or substantive issues in the matter or there is a compelling
5 circumstance for not participating in the alternative dispute resolution process. Once a motion for
6 relief has been filed, the alternative dispute resolution process ordered by the court shall not occur
7 until the court has ruled on the motion. If the court grants the motion, the matter shall not thereafter
8 be referred by the court to an alternative dispute resolution process without compelling
9 circumstances, which shall be set out by the court in any order referring the matter to an alternative
10 dispute resolution process.

11 3. In an action referred to a nonbinding alternative dispute resolution process, discovery
12 may proceed as in any other action before, during, and after the nonbinding alternative dispute
13 resolution process is held. The court may stay discovery in whole or in part during the pendency of
14 an alternative dispute resolution process in order to promote savings in time and expense without
15 sacrificing the quality of justice.

16 4. A neutral who is appointed by the court or requested by the parties to serve in a
17 nonbinding alternative dispute resolution process under sections 435.300 to 435.312 shall avoid any
18 conflict of interest. If the neutral believes that no disqualifying conflict exists, the neutral shall:

19 (1) Make a reasonable inquiry to determine whether there are any facts that would cause a
20 reasonable person to believe that the neutral has an actual or potential conflict of interest before
21 agreeing to serve in a matter;

22 (2) Disclose to the parties, as soon as practicable, facts and information relevant to any
23 actual or potential conflicts of interest that are reasonably known to the neutral; and

24 (3) If, after accepting a designation by the parties or the court, the neutral learns of any
25 previously undisclosed information that could reasonably suggest a conflict of interest, promptly
26 disclose the information to the parties.

27 5. After the neutral's disclosure of a conflict, the alternative dispute resolution process may
28 proceed if either:

29 (1) All parties agree in writing to service by the neutral; or

30 (2) An organization independently administering the alternative dispute resolution process
31 under rules of procedure that were adopted by a written agreement of the parties determines under
32 such rules that the neutral may continue to serve.

33 6. Any party who believes a court-appointed neutral has a conflict of interest may request
34 that the neutral recuse himself or herself if a conflict is disclosed or otherwise discovered. If the
35 neutral declines, the party may timely file a motion with the court for disqualification of the neutral.
36 Failure to file a motion waives that objection. On its own motion, the court may also review the
37 choice of a neutral in any alternative dispute resolution process involving a party that is not
38 represented by counsel and require a change of neutral if necessary to protect the rights of the
39 unrepresented party.

1 435.306. 1. Alternative dispute resolution communications shall not be admissible as
2 evidence in any proceeding or subject to discovery, except as otherwise provided under subsections
3 2, 3, and 7 of this section. Exceptions shall be narrowly construed and only the portion of the
4 communication necessary for the application of the exception to the general rule of nonadmissibility
5 shall be admitted.

6 2. Evidence or information that is otherwise admissible or subject to discovery, including
7 information that would be available to the public under sections 610.010 to 610.035, shall not
8 become inadmissible or protected from discovery solely by reason of its disclosure or use in an
9 alternative dispute resolution process.

10 3. A court may determine to admit an alternative dispute resolution communication upon
11 motion of a party, which motion shall not reveal the substance of the communication, and following
12 a hearing only if the court finds that one or more of the exceptions under this subsection apply and
13 the communication is otherwise relevant and admissible. The party seeking admission shall ensure
14 that timely notice is given to the neutral and parties that participated in the alternative dispute
15 resolution process in which the alternative dispute resolution communication was made. Such
16 hearing shall be conducted in camera if requested by a party or if the court determines on its own
17 motion that an in camera proceeding is necessary to ensure the confidentiality of the
18 communications that are the subject to the hearing. The only exceptions to the general rule of
19 nonadmissibility of alternative dispute resolution communications stated under subsection 1 of this
20 section are as follows:

21 (1) The alternative dispute resolution communication was made in the presence of a
22 mandated reporter and pertains to abuse or neglect that such person is required by state law or
23 regulation to report;

24 (2) The alternative dispute resolution communication is a substantial threat or statement of a
25 plan to inflict bodily injury capable of causing death or substantial bodily harm that is reasonably
26 certain to occur;

27 (3) The alternative dispute resolution communication is intentionally used to plan a crime,
28 attempt to commit an offense, or to conceal an ongoing crime or ongoing criminal activity; or

29 (4) The alternative dispute resolution communication is necessary to establish or defend
30 against a claim of professional misconduct or malpractice that is filed against or on behalf of a
31 participant based on conduct occurring during the alternative dispute resolution process.

32 4. The admission of evidence in a proceeding under any of the exceptions stated under
33 subsection 3 of this section shall not in itself render the evidence or any other alternative dispute
34 resolution communication discoverable or admissible for any other purpose or proceeding.

35 5. Any participant in an alternative dispute resolution process has standing to intervene in
36 any proceeding to object to the admissibility of an alternative dispute resolution communication
37 made by that person during or relating to that alternative dispute resolution process. A neutral who
38 participated in an alternative dispute resolution process also has standing to intervene in any
39 proceeding to object to the admissibility of an alternative dispute resolution communication made

1 by the neutral or an agent or employee of a neutral or of an organization through which the neutral
2 provided the alternative dispute resolution services for such process, but the neutral is under no
3 requirement to do so.

4 6. Except as provided under subsection 7 of this section, no neutral, agent or employee of
5 that neutral, or agent or employee of an organization through which the neutral provided alternative
6 dispute resolution services shall be subpoenaed or otherwise compelled to disclose any alternative
7 dispute resolution communication, including any alternative dispute resolution communication that
8 would otherwise fall within the exceptions identified under subsection 3 of this section. No neutral
9 who is a licensed attorney, nor an agent or employee of such neutral or of an organization through
10 which the neutral provided alternative dispute resolution services under sections 435.300 to
11 435.312, shall be required to disclose any alternative dispute resolution communication to which a
12 reporting obligation might otherwise apply under the rules regulating the professional conduct of
13 attorneys.

14 7. A neutral, an agent or employee of that neutral, or an agent or employee of an
15 organization through which the neutral provided the alternative dispute resolution services may be
16 subpoenaed in an action to enforce a written agreement as described under subsection 2 of section
17 435.309, but only for the limited purpose of testifying that the written agreement was signed by the
18 parties in the presence of the neutral.

19 8. The court may request that the neutral or the parties provide the court with progress
20 reports on alternative dispute resolution processes related to pending civil actions; provided that,
21 such reports shall be limited to a statement that the matter has been resolved in its entirety, partially
22 resolved, or not resolved and whether future dates for an alternative dispute resolution process are
23 scheduled. A neutral may also report to the court that a payment has not been received from one or
24 more parties. A court shall not require the disclosure of alternative dispute resolution
25 communication in any such report.

26 9. The court may order the party or parties seeking admission of an alternative dispute
27 resolution communication to pay the costs and fees of the neutral or other person participating in an
28 alternative dispute resolution process who intervenes to contest the disclosure and admission of
29 alternative dispute resolution communication or who responds to a subpoena prohibited under
30 subsection 6 of this section or a subpoena under subsection 7 of this section.

31 435.309. 1. Unless the parties have entered into a written agreement providing for entry
32 into a binding alternative dispute resolution process, all alternative dispute resolution processes
33 under sections 435.300 to 435.312 shall be nonbinding.

34 2. In order to be binding on the parties, a settlement agreement that is reached in an
35 alternative dispute resolution process shall be in a written agreement.

36 3. Alternative dispute resolution processes included in consumer contracts for goods or
37 services shall be independently administered.

38 435.312. 1. Except as provided under subsection 6 of this section, sections 435.300 to
39 435.312 shall apply only when the court has referred an individual civil case or category of cases to

1 a nonbinding alternative dispute resolution process, either by rule or court order, or when the parties
 2 enter into a written agreement to resolve their dispute through a nonbinding alternative dispute
 3 resolution process expressly providing that sections 435.300 to 435.312 shall apply to such
 4 alternative dispute resolution process.

5 2. The parties to a dispute may enter into a written agreement to attempt to resolve their
 6 differences through an alternative dispute resolution process and may agree that sections 435.300 to
 7 435.312 will apply to such alternative dispute resolution process prior to the filing of an action or
 8 after the entry of a judgment, as well as during the pendency of an action. If the matter resolves and
 9 the parties file a case to present the settlement for approval by the court, such case shall be
 10 exempted from any local rule that refers a class of cases to any alternative dispute resolution
 11 process.

12 3. Nothing in sections 435.300 to 435.312 shall preclude any court from referring any
 13 individual matter to a nonbinding alternative dispute resolution process so as to effectuate the
 14 timely, fair, and efficient administration of justice, subject only to subsection 2 of section 435.303.

15 4. Nothing in sections 435.300 to 435.312 is intended to undermine the right of litigants to a
 16 jury trial in the event that a resolution satisfactory to the parties is not achieved through a
 17 nonbinding alternative dispute resolution process.

18 5. Nothing in sections 435.300 to 435.312 shall be deemed to require:

19 (1) Any party or party representative who appears at an alternative dispute resolution
 20 process in compliance with a court order to settle all or part of any claim; or

21 (2) Any party to attend a mediation with counsel if such party is self-represented.

22 6. If the court has not referred a case to a nonbinding dispute resolution process pursuant to
 23 section 435.303 and if the parties do not elect to use sections 435.300 to 435.312, the process shall
 24 be regarded as settlement negotiations and subject to the rules of confidentiality that generally apply
 25 to such negotiations. If the parties to the dispute have agreed in writing to submit their dispute to
 26 that alternative dispute resolution process but have not invoked the protections of sections 435.300
 27 to 435.312, no person who serves as a neutral in such process, nor any agent or employee of that
 28 person or of an organization through which the neutral provided the alternative dispute resolution
 29 process, shall be subpoenaed or otherwise compelled to disclose any matter revealed in the process
 30 of setting up or conducting such alternative dispute resolution process. All settlement agreements
 31 are required to be in writing as described under sections 435.300 to 435.312."; and

32
 33 Further amend said bill, Page 2, Section 491.015, Line 31, by inserting after all of said section and
 34 line the following:
 35

36 "494.455. 1. Each county or city not within a county may elect to compensate its jurors
 37 pursuant to subsection 2 of this section except as otherwise provided in subsection 3 of this section.

38 2. Each grand and petit juror shall receive six dollars per day, for every day he or she may
 39 actually serve as such, and seven cents for every mile he or she may necessarily travel going from
 40 his or her place of residence to the courthouse and returning, to be paid from funds of the county or
 41 a city not within a county. The governing body of each county or a city not within a county may
 42 authorize additional daily compensation and mileage allowance for jurors, which additional

1 compensation shall be paid from the funds of the county or a city not within a county. The
 2 governing body of each county or a city not within a county may authorize additional daily
 3 compensation and mileage allowance for jurors attending a coroner's inquest. Jurors may receive
 4 the additional compensation and mileage allowance authorized by this subsection only if the
 5 governing body of the county or the city not within a county authorizes the additional compensation.
 6 The provisions of this subsection authorizing additional compensation shall terminate upon the
 7 issuance of a mandate by the Missouri supreme court which results in the state of Missouri being
 8 obligated or required to pay any such additional compensation even if such additional compensation
 9 is formally approved or authorized by the governing body of a county or a city not within a county.
 10 Provided that a county or a city not within a county authorizes daily compensation payable from
 11 county or city funds for jurors who serve in that county pursuant to this subsection in the amount of
 12 at least six dollars per day in addition to the amount required by this subsection, a person shall
 13 receive an additional six dollars per day to be reimbursed by the state of Missouri so that the total
 14 compensation payable shall be at least eighteen dollars, plus mileage for each day that the person
 15 actually serves as a petit juror in a particular case; or for each day that a person actually serves as a
 16 grand juror during a term of a grand jury. The state shall reimburse the county for six dollars of the
 17 additional juror compensation provided by this subsection.

18 3. (1) In any county of the first classification without a charter form of government and
 19 with a population of at least two hundred thousand inhabitants, no grand or petit juror shall receive
 20 compensation for the first two days of service, but shall receive fifty dollars per day for the third day
 21 and each subsequent day he or she may actually serve as such, and seven cents for every mile he or
 22 she may necessarily travel going from his or her place of residence to the courthouse and returning,
 23 to be paid from funds of the county.

24 (2) Except as provided in subdivision (1) of this subsection, in any county, upon adoption by
 25 the county commission, no grand or petit juror shall receive compensation for the first two days of
 26 service, but shall receive fifty dollars per day for the third day and each subsequent day he or she
 27 may actually serve as such, and seven cents for every mile he or she may necessarily travel going
 28 from his or her place of residence to the courthouse and returning, to be paid from funds of the
 29 county; except that, a county commission may authorize compensation to a grand or petit juror for
 30 the first two days of service not to exceed ten dollars per day.

31 4. When each panel of jurors summoned and attending court has completed its service, the
 32 board of jury commissioners shall cause to be submitted to the governing body of the county or a
 33 city not within a county a statement of fees earned by each juror. Within thirty days of the
 34 submission of the statement of fees, the governing body shall cause payment to be made to those
 35 jurors summoned the fees earned during their service as jurors.

36 510.500. Sections 510.500 to 510.521 shall be known and may be cited as the "Uniform
 37 Interstate Depositions and Discovery Act".

38 510.503. As used in sections 510.500 to 510.521, the following terms mean:

39 (1) "Foreign jurisdiction", a state other than this state;

40 (2) "Foreign subpoena", a subpoena issued under authority of a court of record of a foreign

1 jurisdiction;

2 (3) "Person", an individual, corporation, business trust, estate, trust, partnership, limited
3 liability company, association, joint venture, public corporation, government or political
4 subdivision, agency or instrumentality, or any other legal or commercial entity;

5 (4) "State", a state of the United States, the District of Columbia, Puerto Rico, the United
6 States Virgin Islands, a federally recognized Indian tribe, or any territory or insular possession
7 subject to the jurisdiction of the United States;

8 (5) "Subpoena", a document, however denominated, issued under authority of a court of
9 record requiring a person to:

10 (a) Attend and give testimony at a deposition;

11 (b) Produce and permit inspection and copying of designated books, documents, records,
12 electronically stored information, or tangible items in the possession, custody, or control of the
13 person; or

14 (c) Permit inspection of premises under the control of the person.

15 510.506. 1. To request issuance of a subpoena under this section, a party shall submit a
16 foreign subpoena to a clerk of court in the county in which discovery is sought to be conducted in
17 this state. A request for the issuance of a subpoena under sections 510.500 to 510.521 shall not
18 constitute an appearance in the courts of this state.

19 2. If a party submits a foreign subpoena to a clerk of court in this state, the clerk, in
20 accordance with such court's procedure, shall promptly issue a subpoena for service upon the person
21 to which the foreign subpoena is directed.

22 3. A subpoena under subsection 2 of this section shall:

23 (1) Incorporate the terms used in the foreign subpoena; and

24 (2) Contain or be accompanied by the names, addresses, and telephone numbers of all
25 counsel of record in the proceeding to which the subpoena relates and of any party not represented
26 by counsel.

27 510.509. A subpoena issued by a clerk of court under section 510.506 shall be served in
28 compliance with the Missouri supreme court rules of civil procedure and laws of this state.

29 510.512. The Missouri supreme court rules of civil procedure and laws of this state, and any
30 amendments thereto, apply to subpoenas issued under section 510.506.

31 510.515. An application to the court for a protective order or to enforce, quash, or modify a
32 subpoena issued by a clerk of court under section 510.506 shall comply with the Missouri supreme
33 court rules of civil procedure and statutes of this state and be submitted to the court in the county in
34 which discovery is to be conducted.

35 510.518. In applying and construing sections 510.500 to 510.521, consideration shall be
36 given to the need to promote uniformity of the law with respect to its subject matter among states
37 that enact it.

38 510.521. Sections 510.500 to 510.521 apply to requests for discovery in cases pending on
39 August 28, 2022.

1 550.125. 1. There is hereby created in the state treasury the "Change of Venue for Capital
2 Cases Fund", which shall consist of moneys appropriated to the fund by the general assembly. The
3 office of state courts administrator shall administer and disburse moneys in the fund in accordance
4 with subsection 2 of this section. The fund shall be a dedicated fund and, upon appropriation,
5 moneys in the fund shall be used solely for the administration of this section. Notwithstanding the
6 provisions of section 33.080, any moneys remaining in the fund at the end of the biennium shall not
7 revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund
8 in the same manner as other funds are invested. Any interest and moneys earned on such
9 investments shall be credited to the fund.

10 2. In a capital case in which a change of venue is taken from one county to any other county,
11 at the conclusion of such case the county from which the case was transferred may apply to the
12 office of state courts administrator for the county to which the case was transferred to be reimbursed
13 from the change of venue for capital cases fund any costs associated with the sequestering of jurors.
14 The costs of reimbursement shall not exceed the then-approved state rates for travel reimbursement
15 for lodging and meals.

16 3. Except as provided under subsection 4 of this section, the office of state courts
17 administrator shall develop an application process and other procedures to determine if a county is
18 eligible for reimbursement under this section. If a county is eligible for reimbursement, the office of
19 state courts administrator shall disburse such moneys to the county as provided under subsection 4
20 of this section. In the event the amount disbursed is less than the county's actual costs associated
21 with sequestering jurors, the original county shall reimburse the county to which the case was
22 transferred for the difference. If the office of state courts administrator determines a county is not
23 eligible for reimbursement under this section, the county in which the capital case originated shall
24 be responsible for reimbursement.

25 4. Applications for reimbursement shall be submitted by May first of the current fiscal year,
26 and disbursements shall be made by June thirtieth of the current fiscal year. Applications submitted
27 after May first of the current fiscal year shall be reimbursed in the following fiscal year. If the total
28 dollar amount of the claims in a given year exceeds the amount of money in the fund in the same
29 year, the claims shall be reimbursed on a pro rata basis.

30 5. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
31 under the authority delegated in this section shall become effective only if it complies with and is
32 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and
33 chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to
34 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently
35 held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after
36 August 28, 2022, shall be invalid and void."; and

37
38 Further amend said bill, Page 5, Section 573.550, Line 26, by inserting after all of said section and
39 line the following:
40

41 "575.205. 1. A person commits the offense of tampering with electronic monitoring

1 equipment if he or she intentionally removes, alters, tampers with, damages, ~~[or]~~ destroys, fails to
 2 charge, or otherwise disables electronic monitoring equipment which a court, the division of
 3 probation and parole or the parole board has required such person to wear.

4 2. This section does not apply to the owner of the equipment or an agent of the owner who
 5 is performing ordinary maintenance or repairs on the equipment.

6 3. The offense of tampering with electronic monitoring equipment is a class D felony.

7 4. The offense of tampering with electronic monitoring equipment if a person fails to charge
 8 or otherwise disables electronic monitoring equipment is a class E felony, unless the offense for
 9 which the person was placed on electronic monitoring was a misdemeanor, in which case it is a class
 10 A misdemeanor."; and

11
 12 Further amend said bill, Page 12, Section 595.226, Line 28, by inserting after all of said section and
 13 line the following:

14
 15 ~~"[435.014. 1. If all the parties to a dispute agree in writing to submit their~~
 16 ~~dispute to any forum for arbitration, conciliation or mediation, then no person who~~
 17 ~~serves as arbitrator, conciliator or mediator, nor any agent or employee of that~~
 18 ~~person, shall be subpoenaed or otherwise compelled to disclose any matter~~
 19 ~~disclosed in the process of setting up or conducting the arbitration, conciliation or~~
 20 ~~mediation.~~

21 ~~2. Arbitration, conciliation and mediation proceedings shall be regarded~~
 22 ~~as settlement negotiations. Any communication relating to the subject matter of~~
 23 ~~such disputes made during the resolution process by any participant, mediator,~~
 24 ~~conciliator, arbitrator or any other person present at the dispute resolution shall be~~
 25 ~~a confidential communication. No admission, representation, statement or other~~
 26 ~~confidential communication made in setting up or conducting such proceedings~~
 27 ~~not otherwise discoverable or obtainable shall be admissible as evidence or~~
 28 ~~subject to discovery.]"~~; and

29
 30 Further amend said bill by amending the title, enacting clause, and intersectional references
 31 accordingly.