

# JOURNAL OF THE HOUSE

Second Regular Session, 93rd GENERAL ASSEMBLY

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FIFTY-FOURTH DAY, TUESDAY, APRIL 11, 2006

The House met pursuant to adjournment.

Speaker Pro Tem Bearden in the Chair.

Prayer by Father Donald W. Lammers.

Aware that President Bush is coming today, let us pray.

God our Father, all earthly powers must serve You. Guide our President, coming to our State and this city today, to conduct his time among us in righteousness. May the purpose of his visit be fulfilled worthily and well, with honesty and ability.

Always, and today, may he honor and strive to please You. By his efforts may we see the advance of liberty and justice for all. As we pray for our President, so may we carry out our own work of public service. We pray to You, who are our God, forever and ever. 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: Tanner Sublette, Anna Henley, Erin Grant, Sarah Grant and Daniel Grant.

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

## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 2103

through

House Resolution No. 2135 - Representative St. Onge

House Resolution No. 2136

and

House Resolution No. 2137 - Representative Fraser

House Resolution No. 2138 - Representative Wallace

House Resolution No. 2139

through

House Resolution No. 2152 - Representative Muschany

## PERFECTION OF HOUSE BILLS

**HCS HB 1837**, relating to malpractice insurance, was taken up by Representative Yates.

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

### *House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 1837, Section 383.035, Page 3, Line 27, by inserting immediately after the word, "**Sections**" the following, "**383.198 and**"; and

Further amend said section, Page 3, Line 47, by deleting the brackets "[ ]" around the word "second"; and

Further amend said section, Page 3, Line 47, by deleting the word, "**first**"; and

Further amend said section, Page 3, Line 50, by deleting the brackets "[ ]" around the words, "other conclusive and"; and

Further amend said bill, Section 383.104, Page 5, Line 1, by inserting immediately after the numeral, "**1.**" the following, "**As used in sections 383.104 and 383.105, the term "health care provider" means physicians and surgeons licensed pursuant to chapter 334 RSMo.**"; and

Further amend said Section 383.104, Page 6, Line 55, by inserting immediately after the word, "**not**" the word, "**be**"; and

Further amend said bill, Section 383.198, Page 9, Line 2, by inserting immediately after the word, "**insurer**" the following, "**, as defined in section 383.300,**"; and

Further amend said section, Page 9, Line 6, by inserting after all of said line the following, "**The provisions of this section do not apply to policies described in section 383.335, RSMo.**"; and

Further amend said section, Page 10, Line 15, by deleting the word, "**Rates**" and inserting in lieu thereof the following, "**To the extent Missouri loss experience is available, rates and projected losses**"; and

Further amend said section, Page 11, Lines 54 through 58, by striking all of said lines; and

Further amend said bill, Section 383.300, Page 11, Line 4, by deleting the word, "**medicine**"; and

Further amend said section, Page 12, Line 11, by deleting all of said line and inserting in lieu thereof the following words, "**(1) Increase an individuals rate charged by more than fifteen**"; and

Further amend said section, Page 12, Line 14, by deleting the words, "**base rate**"; and

Further amend said section, Page 12, Line 14, by inserting immediately after the word, "**insured**" the following, "**or due to a material change in the nature of the insured's health care practice or individual risk characteristics**"; and

Further amend said bill, Section 383.302, Page 12, Line 4, by deleting the word, "**may**" and inserting in lieu thereof the following word, "**shall**"; and

Further amend said bill, Section 383.306, Page 12, Line 3, by deleting the word, "**median**" and inserting in lieu thereof the word, "**mean**"; and

Further amend said section, Page 12, Lines 4 through 6, by deleting the words, “**having at least a five percent market share of the medical malpractice insurance market as of December thirty-first of the prior year**”; and

Further amend said bill, Section 383.326, Page 14, Lines 1 through 5, by striking all of said lines; and

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

Representative Page offered **House Amendment No. 1 to House Amendment No. 1.**

*House Amendment No. 1*  
*to*  
*House Amendment No. 1*

AMEND House Amendment No. 1 to House Committee Substitute for House Bill No. 1837, Page 1, Section 383.104.4, Line 14, by inserting after said line the following:

"Further amend Lines 54-55, Page 6, by deleting the following after the word “under”:

“subdivision (2) of subsection 1 of this section and””.

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

On motion of Representative Yates, **House Amendment No. 1, as amended**, was adopted.

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

**House Amendment No. 2** was withdrawn.

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

*House Amendment No. 3*

AMEND House Committee Substitute for House Bill No. 1837, Page 1, In the Title, Line 3, by deleting the words "twenty-three" and inserting in lieu thereof the words "twenty-four"; and

Further amend said bill, Page 1, Section A, Line 2, by deleting the words "twenty-three" and inserting in lieu thereof the words "twenty-four"; and

Further amend said bill, Page 1, Section A, Line 3, by inserting after the word "sections" the number "135.163,"; and

Further amend said bill, Page 1, Section A, Line 5, by inserting after all of said line the following:

**"135.163. 1. For all tax years beginning on or after January 1, 2007, in order to encourage the retention of physicians and other health care providers in this state, an eligible taxpayer shall be allowed a credit not to exceed fifteen thousand dollars per eligible taxpayer against the tax otherwise due pursuant to chapter 143, RSMo, not including sections 143.191 to 143.265, RSMo, in an amount equal to fifteen percent of the increase in amount paid by an eligible taxpayer for medical malpractice insurance premiums in the aggregate from one policy period to the next immediate policy period. For purposes of this section, the base policy period for calculation of the credit shall be the medical malpractice insurance policy in effect on August 28, 2006.**

2. The tax credit allowed by this section shall be claimed by the taxpayer at the time such taxpayer files a return. Any amount of tax credit which exceeds the tax due shall be carried over to any of the next five subsequent taxable years, but shall not be refunded and shall not be transferable.

3. The director of the department of insurance and the director of the department of revenue shall jointly administer the tax credit authorized by this section. The director of the department of insurance shall enact procedures to verify the amount of the allowable credit and shall issue a certificate to each eligible taxpayer that certifies the amount of the allowable credit. Both the director of the department of insurance and the director of the department of revenue are authorized to promulgate rules and regulations necessary to administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, 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, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, 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, 2006, shall be invalid and void.

4. The tax credits issued pursuant to this section shall not exceed a total for all tax credits issued of fifteen million dollars per fiscal year."; and

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

**HCS HB 1837, as amended, with House Amendment No. 3, pending,** was laid over.

**HCS HB 1441**, relating to the Large Carnivore Act, was taken up by Representative Sutherland.

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

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 1441, Section 578.600.2(6)(a), by deleting:

“domesticated or”

And replacing it with “common domestic”.

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

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

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 1441, Section 578.606(8), by inserting after the words “a sworn affidavit.”, the following:

“Such affidavit shall include the identification number from the animal’s subcutaneous microchip and a statement that the microchip will not be reused in another animal.”.

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

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

*House Amendment No. 3*

AMEND House Committee Substitute for House Bill No. 1441, Page 4, Section 578.610, Lines 6 thru 13, by deleting all of said lines; and

Further amend said bill, section, and page, Line 14, by deleting the number “3” from said line and inserting in lieu thereof the number “2”; and

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

Representative Baker (25) offered **House Substitute Amendment No. 1 for House Amendment No. 3.**

*House Substitute Amendment No. 1  
for  
House Amendment No. 3*

AMEND House Committee Substitute for House Bill No. 1441, Section 578.610, by deleting:

“However, the director of the department may waive the insurance requirements of this subsection for all or any owner or possessor of a large carnivore or may rescind such waiver.”.

Speaker Jetton assumed the Chair.

**HCS HB 1441, as amended, with House Substitute Amendment No. 1 for House Amendment No. 3, and House Amendment No. 3, pending,** was laid over.

**SPECIAL RECOGNITION**

Tony La Russa, Manager of the St. Louis Cardinals Baseball Team, was introduced by Representatives Jackson and Young and recognized as an Outstanding Missourian.

On motion of Representative Dempsey, the House recessed until 2:00 p.m.

**AFTERNOON SESSION**

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

**HOUSE RESOLUTION**

Representative Denison offered House Resolution No. 2187.

**HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED**

House Resolution No. 2153 - Representative Munzlinger  
House Resolution No. 2154 - Representative Guest  
House Resolution No. 2155  
through  
House Resolution No. 2158 - Representative Frame

House Resolution No. 2159  
through  
House Resolution No. 2161 - Representative Whorton  
House Resolution No. 2162 - Representative Cooper (120)  
House Resolution No. 2163 - Representative Nance  
House Resolution No. 2164 - Representative Wright (137)  
House Resolution No. 2165 - Representative Swinger  
House Resolution No. 2166 - Representative Spreng, et al.  
House Resolution No. 2167 - Representative Cooper (155)  
House Resolution No. 2168 - Representative Swinger  
House Resolution No. 2169  
and  
House Resolution No. 2170 - Representative Chinn  
House Resolution No. 2171 - Representative Rector  
House Resolution No. 2172  
through  
House Resolution No. 2175 - Representative Lager  
House Resolution No. 2176  
through  
House Resolution No. 2186 - Representative LeVota

#### **SPECIAL RECOGNITION**

Dr. Ronald Sprouse was introduced by Representative Robb and recognized as an Outstanding Missourian.

Kamden Rampley was introduced by Representative Lipke and recognized for attaining the 2006 Class 4 Wrestling Championship.

#### **PERFECTION OF HOUSE BILL - INFORMAL**

**HCS HBs 1783 & 1479**, relating to the scholarships tax credit program, was taken up and placed back on the Informal Calendar.

#### **PERFECTION OF HOUSE BILLS**

**HB 1865**, relating to higher education, was taken up by Representative Bearden.

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

*House Amendment No. 1*

AMEND House Bill No. 1865, Page 2, Section 173.195, Lines 32 to 35, by deleting all of said lines and inserting in lieu thereof the following:

**“4. The maximum scholarship shall be no more than one thousand dollars. The coordinating”;** and

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

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

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

*House Amendment No. 2*

AMEND House Bill No. 1865, Page 7, Section 173.1003, Line 27, by inserting immediately after the word **“funded.”** the following:

**“Because the student assistance programs addressed in this subsection collectively serve a diverse range of student needs, any reduction in the appropriation for an established student assistance program in an effort to consolidate programs shall require a companion bill to make statutory changes to remove the programs from statute and to address resulting student transitions from the unfunded assistance program to a new program.”;** and

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

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

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

*House Amendment No. 3*

AMEND House Bill No. 1865, Page 6, Section 173.1003, Line 3, by deleting the number **“2001”** and inserting in lieu thereof the following: **“2002”**; and

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

Representative Bearden offered **House Amendment No. 1 to House Amendment No. 3.**

*House Amendment No. 1*

*to*

*House Amendment No. 3*

AMEND House Amendment No. 3 to House Bill No. 1865, Page 1, Line 2 of said amendment, by adding after all of said line the following:

“Further amend said bill, page and line, by deleting the word **“only”** and inserting in lieu thereof the following:  
**“only:**

**(1) At a rate of no greater than two and five-tenths percent of the institutional operating appropriation for the previous fiscal year until the seventy-five percent level referred to in subsection 3 of this section is reached. Once such level is reached and any legislative adjustment of the base appropriation is made, the two and five-**

tenths cap shall remain in place until the scholarships referred to in subsection 3 are one hundred percent funded, at which time the cap shall no longer apply; and  
(2)”; and

Further amend said amendment, Line 3 of said amendment, by adding the following:  
“Further amend said bill by relettering subdivisions (1) and (2) as (a) and (b); and”; and

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

Representative Rector assumed the Chair.

Speaker Jetton resumed the Chair.

On motion of Representative Bearden, **House Amendment No. 1 to House Amendment No. 3** was adopted.

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

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

*House Amendment No. 4*

AMEND House Bill No. 1865, Page 13, Section 173.1012, Line 41, by inserting after all of said line the following:

“**Section 1. The governing board of any public four-year institution shall not approve any increase in tuition or fees during an academic year the total percentage increase of which exceeds the increase in the consumer price index for all urban consumers during that time period.**”; and

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

Representative Flook offered **House Amendment No. 1 to House Amendment No. 4**.

*House Amendment No. 1  
to  
House Amendment No. 4*

AMEND House Amendment No. 4 to House Bill No. 1865, Page 1, Line 3, Section 1 of said amendment, by deleting the word “**public**” and inserting in lieu thereof the following: “**state**”; and

Further amend said amendment, page, line, and section, by inserting after the word “**four-year**” the following: “**higher education**”; and

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

On motion of Representative Flook, **House Amendment No. 1 to House Amendment No. 4** was adopted.



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

AYES: 129

Aull	Avery	Baker 123	Bearden	Bivins
Black	Bland	Bogetto	Bowman	Boykins
Bringer	Brown 50	Casey	Chinn	Chappelle-Nadal
Cooper 120	Cooper 155	Cooper 158	Corcoran	Cunningham 145
Cunningham 86	Curls	Dake	Darrough	Daus
Davis	Day	Deeken	Dempsey	Denison
Dethrow	Dixon	Donnelly	Dougherty	Dusenberg
El-Amin	Emery	Ervin	Faith	Fisher
Flook	Frame	Franz	Fraser	Guest
Harris 110	Haywood	Henke	Hoskins	Hubbard
Hunter	Icet	Jackson	Johnson 90	Jolly
Jones	Kelly	Kratky	Kraus	Kuessner
Lager	Lampe	Lembke	LeVota	Liese
Lipke	Loehner	May	McGhee	Meadows
Meiners	Moore	Munzlinger	Muschany	Myers
Nance	Nieves	Nolte	Page	Parker
Parson	Phillips	Pollock	Portwood	Pratt
Quinn	Rector	Richard	Roark	Robinson
Roorda	Ruestman	Rupp	Sander	Sater
Schaaf	Schad	Scharnhorst	Schlottach	Schneider
Schoemehl	Self	Silvey	Smith 14	Smith 118
Smith 150	Stevenson	St. Onge	Storch	Sutherland
Swinger	Tilley	Viebrock	Villa	Wagner
Wasson	Wells	Weter	Wilson 119	Wilson 130
Witte	Wood	Wright 137	Wright 159	Wright-Jones
Yaeger	Yates	Zweifel	Mr Speaker	

NOES: 028

Baker 25	Behnen	Brooks	Burnett	Fares
George	Harris 23	Hobbs	Johnson 47	Kingery
Low 39	Lowe 44	Oxford	Pearce	Robb
Rucker	Salva	Shoemyer	Skaggs	Spreng
Threlkeld	Vogt	Wallace	Walsh	Walton
Whorton	Wildberger	Young		

PRESENT: 000

ABSENT WITH LEAVE: 006

Bean	Brown 30	Bruns	Hughes	Johnson 61
Marsh				

**HB 1865, as amended**, was laid over.

**HCS HB 1944**, relating to eminent domain, was taken up by Representative Hobbs.

**HCS HB 1944** was placed on the Informal Calendar.

**HB 1865, as amended**, relating to higher education, was again taken up by Representative Bearden.

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

Representative Flook raised a point of order that **House Amendment No. 5** amends previously amended material.

The Chair ruled the point of order well taken.

Representative Schaaf assumed the Chair.

Speaker Jetton resumed the Chair.

On motion of Representative Bearden, **HB 1865, as amended**, was ordered perfected and printed by the following vote:

AYES: 083

Avery	Baker 123	Bearden	Bivins	Black
Chinn	Cooper 120	Cooper 155	Cunningham 145	Cunningham 86
Davis	Day	Deeken	Dempsey	Dethrow
Dixon	Dougherty	Emery	Ervin	Faith
Fisher	Flook	Franz	Guest	Hoskins
Hubbard	Hunter	Icet	Jones	Kelly
Kingery	Kraus	Lembke	Lipke	Loehner
May	McGhee	Moore	Munzlinger	Muschany
Myers	Nance	Nieves	Nolte	Parker
Parson	Phillips	Pollock	Portwood	Quinn
Rector	Richard	Roark	Ruestman	Rupp
Sander	Sater	Schaaf	Schad	Scharnhorst
Schlottach	Schneider	Self	Silvey	Smith 14
Smith 118	Smith 150	Stevenson	St. Onge	Sutherland
Threlkeld	Tilley	Villa	Walton	Wasson
Wells	Weter	Wilson 119	Wilson 130	Wood
Wright 137	Wright 159	Mr Speaker		

NOES: 074

Aull	Baker 25	Behnen	Bland	Bogetto
Bowman	Boykins	Bringer	Brooks	Brown 50
Burnett	Casey	Chappelle-Nadal	Cooper 158	Corcoran
Curls	Dake	Darrough	Daus	Denison
Donnelly	Dusenberg	El-Amin	Fares	Frame
Fraser	George	Harris 23	Harris 110	Haywood
Henke	Hobbs	Johnson 47	Johnson 61	Johnson 90
Jolly	Kratky	Kuessner	Lager	Lampe
LeVota	Liese	Low 39	Lowe 44	Meadows
Meiners	Oxford	Page	Pearce	Pratt
Robb	Robinson	Roorda	Rucker	Salva
Schoemehl	Shoemyer	Skaggs	Spreng	Storch

Swinger	Viebrock	Vogt	Wagner	Wallace
Walsh	Whorton	Wildberger	Witte	Wright-Jones
Yaeger	Yates	Young	Zweifel	

PRESENT: 000

ABSENT WITH LEAVE: 006

Bean	Brown 30	Bruns	Hughes	Jackson
Marsh				

**HCS HB 1837, as amended, with House Amendment No. 3, pending**, relating to malpractice insurance, was again taken up by Representative Yates.

Representative Behnen assumed the Chair.

Representative LeVota moved that **House Amendment No. 3** be adopted.

Which motion was defeated by the following vote:

AYES: 054

Aull	Baker 25	Bland	Bogetto	Bowman
Boykins	Bringer	Brown 50	Burnett	Casey
Chappelle-Nadal	Corcoran	Curls	Dake	Darrough
Daus	Donnelly	Dougherty	El-Amin	Fraser
George	Harris 23	Haywood	Henke	Hoskins
Hubbard	Johnson 61	Johnson 90	Jolly	Kuessner
Lampe	LeVota	Liese	Low 39	Lowe 44
Oxford	Page	Rucker	Schoemehl	Shoemyer
Skaggs	Spreng	Storch	Swinger	Villa
Vogt	Wagner	Walsh	Walton	Whorton
Wildberger	Witte	Wright-Jones	Young	

NOES: 099

Avery	Baker 123	Bearden	Behnen	Bivins
Black	Chinn	Cooper 155	Cooper 158	Cunningham 145
Cunningham 86	Davis	Day	Deeken	Dempsey
Denison	Dethrow	Dixon	Dusenberg	Emery
Ervin	Faith	Fares	Fisher	Flook
Frame	Franz	Guest	Harris 110	Hobbs
Hunter	Icet	Johnson 47	Jones	Kelly
Kingery	Kratky	Kraus	Lager	Lembke
Lipke	Loehner	May	McGhee	Meiners
Moore	Munzlinger	Muschany	Myers	Nance
Nieves	Nolte	Parker	Parson	Pearce
Phillips	Pollock	Portwood	Pratt	Quinn
Rector	Richard	Roark	Robb	Robinson
Ruestman	Rupp	Salva	Sander	Sater
Schaaf	Schad	Scharnhorst	Schlottach	Schneider
Self	Silvey	Smith 14	Smith 118	Smith 150
Stevenson	St. Onge	Sutherland	Threlkeld	Tilley

Viebrock	Wallace	Wasson	Wells	Weter
Wilson 119	Wilson 130	Wood	Wright 137	Wright 159
Yaeger	Yates	Zweifel	Mr Speaker	

PRESENT: 001

Meadows

ABSENT WITH LEAVE: 009

Bean	Brooks	Brown 30	Bruns	Cooper 120
Hughes	Jackson	Marsh	Roorda	

On motion of Representative Yates, **HCS HB 1837, as amended**, was adopted.

On motion of Representative Yates, **HCS HB 1837, as amended**, was ordered perfected and printed.

Representative Rector resumed the Chair.

**HCS HBs 1660 & 1269**, relating to professional registration, was taken up by Representative Behnen.

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

*House Amendment No.1*

AMEND House Committee Substitute for House Bill Nos. 1660 & 1269, Page 14, Section 317.019, Line 26, by inserting immediately after said line the following;

**"324.011. As used in sections 324.011 to 324.015, the following terms mean:**

- (1) "Director", the director of revenue;**
- (2) "License", a license, certificate, registration, or authorization issued by a licensing authority under sections 209.319 to 209.339, RSMo, sections 256.010 to 256.453, RSMo, section 375.014, RSMo, and chapters 324 to 340, RSMo, and chapters 344 to 346, RSMo, granting a natural person a right or privilege to engage in an occupation or profession that is subject to suspension, revocation, forfeiture, or termination by the licensing authority. Any new requirement to license a profession assigned to the division of professional registration after August 28, 2006, shall be included in the definition of a license;**
- (3) "Licensee", any person who holds a license;**
- (4) "Licensing authority", any department, division, board, agency, or instrumentality of this state that issues a license under sections 209.319 to 209.339, RSMo, sections 256.010 to 256.453, RSMo, section 375.014, RSMo, and chapters 324 to 340, RSMo, and chapters 344 to 346, RSMo. Any board or commission assigned to the division of professional registration after August 28, 2006, shall be included in the definition of a licensing authority;**
- (5) "Payment plan", a written plan signed by the taxpayer and approved by the director that incorporates an arrangement for periodic payment of state taxes owed;**
- (6) "Tax compliance letter", a letter issued by the director that states the taxpayer is in compliance for all of the tax years in which the taxpayer was determined to be delinquent in payment of state taxes or the filing of tax returns.**

**324.012. 1. The director shall send, via first class mail, a notice to any taxpayer who is the subject of the transmission of data from the licensing authority to the director under section 324.014 and who is delinquent on any state taxes or has failed to file state income tax returns for any of the three years immediately preceding the**

license renewal. The notice shall state that the taxpayer's license shall be suspended within one hundred twenty days from the date of the notice unless, within such time, the taxpayer presents to the appropriate licensing authority a tax compliance letter.

2. The notice shall include the following information:

(1) A statement that the taxpayer is delinquent in payment of state taxes owed or has failed to file state income tax returns;

(2) The date that the suspension shall go into effect, which shall be within one hundred twenty days from the date the notice was issued;

(3) A conspicuous statement as follows: "NOTICE TO TAXPAYER: IN ORDER TO PREVENT YOUR LICENSE SUSPENSION FROM GOING INTO EFFECT, YOU ARE RESPONSIBLE FOR PRESENTING A TAX COMPLIANCE LETTER FROM THE MISSOURI DEPARTMENT OF REVENUE TO YOUR LICENSING ENTITY PRIOR TO THE DATE OF SUSPENSION CITED IN THIS NOTICE.";

(4) A conspicuous statement as follows: "NOTICE TO TAXPAYER: YOU ARE ENTITLED TO A REVIEW OF THE NOTIFICATION PROCESS WITH THE DIRECTOR OF REVENUE. ANY REQUEST FOR REVIEW MUST BE FILED IN WRITING WITHIN THIRTY (30) DAYS FROM THE DATE OF THIS NOTICE AT THE FOLLOWING ADDRESS: . . . . . (INSERT ADDRESS).";

(5) A conspicuous statement as follows: "NOTICE TO TAXPAYER: IF YOU DO NOT OBTAIN A TAX COMPLIANCE LETTER OR SEEK REVIEW UNDER SECTION 143.778, RSMo, YOUR LICENSE SHALL BE SUSPENDED BY OPERATION OF LAW EFFECTIVE THE DATE OF SUSPENSION CITED IN THIS NOTICE.".

3. A tax compliance letter shall be issued by the director to the taxpayer if the taxpayer:

(1) Files any delinquent state tax return and pays the entire amount of delinquent state taxes, interest, and additions due; or

(2) Enters into and complies with a payment plan. If the taxpayer fails to comply with the terms of a payment plan, the director may issue a notice informing the licensing authority of the defaulted payment plan. Upon receipt of payment plan default notice, the licensing authority shall issue a notice informing the taxpayer that the license shall be suspended by operation of law as of the date of the notice.

4. The notice required under subsection 1 of this section shall be sent to the last known address supplied to the director unless no such address has been provided, whereupon the notice shall be sent to the last known address supplied to the licensing authority.

5. The notice shall apply only to the license that is the subject of the transmission of data from the licensing authority to the director under section 324.014.

6. Within fifteen business days of the date of the notice required under subsection 1 of this section, the licensing authority shall send a letter to the taxpayer indicating that the license is subject to automatic suspension by operation of law as of the date provided in the notice required under subsection 1 of this section, unless the taxpayer provides the licensing authority a copy of a tax compliance letter by the date provided in the notice required under subsection 1 of this section.

324.013. 1. Within thirty days of the date of the notice, the taxpayer may file with the director at the address provided in the notice, a written request for review of the notice required under subsection 1 of section 324.012, stating the grounds upon which the taxpayer claims the notice was not proper.

2. Upon timely receipt of a request for review from a taxpayer, the director shall review the notice and mail the director's determination to the taxpayer by certified or registered mail within thirty days of receipt of the request. Such determination shall set forth briefly the director's findings of fact, and the basis of the decision and information regarding the taxpayer's right to appeal.

3. The issues that may be determined in a review under this section shall be limited to:

(1) The identity of the taxpayer;

(2) Whether the director has properly applied any credits or payments by the taxpayer; and

(3) Whether the director sent the notice to the proper address under subsection 4 of section 324.012.

4. The determination of the director, after a review under this section, shall be a final agency decision and shall be subject to appeal to the administrative hearing commission under chapter 621, RSMo.

5. A taxpayer shall appeal under chapter 621, RSMo, by filing a petition within thirty days of the date of the director's determination.

6. Suspension of a taxpayer's license shall be automatically stayed pending the appeal under chapter 621, RSMo.

7. A determination made by the director under this section is independent of any action imposed by the licensing authority.

**324.014. 1.** All state licensing authorities subject to sections 324.011 to 324.015 shall provide specified information, in a format agreed upon by the director and the licensing authorities, to the director within thirty days following the date of the receipt of an application for licensure or at least thirty days after the required renewal date of a licensee's license. Such information shall include, but is not limited to, the following:

- (1) Name;
- (2) Address of record;
- (3) Social Security number;
- (4) Type of license.

2. For licensees who are not residents of this state, the licensing authority shall include in the application and renewal forms a method allowing the nonresident licensee to indicate that they received no Missouri source income within the applicable three-year period. The licensing authority shall transmit this information to the director in a mutually agreed upon manner.

3. The director shall promulgate rules necessary for the administration of sections 324.011 to 324.015. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, 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, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, 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, 2005, shall be invalid and void.

**324.015. 1.** With regard to any licensee who has been issued a notice under section 324.012, the licensing authority shall enter a suspension of the applicable license on the effective date set out in the notice, unless the licensee has presented a tax compliance letter, or has timely filed for review in the administrative hearing commission as provided under section 324.013.

2. The suspension shall be processed by the licensing authority without any additional review or hearing by such licensing authority.

3. The suspension shall continue until a tax compliance letter is issued by the director of the department of revenue.

4. If a license is suspended under sections 324.011 to 324.014, any funds paid by the licensee to the licensing authority for costs related to issuance, renewal or maintenance of a license shall not be refunded to the licensee.

5. During any period of suspension imposed under sections 324.011 to 324.014, the licensee shall continue to pay all license or license renewal fees and obtain all continuing education hours as required by the licensing authority's statutes and regulations.

6. A licensee who continues to engage in the business, occupation, profession or other licensed activity while the license is suspended under sections 324.011 to 324.014, is guilty of a class A misdemeanor. The licensing authority may refer the licensee to the appropriate prosecuting or circuit attorney or the attorney general for prosecution under this section, in addition to any other remedy provided by law for engaging in a licensed activity without a license or while a license is suspended.

7. The licensing authority shall be exempt from liability to the licensee for activities conducted under sections 324.011 to 324.015.

8. The licensing authority shall not modify, remand, reverse, vacate or stay a suspension; except that, if the director of revenue certifies that an error has been made by the department or if an error is made by the licensing authority, the licensing authority may expunge the suspension from the licensee's permanent record."; and

Further amend said substitute, Page 89, Section 660.315, Line 102, by inserting immediately after said line the following;

“[324.010. All governmental entities issuing professional licenses, certificates, registrations, or permits pursuant to sections 209.319 to 209.339, RSMo, sections 214.270 to 214.516, RSMo,

sections 256.010 to 256.453, RSMo, section 375.014, RSMo, sections 436.005 to 436.071, RSMo, and chapter 317, RSMo, and chapters 324 to 346, RSMo, shall provide the director of revenue with the name and Social Security number of each applicant for licensure with or licensee of such entities within one month of the date the application is filed or at least one month prior to the anticipated renewal of a licensee's license. If such licensee is delinquent on any state taxes or has failed to file state income tax returns in the last three years, the director shall then send notice to each such entity and licensee. In the case of such delinquency or failure to file, the licensee's license shall be suspended within ninety days after notice of such delinquency or failure to file, unless the director of revenue verifies that such delinquency or failure has been remedied or arrangements have been made to achieve such remedy. The director of revenue shall, within ten business days of notification to the governmental entity issuing the professional license that the delinquency has been remedied or arrangements have been made to remedy such delinquency, send written notification to the licensee that the delinquency has been remedied. Tax liability paid in protest or reasonably founded disputes with such liability shall be considered paid for the purposes of this section.]"; and

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

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

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

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill Nos. 1660 & 1269, Page 23, Section 324.1150, Line 14, by inserting immediately after the word "and" on said line the following "**require the applicant to be fingerprinted in a manner approved by Missouri State Highway Patrol, Criminal Records and Identification Division pursuant to chapter 43.543, RSMo.**"; and

Further amend said substitute, Page 24, Section 324.1162, Line 16, by striking the word "Been" and inserting in lieu thereof the following "**Has been**"; and

Further amend said substitute, Page 28, Section 324.1184, Line 23, by striking the following "324.1112" and inserting in lieu thereof the following "**324.1162**"; and

Further amend said substitute, Page 33, Section 332.071, Line 43, by inserting immediately after the word "prescribed" the following "**or approved**"; and

Further amend said substitute, Page 39, Section 334.1012, Lines 10 & 11, by striking all of said lines and inserting in lieu thereof the following;

**"(1) Each applicant for a license as a radiographer, radiation therapist, or nuclear medicine technologist shall have satisfactorily completed a course"; and**

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

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

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

*House Amendment No. 3*

AMEND House Committee Substitute for House Bill Nos. 1660 & 1269, Section 324.1156, Page 21, Lines 6 through 8, by striking all of said lines and inserting in lieu thereof the following;

**“(2) Any officer or employee of the United States, or of this state, or political subdivision, or wherein a written contract is established between any governmental agency, department, or division thereof while engaged in the performance of the officers, employee, or independent contracted employees official duties:”**; and

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

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

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

*House Amendment No. 4*

AMEND House Committee Substitute for House Bill Nos. 1660 & 1269, Page 60, Section 339.100, Line 138, by inserting immediately after said line the following;

“339.507. 1. There is hereby created within the division of professional registration of the department of economic development the "Missouri Real Estate Appraisers Commission", which shall consist of seven members appointed by the governor with the advice and consent of the senate, six of whom shall be appraiser members, and one shall be a public member. Each member shall be a resident of this state and a registered voter for a period of one year prior to the person's appointment. The president of the Missouri Appraiser Advisory Council in office at the time shall, at least ninety days prior to the expiration of the term of the commission member, other than the public member, or as soon as feasible after the vacancy on the commission otherwise occurs, submit to the director of the division of professional registration a list of five appraisers qualified and willing to fill the vacancy in question, with the request and recommendation that the governor appoint one of the five persons so listed, and with the list so submitted, the president of the Missouri Appraiser Advisory Council shall include in his or her letter of transmittal a description of the method by which the names were chosen by that association. The public member shall have never been engaged in the businesses of real estate appraisal, real estate sales or making loans secured by real estate. The governor shall designate one of the appraiser appointees to be chairperson.

2. The real estate appraiser members appointed by the governor shall be Missouri residents who have real estate appraisal experience in the state of Missouri for not less than five years immediately preceding their appointment. [The real estate appraiser members appointed to the commission shall be designated members in good standing of nationally recognized real estate appraisal organizations that required, as of June 1, 1988, in order to become a designated member, appraisal experience, education and testing, and recertification that is at least equal to that required for certification or licensure pursuant to sections 339.500 to 339.549, provided that not more than one member of the commission shall be a designated member of the same nationally recognized real estate appraisal organization. Successor] Appraiser members of the commission shall be appointed from the registry of state-certified real estate appraisers and state-licensed real estate appraisers and not more than one [successor] appraiser member of the commission shall be a designated member in good standing of the same nationally recognized real estate appraisal organization as provided in this subsection. The governor shall not exclude a state-certified real estate appraiser or a state-licensed real estate appraiser from appointment as a successor appraiser member of the commission by virtue of membership or lack of membership of the state-certified real estate appraiser or state-licensed real estate appraiser in any particular real estate appraisal organization.

3. [Of the initial members appointed, two members shall be appointed for one-year terms, two members for two-year terms, and three members for three-year terms, provided that the initial public member shall be appointed for a three-year term.] All [successor] members shall be appointed for three-year terms. All members shall serve until their successors have been appointed and qualified. Vacancies occurring in the membership of the commission for any reason shall be filled by appointment by the governor for the unexpired term. Upon expiration of their terms, members of the commission shall continue to hold office until the appointment and qualification of their successors. No more than four members of the commission shall be members of the same political party. No person shall be appointed for more than



two consecutive terms. The governor may remove a member for cause. The executive director of the commission shall be employed by the division of professional registration, subject to approval and confirmation by the commission.

4. The commission shall meet at least once each calendar quarter to conduct its business. [The location in Missouri of future meetings shall be decided by a vote of the members present at the current meeting. The executive director shall give written notice by certified mail to each member of the time and place of each meeting of the commission at least ten days before the scheduled date of the meeting, and notice of any special meeting shall state the specific matters to be considered in the special meeting which is not a regular quarterly meeting.] A quorum of the commission shall consist of four members.

5. Each member of the commission shall be entitled to a per diem allowance of [fifty] **seventy** dollars for each meeting of the commission at which the member is present and shall be entitled to reimbursement of the member's expenses necessarily incurred in the discharge of the member's official duties. Each member of the commission shall be entitled to reimbursement of travel expenses necessarily incurred in attending meetings of the commission.

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

- (1) To establish educational programs and research projects related to the appraisal of real estate;
- (2) To establish administrative procedures for processing applications and issuing certificates of state-certified real estate appraisers and licenses of state-licensed real estate appraisers and for conducting disciplinary proceedings pursuant to the provisions of sections 339.500 to 339.549; and shall have authority to determine who meets the criteria for certification and licensure, and shall have authority to renew, censure, suspend or revoke certifications and licenses;
- (3) To further define by regulation, with respect to each category of state-certified real estate appraiser, and for state-licensed real estate appraisers, the type of educational experience, appraisal experience and equivalent experience that will meet the statutory requirements of sections 339.500 to 339.549; provided that such standards shall be equivalent to the minimum criteria for certification and licensure issued by the appraiser qualifications board of the appraisal foundation and the provisions of section 339.517;
- (4) To further define by regulation, with respect to each category of state-certified real estate appraiser, and for state-licensed real estate appraisers, the continuing education requirements for the renewal of certification and licensure that will meet the statutory requirements provided in section 339.530;
- (5) To adopt standards for the development and communication of real estate appraisals and to adopt regulations explaining and interpreting the standards; provided that such standards shall meet the standards specified by the appraisal standards board of the appraisal foundation;
- (6) To establish an examination for each category of state-certified real estate appraiser, and for state-licensed real estate appraisers, to provide or procure appropriate examination questions and answers, and to establish procedures for grading examinations; provided that such standards for examinations for certification shall meet the minimum criteria specified by the appraiser qualifications board of the appraisal foundation;
- (7) To maintain a registry of the names and addresses of state-certified real estate appraisers and state-licensed real estate appraisers; and
- (8) To perform such other functions and duties as may be necessary to carry out the provisions of sections 339.500 to 339.549.

**2. The chairperson of the commission may administer oaths, issue subpoenas, and issue subpoenas duces tecum requiring the production of documents and records. Subpoenas and subpoenas duces tecum shall be served by a person authorized to serve subpoenas of courts of record. In lieu of requiring attendance of a person to produce original documents in response to a subpoena duces tecum, the commission may require sworn copies of such documents to be filed with or delivered to its designated representative.**

**3. The commission may enforce its subpoenas and subpoenas duces tecum by applying to the circuit court of Cole County, the county of the investigation, hearing, or proceeding, or any county where the person subpoenaed resides or may be found for an order to show cause why such subpoena should not be enforced. Such order and a copy of the application shall be served upon the person in the same manner as a summons in a civil action, and if the circuit court determines after a hearing the subpoena should be sustained and enforced, such court shall proceed to enforce the subpoena in the same manner as though the subpoena had been issued in a civil case in the circuit court.**

339.513. **1.** Applications for examination, original certification and licensure, and renewal certification and licensure shall be made in writing to the commission on forms provided by the commission. The application shall specify the classification of certification, or licensure, for which application is being made.

2. Appropriate fees shall accompany all applications for examination, original certification or licensure, and renewal certification or licensure; provided that such fees shall be in amounts set by the commission in order to offset the cost and expense of administering sections 339.500 to 339.549, and in amounts to be determined by the commission with reference to the requirements of Section 1109 of the United States Public Law 101-73, as later codified and as may be amended. All fees collected pursuant to this subsection shall be collected by the commission and deposited with the state treasurer into a fund to be known as the "Missouri Real Estate Appraisers Fund". The provisions of section 33.080, RSMo, relating to the transfer of unexpended balances to the general revenue fund shall not apply to the Missouri real estate appraisers fund. **In any proceeding in which a remedy provided by subsection 1 or 2 of section 339.532 is imposed, the commission may also require the respondent licensee to pay the costs of the proceedings if the commission is a prevailing party or in settlement. The moneys shall be placed in the state treasury to the credit of the "Missouri Real Estate Appraisers Investigation Fund", which is hereby created to be used solely for investigations as provided in this chapter. The provisions of section 33.080, RSMo, relating to the transfer of unexpended balances to the general revenue fund shall not apply to the Missouri real estate appraisers investigation fund.**

3. At the time of filing an application for certification or licensure, each applicant shall sign a pledge to comply with the standards set forth in sections 339.500 to 339.549 and state that he or she understands the types of misconduct for which disciplinary proceedings may be initiated against a state-certified real estate appraiser or a state-licensed real estate appraiser. **Any applicant for a certificate or license under this section shall be a resident of this state.**

339.519. 1. The term of an original certificate or license issued pursuant to sections 339.500 to 339.549 shall be for a period set by the commission. All certificates and licenses shall be subject to renewal on the same date. The expiration date of the certificate or license shall appear on the certificate or license and no other notice of its expiration need be given to its holder.

2. The commission shall require every state-certified or state-licensed real estate appraiser to provide satisfactory evidence of the completion of the required continuing education hours as promulgated by the appraiser qualifications board. [The commission may waive the requirements of continuing education for retired or disabled licensed or certified appraisers or for other good cause.]

339.521. [If, in the determination by the commission, another state is deemed to have substantially equivalent certification or licensure requirements,] An applicant who is certified or licensed under the laws of [such other] **another** state may obtain certification as a state certified real estate appraiser or licensure as a state licensed real estate appraiser in this state upon such terms and conditions as may be determined by the board, provided that such terms and conditions shall comply with the minimum criteria for certification or licensure issued by the appraiser qualifications board of the appraisal foundation.

339.525. 1. To obtain a renewal certificate or license, a state certified real estate appraiser or state licensed real estate appraiser shall make application and pay the prescribed fee to the commission not earlier than one hundred twenty days nor later than thirty days prior to the expiration date of the certificate or license then held. With the application for renewal, the state certified real estate appraiser or state licensed real estate appraiser shall present evidence in the form prescribed by the commission of having completed the continuing education requirements for renewal specified in section 339.530.

2. If the commission determines that a state certified real estate appraiser or state licensed real estate appraiser has failed to meet the requirements for renewal of certification or licensure through mistake, misunderstanding, or circumstances beyond the appraiser's control, the commission may extend the term of the certificate or license for good cause shown for a period not to exceed six months, upon payment of a prescribed fee for the extension.

3. If a state certified real estate appraiser or state licensed real estate appraiser satisfies the requirements for renewal during the extended term of certification or licensure, the beginning date of the new renewal certificate or license shall be the day following the expiration of the certificate or license previously held by the state certified real estate appraiser or state licensed real estate appraiser.

4. If a person is otherwise eligible to renew the person's certification or license, the person may renew an expired certification or license within one year from the date of expiration. To renew such expired certification or license, the person shall submit an application for renewal, pay the renewal fee [and], pay a delinquent renewal fee as established by the commission, **and present evidence in the form prescribed by the commission of having completed the continuing education requirements for renewal specified in section 339.530.** Upon a finding of extenuating circumstances, the commission may waive the payment of the delinquent fee.

5. If a person has failed to renew the person's license within one year of its expiration, the person may renew such expired certification or license by completing either the number of hours of continuing education equal to fifty percent of the hours required for initial certification or licensure or pass the state examination for such classification, submit an application for renewal, pay the renewal fee and pay a delinquent renewal fee not to exceed an amount as established by the commission. Upon a finding of extenuating circumstances, the commission may waive the payment of the delinquent fee.

6. [If a state certified real estate appraiser or state licensed real estate appraiser renews an expired certification or license pursuant to subsection 5 of this section, the beginning date of the new term of certification or licensure shall be the day following the expiration of the certification or license term previously held by the state certified real estate appraiser or state licensed real estate appraiser.] **The commission shall be authorized to issue an inactive certificate or license to any licensee who makes written application for such on a form provided by the commission and remits the fee for an inactive certificate or license established by the commission. An inactive certificate or license shall be issued only to a person who has previously been issued a certificate or license to practice as a real estate appraiser in this state, who is no longer regularly engaged in such practice, and who does not hold himself or herself out to the public as being professionally engaged in such practice in this state. Each inactive certificate or license shall be subject to all provisions of this chapter, except as otherwise specifically provided. Each inactive certificate or license may be renewed by the commission subject to all provisions of this section and all other provisions of this chapter. An inactive licensee may apply for a certificate or license to regularly engage in the practice of real estate appraising upon filing a written application on a form provided by the commission, submitting the reactivation fee established by the commission, and submitting satisfactory proof of current competency, as established by the commission.**

339.532. 1. The commission may refuse to issue or renew any certificate or license issued pursuant to sections 339.500 to 339.549 for one or any combination of causes stated in subsection 2 of this section. The commission shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the right to file a complaint with the administrative hearing commission as provided by chapter 621, RSMo.

2. The commission may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any state-certified real estate appraiser, state-licensed real estate appraiser, or any person who has failed to renew or has surrendered his or her certificate or license for any one or any combination of the following causes:

(1) Procuring or attempting to procure a certificate or license pursuant to section 339.513 by knowingly making a false statement, submitting false information, refusing to provide complete information in response to a question in an application for certification or licensure, or through any form of fraud or misrepresentation;

(2) Failing to meet the minimum qualifications for certification or licensure or renewal established by sections 339.500 to 339.549;

(3) Paying money or other valuable consideration, other than as provided for by section 339.513, to any member or employee of the commission to procure a certificate or license pursuant to sections 339.500 to 339.549;

(4) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated pursuant to sections 339.500 to 339.549, for any offense of which an essential element is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

(5) Incompetency, misconduct, gross negligence, dishonesty, fraud, or misrepresentation in the performance of the functions or duties of any profession licensed or regulated by sections 339.500 to 339.549;

(6) Violation of any of the standards for the development or communication of real estate appraisals as provided in or pursuant to sections 339.500 to 339.549;

(7) Failure to comply with the Uniform Standards of Professional Appraisal Practice promulgated by the appraisal standards board of the appraisal foundation;

(8) Failure or refusal without good cause to exercise reasonable diligence in developing an appraisal, preparing an appraisal report, or communicating an appraisal;

(9) Negligence or incompetence in developing an appraisal, in preparing an appraisal report, or in communicating an appraisal;

(10) Violating, assisting or enabling any person to willfully disregard any of the provisions of sections 339.500 to 339.549 or the regulations of the commission for the administration and enforcement of the provisions of sections 339.500 to 339.549;

(11) Accepting an appraisal assignment when the employment itself is contingent upon the appraiser's reporting a predetermined analysis or opinion or where the fee to be paid for the performance of the appraisal assignment is contingent upon the opinion, conclusion, or valuation reached or upon the consequences resulting from the appraisal assignment;

(12) Violating the confidential nature of governmental records to which the person gained access through employment or engagement to perform an appraisal assignment or specialized appraisal services for a governmental agency;

(13) Violating any term or condition of a certificate or license issued by the commission pursuant to the authority of sections 339.500 to 339.549;

(14) Violation of any professional trust or confidence;

(15) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;

(16) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by sections 339.500 to 339.549 who is not licensed or certified and currently eligible to practice pursuant to sections 339.500 to 339.549;

(17) Use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed;

(18) Disciplinary action against the holder of a license, certificate or other right to practice any profession regulated pursuant to sections 339.500 to 339.549, imposed by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state.

3. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the commission may, singly or in combination, publicly censure or place the person named in the complaint on probation on such terms and conditions as the commission deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke, the certificate or license. The holder of a certificate or license revoked pursuant to this section may not obtain certification as a state-certified real estate appraiser or licensure as a state-licensed real estate appraiser for at least five years after the date of revocation.

4. A certification of a state-certified real estate appraiser or a license of a state-licensed real estate appraiser that has been suspended as a result of disciplinary action by the commission shall not be reinstated, and a person may not obtain certification as a state-certified real estate appraiser or licensure as a state-licensed real estate appraiser subsequent to revocation, unless the applicant presents evidence of completion of the continuing education required by section 339.530 during the period of suspension or revocation as well as fulfillment of any other conditions imposed by the commission. Applicants for recertification, relicensure or reinstatement also shall be required to successfully complete the examination for original certification or licensure required by section 339.515 as a condition to reinstatement of certification or licensure, or recertification or relicensure subsequent to revocation.”; and

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

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

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

*House Amendment No. 5*

AMEND House Committee Substitute for House Bill Nos. 1660 & 1269, Page 39, Section 334.1009, Line 2, by striking the word “twelve” and inserting in lieu thereof the word “**seven**”; and

Further amend said substitute, Page 71, Section 383.130, by striking all of said section and inserting in lieu thereof the following;

“383.130. As used in sections 383.130, 383.133 and 383.500, the following terms shall mean:

(1) "Disciplinary action", any final action taken by the board of trustees or similarly empowered officials of a hospital, **home health agency**, or ambulatory surgical center **as defined in chapter 197, RSMo, or any long-term**

**care facility licensed under chapter 198, RSMo, or any other entity that employs or contracts with licensed health care professionals to provide services to individuals or to any hospital, home health agency, ambulatory surgical center, or long-term care facility, or any employer of registered nurses and licensed practical nurses, including nurse agencies and subcontractors of nurse agencies,** to reprimand, discipline or restrict the practice of a health care professional. [If the health care professional is a physician or surgeon,] Only such reprimands, discipline, or restrictions in response to activities which are also grounds for disciplinary actions [pursuant to section 334.100, RSMo,] **according to the professional licensing law for that health care professional** shall be considered disciplinary actions for the purposes of this definition. [If the health care professional is a dentist, only such reprimands, discipline, or restrictions in response to activities which are also grounds for disciplinary actions pursuant to section 332.321, RSMo, shall be considered disciplinary actions for the purposes of this definition] **If the health care professional is a nurse, only such reprimands, discipline, or restrictions in response to activities which are also grounds for disciplinary actions pursuant to chapter 335, RSMo, shall be considered disciplinary actions for the purposes of this definition;**

(2) "Health care professional", a physician or surgeon licensed under the provisions of chapter 334, RSMo, a dentist licensed under the provisions of chapter 332, RSMo, or a podiatrist licensed under the provisions of chapter 330, RSMo, or a pharmacist licensed under the provisions of chapter 338, RSMo, a psychologist licensed under the provisions of chapter 337, RSMo, or a nurse licensed under the provisions of chapter 335, RSMo, while acting within their scope of practice;

(3) "Hospital", a place devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment or care for not less than twenty-four hours in any week of three or more nonrelated individuals suffering from illness, disease, injury, deformity or other abnormal physical conditions; or a place devoted primarily to provide for not less than twenty-four hours in any week medical or nursing care for three or more nonrelated individuals. The term "hospital" does not include convalescent, nursing, shelter or boarding homes as defined in chapter 198, RSMo;

(4) "Licensing authority", the appropriate board or authority which is responsible for the licensing or regulation of the health care professional."; and

Further amend said substitute, Page 72, Section 383.133, by striking all of said section and inserting in lieu thereof the following;

“383.133. 1. [Beginning on January 1, 1987,] The chief executive officer **or similarly empowered official** of any hospital, **home health agency,** or ambulatory surgical center, as such [term is] **terms are** defined in [section 197.200,] **chapter 197, RSMo, or any long-term care facility licensed under chapter 198, RSMo, or any entity that employs or contracts with licensed health care professionals to provide services to individuals or to any hospital, home health agency, ambulatory surgical center, or long-term care facility, and any other employer of registered nurses and licensed practical nurses, including nurse agencies and subcontractors of agency nurses,** shall report to the appropriate health care professional licensing authority any disciplinary action against any health care professional **including termination of contracted services due to complaints or reports,** or the voluntary resignation of any health care professional against whom any complaints or reports have been made which might have led to disciplinary action.

2. All reports required by this section shall be submitted within fifteen days of the final disciplinary action and shall contain, but need not be limited to, the following information:

(1) The name, address and telephone number of the person making the report;

(2) The name, address and telephone number of the person who is the subject of the report;

(3) A brief description of the facts which gave rise to the issuance of the report, including the dates of occurrence deemed to necessitate the filing of the report;

(4) If court action is involved and known to the reporting agent, the identity of the court, including the date of filing and the docket number of the action.

3. Upon request, the licensing authority may furnish a report of any disciplinary action received by it under the provisions of this section to any [of the hospitals or ambulatory surgical centers] **entity** required to report **under this section.** Such licensing authority may also furnish, upon request, a report of disciplinary action taken by the licensing authority to any other administrative or law enforcement agency acting within the scope of its statutory authority.

4. There shall be no liability on the part of, and no cause of action of any nature shall arise against any health care professional licensing authority or any [hospital or ambulatory surgical center] **entity** required to report under this section, or any of their agents or employees for any action taken in good faith and without malice in carrying out the provisions of this section.

5. Neither a report required to be filed under subsection 2 of this section nor the record of any proceeding shall be used against a health care professional in any other administrative or judicial proceeding.

6. Violation of any provision of this section is an infraction.”; and

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

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

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

*House Amendment No. 6*

AMEND House Committee Substitute for House Bill Nos. 1660 & 1269, Page 14, Section 317.019, Line 26, by inserting immediately after said line the following;

**319.300.** Sections 319.300 to 319.339 shall be known as the "Missouri Blasting Safety Act". The purpose of sections 319.300 to 319.339 shall be to foster the safe use of explosives in mining and construction by establishing and enforcing consistent statewide industry standards for licensing of blasters and persons using explosives. The provisions of sections 319.300 to 319.339 or any rules or regulations promulgated thereunder shall not be construed to amend, supersede, or conflict with any requirement of federal law or regulation governing the manufacturing, transporting, or storage of explosives.

**319.303.** As used in sections 319.300 to 319.339, the following terms shall mean:

- (1) "Blaster", a person qualified to be in charge of and responsible for the loading and firing of an explosive or explosive material;
- (2) "Blast", detonation of explosives;
- (3) "Blasting", the use of explosives in mining or construction;
- (4) "Blast site", the area where explosives are handled during loading of a borehole, including fifty feet in all directions from the perimeter formed by loaded holes. A minimum of thirty feet may replace the fifty feet requirement if the perimeter of loaded holes is marked and separated from nonblast site areas by a barrier. The fifty feet or thirty feet distance requirements, as applicable, shall apply in all directions along the full depth of the borehole;
- (5) "Board", the state blasting safety board created in section 319.324;
- (6) "Borehole", a hole made with a drill, auger, or other tool in which explosives are placed in preparation for detonation;
- (7) "Burden", the distance from an explosive charge to the nearest free or open face at the time of detonation;
- (8) "Business day", any day of the week except Saturday, Sunday, or a federal or state holiday;
- (9) "Deck", charge of explosives separated from other charges by stemming;
- (10) "Delay period", the time delay provided by blasting caps which permits firing of bore holes in sequence;
- (11) "Detonation", the action of converting the chemicals in an explosive charge to gases at a high pressure by means of a self-propagating shock wave passing through the charge;
- (12) "Detonator", any device containing initiating or primary explosive that is used for initiating detonation of another explosive material. A detonator may not contain more than ten grams of total explosives by weight, excluding ignition or delay charges. The term includes, but is not limited to, electric blasting caps of instantaneous and delay types, blasting caps for use with safety fuse, detonating cord delay connectors, and non-electric instantaneous and delay blasting caps which use detonating cord, shock tube, or any other replacement for electric leg wires;
- (13) "Explosives", any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion, including, but not limited to, dynamite, black powder, pellet powder, initiating explosives, detonators, safety fuses, squibs, detonating cord, igniter cord, and igniters; includes explosive materials such as any blasting agent, emulsion explosive, water gel, or detonator. Explosive materials determined to be within the coverage of sections 319.300 to 319.339 shall include all such materials listed in 18 U.S.C. Chapter 40, Importation, Manufacture, Distribution, and Storage of Explosive Materials, as issued at least annually by the Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives;

- (14) "Firing", causing explosives to be detonated by the use of a fuse or electric detonator;
- (15) "Fire protection official", an authorized representative of a municipal fire department, fire protection district, or volunteer fire protection association for the area where blasting occurs;
- (16) "Fugitive from justice", any person who has fled from the jurisdiction of any court of record to avoid prosecution for any crime or to avoid giving testimony in any criminal proceeding. The term shall also include any person who has been convicted of any crime and has fled to avoid case disposition;
- (17) "Initiation system", components of an explosive charge that cause the charge to detonate, such as primers, electric detonators, and detonating charge;
- (18) "Loading", placing of explosives in a hole in preparation for detonation;
- (19) "Local government", a city, county, fire protection district, volunteer fire protection association, or political subdivision of the state;
- (20) "Person", any individual, proprietorship, partnership, firm, corporation, company, joint venture, association, teaching institution, municipality, county, political subdivision, or department, board, commission, institution, or agency of the state of Missouri;
- (21) "Person using explosives", any business, company, or other person that is required to hold authority to receive or use explosives under statutes or regulations administered by the U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives and who employs blasters as required to be licensed by section 319.306;
- (22) "Regulatory authority", the Missouri division of fire safety, office of the state fire marshal;
- (23) "Scaled distance", the linear distance, in feet, from the blast to a specified location, divided by the square root of the maximum weight of explosives, in pounds, to be detonated in any eight millisecond period;
- (24) "Seismograph", an instrument that measures ground vibration and acoustic effects;
- (25) "Spacing", the distance between adjacent bore holes;
- (26) "Stemming", inert material that is placed above explosives that have been placed in a blast hole in preparation for detonation or vertically between columnar decks of explosives that have been placed in a hole in preparation for detonation;
- (27) "Uncontrolled structure", any dwelling, public building, school, church, commercial building, or institutional building, that is not owned or leased by the person using explosives, or otherwise under the direct contractual responsibility of the person using explosives. For the purposes of sections 319.300 to 319.339, RSMo, the term uncontrolled structure shall include but not be limited to any cemetery established or regulated pursuant to chapter 42, RSMo and chapter 214, RSMo.

319.306. 1. Any individual who uses explosives in Missouri shall obtain a blaster's license, except those exempted in subsection 18 of this section. A company, business or other person defined as a "person using explosives" shall not be required to hold a blaster's license, but all blasting on behalf of such company, business, or other person as governed by sections 319.300 to 319.339 shall be performed only by licensed blasters. Applications for a blaster's license or renewal of a blaster's license shall be on a form designated by the Missouri division of fire safety, but may obtain only the following:

- (1) The applicant's full name;
- (2) The applicant's home address;
- (3) The applicant's date of birth;
- (4) The applicant's sex;
- (5) The applicant's physical description;
- (6) The applicant's drivers license number;
- (7) The applicant's current place of employment;
- (8) A listing of any other blasting license or certification held by the applicant, to include the name, address, and phone number of the regulatory authority that issued the license or certification;
- (9) Any other information required to fulfill the obligations of sections 319.300 to 319.339.

2. Any individual who has met the qualifications set forth in subsection 4 of this section may apply for a blaster's license.

3. An applicant for a blaster's license shall submit an application fee and two copies of the applicant's photograph with the application submitted to the division of fire safety. The amount of such fee shall be established by rule promulgated by the division of fire safety under rulemaking authority established in section 319.327. The fee established by rule shall be no greater than the cost of administering this section, but shall not exceed one hundred dollars.

4. Any applicant for a blaster's license shall meet the following qualifications:

- (1) Is at least twenty-one years of age;
- (2) Has not willfully violated any provisions of sections 319.300 to 319.339;
- (3) Has not knowingly withheld information or has not made any false or fictitious statement intended or likely to deceive in connection with the application;
- (4) Has familiarity and understanding of relevant federal and state laws relating to explosives materials;
- (5) Has not been convicted in any court of, or plead guilty to, a felony;
- (6) Is not a fugitive from justice;
- (7) Is not an unlawful user of any controlled substance in violation of chapter 195, RSMo;
- (8) Except as provided in subsections 11 and 13 of this section, has completed an approved blaster's training course that meets the requirements of subdivision (1) of subsection 14 of this section and has successfully passed the licensing examination under the provisions of subdivisions (1) to (5) of subsection 15 of this section;
- (9) Has accumulated at least one thousand hours of experience directly relating to the use of explosives within two years immediately prior to applying for a blaster's license and shall provide signed documentation from an employer, supervisor, or other responsible party verifying the applicant's experience;
- (10) Has not been adjudicated as mentally defective; and
- (11) Is a citizen of the United States and does not advocate or knowingly belong to any organization or group that advocates violent action against any federal, state, or local government, or against any person.

5. Any individual holding a blaster's license under the provisions of this section shall promptly notify the division of fire safety if he or she has had any change of material fact relating to these qualifications of holding a blaster's license.

6. If the division of fire safety finds that the requirements for a blaster's license have been satisfied, such a license shall be issued to the applicant.

7. A blaster's license shall expire three years from the date of issuance. To qualify for a renewal of a blaster's license, an individual will be required to provide documentation of completing eight hours of training in an explosives-related course of instruction that is approved by the division of fire safety, half of which shall have been completed within the year prior to renewal. The remainder of such training for renewal of the license may be acquired at any time during the three-year period that a license is valid. Additional training beyond an accumulated eight hours during any three-year period is not valid for more than one subsequent renewal of the license.

8. Each license issued under the provision of this section shall provide documentation to the license holder in the form of a letter or letter-sized certificate and a card that is approximately two inches by three inches in size. Each shall specify a unique license number, the name of the individual, his or her driver's license number, the individual's photograph, the blaster's license's effective date and its expiration date, and any other record-keeping information needed by the division of fire safety. In addition, the card form of the license shall contain a photographic image of the license holder.

9. Each individual required to have a blaster's license shall provide documentation that he or she has a currently valid license to a representative of the division of fire safety within two business days of a written or verbal request. No enforcement action shall be taken against any individual that cannot comply with such a request so long as the division of fire safety's records provide documentation that the individual has a valid blaster's license.

10. (1) A blaster's license issued under the provisions of this section may be suspended or revoked, or in lieu thereof, a civil penalty assessed, upon substantial proof that the individual holding the license has:

- (a) Knowingly failed to monitor the use of explosives as provided in section 319.309;
- (b) Negligently or habitually exceeded the limits established under section 319.312;
- (c) Knowingly or habitually failed to create a record of blasts as required by section 319.315;
- (d) Had a change in material fact relating to their qualifications for holding a blaster's license as described in subsection 4 of this section;
- (e) Failed to advise the division of fire safety of any change of material fact relating to his or her qualification of holding a blaster's license; or
- (f) Knowingly made a material misrepresentation of any information by any means of false pretense, deception, fraud, misrepresentation, or cheating for the purpose of obtaining training or otherwise meeting the qualifications of obtaining a license.

(2) The division of fire safety shall provide any notice of suspension or revocation, as provided in subdivision (1) of this subsection, in writing, sent by certified mail to the last known address of the holder of the



license. The notice may also be verbal, but this does not eliminate the requirement for written notice. Upon receipt of a verbal or written notice of suspension or revocation from the division of fire safety, the person holding the license shall immediately surrender all copies of the license to a representative of the division of fire safety and shall immediately cease all blasting activity.

(3) The person holding the license may appeal any suspension or revocation or fine to the state blasting safety board established under section 319.324 within forty-five days of the date written notice was received. The division of fire safety shall immediately notify the chairman of the board that an appeal has been received and an informal hearing shall be held. The board shall consider and make a decision on any appeal received by the division of fire safety within thirty days of the date the appeal is received by the division of fire safety. The board shall make a decision on the appeal by majority vote of the board and shall immediately notify the licensee of its decision in writing. The written statement of the board's decision shall be prepared by the division of fire safety or its designee and shall be approved by the chairman of the board. The approved statement of the board's decision shall be sent by certified mail to the last known address of the holder of the license.

11. Any person whose license has been expired for a period of three years or less shall be required to successfully pass the examination as provided in subdivisions (1) to (5) of subsection 15 of this section and attend the eight hours of training required for renewal of a license as minimum qualifications for submitting an application for reinstatement of the license. Any person whose license has been expired for a period of more than three years shall meet the qualifications set forth in subsection 4 of this section, including completing twenty hours of training and passing the examination, prior to applying for a blaster's license.

12. License reciprocity may be granted to applicants that within the last three years have held a valid license or certification from any other source if all of the qualifications for obtaining the license or certification meets or exceeds the provisions of this section. Licenses or certifications held prior to the effective date of the rule required by subsection 19 of this section shall be deemed to meet requirements for reciprocity, provided they meet the requirements of the rule. It is the duty of the division of fire safety to investigate the qualifications required for obtaining a license or certification that is listed on a completed application on which the applicant is attempting to obtain a license issued by the division of fire safety.

13. License reciprocity may also be granted upon the application of a person employed as a blaster on or before December 31, 1995, and who has accumulated one thousand hours of experience working for a specific person using explosives within two years immediately prior to applying for reciprocity. The application shall include a statement of hours of experience in the form of an affidavit signed by the person using explosives who has employed or contracted with the blaster for the preceding two years. Such applicant for reciprocity shall also meet the requirements of subdivisions (1), (2), (3), (4), (5), (6), (7), (10), and (11) of subsection 4 of this section. Any person granted a license under this subsection shall be limited to blasting performed for the person submitting the affidavit required by this subsection. Such blaster granted reciprocity shall meet the requirements for continuing training required by subsection 7 of this section.

14. (1) The division of fire safety or its authorized agent shall offer at least two courses of instruction annually that fulfills the training requirement of qualifying for a blaster's license and renewal of a blaster's license. In addition, any person may apply to the division of fire safety for approval of a course of instruction that meets the training requirement of obtaining a blaster's license or renewal of a blaster's license. The application shall include a description of the qualifications of the instructor, a description of instructional materials to be used in the course, and an outline of the subject matter to be taught, including minimum hours of instruction on each topic. The division of fire safety shall review the application regarding the knowledge and experience of proposed instructors, the total hours of training and the adequacy of proposed training in subject matter with regard to the provisions of sections 319.300 to 319.339. If the division of fire safety determines that training proposed by the applicant is adequate, a letter of approval shall be issued to the applicant. The letter of approval shall be effective for a period of three years. If at any time the division of fire safety determines that an approved training course no longer meets the standards of this section, the letter of approval may be revoked with written notice. The division of fire safety or any person providing a course of instruction may charge an appropriate fee to recover the cost of conducting such instruction.

(2) To be approved by the division of fire safety, a blaster's training course shall contain at least twenty hours of instruction to prepare attendees for obtaining a blaster's license the first time, or eight hours of instruction to prepare attendees for obtaining a license renewal.

(3) Any person providing training in a course of instruction approved by the division of fire safety shall submit a list of individuals that attended any such course to the division of fire safety within ten working days after completion of the course.

(4) The division of fire safety shall maintain a current list of persons who provide approved training and shall make this list available by any reasonable means to professional and trade associations, labor organizations, universities, vocational schools, and others upon request.

15. (1) The division of fire safety shall approve a standard examination or examinations for the purpose of qualifying an individual to obtain a blaster's license. Each individual taking the examination shall pay a fee to the division of fire safety, or the division's agent, that is established by regulation. Testing fees shall not exceed fifty dollars per test, and shall be no greater than what is required to administer the testing provisions of this section.

(2) Except as provided in subsection 11 of this section, no individual shall be allowed to take an examination for purposes of obtaining a blaster's license unless that individual has completed a training course approved by the division of fire safety. The individual must have completed an approved course of instruction as provided in subdivision (1) of subsection 14 of this section no longer than two years prior to taking the examination. The examination may be administered by any person approved to provide a course of instruction, as provided in subdivision (1) of subsection 14 of this section, at the site of instruction, provided that any such examination may at the discretion of the fire marshal be conducted under the supervision of the state fire marshal or his or her designee. The division of fire safety may also administer such examinations at other times and locations.

(3) Standards for passing the examination shall be set by the division of fire safety by rule.

(4) The division of fire safety or its authorized agent shall provide a written statement within thirty days to the individual taking the examination as to whether that individual passed or failed.

(5) Any individual failing to pass the examination may retake the examination within six months without having to complete an additional approved course of instruction. If the individual fails the second examination, the person must complete another course of instruction as required in subdivision (1) of subsection 14 of this section before taking the examination again. No limit will be placed on how many times any individual may take the examination, subject to the provisions of this subdivision of this subsection.

(6) Individuals having previously taken an approved course, and passed an approved examination, and having taken an approved refresher training course, or that have obtained a blaster's license as provided in subsections 12 and 13 of this section are eligible for renewal of a blaster's license after meeting the requirements of subsection 7 of this section. The fee for renewal of a license shall be the same as the fee specified in subsection 3 of this section.

16. No individual shall load or fire explosives or direct, order, or otherwise cause any individual to load or fire explosives in this state unless that individual has a valid blaster's license or is under the direct supervision and responsibility of an individual having a valid blaster's license. An individual without a blaster's license that is loading or firing explosives while under the direct supervision and responsibility of an individual holding a blaster's license shall not be in violation of sections 319.300 to 319.339.

17. Persons found guilty of loading or firing explosives, or directing, ordering, or otherwise causing any individual to load or fire explosives in this state without having a valid blaster's license, or that loads and fires explosives without being under the direct supervision and responsibility of an individual holding a blaster's license as provided in sections 319.300 to 319.339, shall be guilty of a class B misdemeanor for the first offense or a class A misdemeanor for the second offense. Any individual convicted of a class A misdemeanor under the provisions of sections 319.300 to 319.339 shall be permanently prohibited from obtaining a blaster's license in this state.

18. The requirement for obtaining a blaster's license shall not apply to:

(1) Individuals employed by universities, colleges, or trade schools when the use of explosives is confined to instruction or research;

(2) Individuals using explosives materials in the forms prescribed by the official U.S. Pharmacopoeia or the National Formulary and used in medicines and medicinal agents;

(3) Individuals conducting training or emergency operations of any federal, state, or local government including all departments, agencies, and divisions thereof, provided they are acting in their official capacity and in the proper performance of their duties or functions;

(4) Individuals using explosives that are members of the armed forces or any military unit of Missouri or the United States who are using explosives while on official training exercises or who are on active duty;

(5) Individuals using pyrotechnics, commonly known as fireworks, including signaling devices such as flares, fuses, and torpedoes;

(6) Individuals using small arms ammunition and components thereof which are subject to the Gun Control Act of 1968, Title 18, Chapter 44 U.S.C., and regulations promulgated thereunder;

(7) Any individual performing duties in underground mines regulated by 30 CFR Part 48, Subpart A and 30 CFR Part 57; or performing duties in coal mining regulated by 30 CFR Part 76, and 30 CFR Part 77 of the Code of Federal Regulations, as amended; or using explosives within an industrial furnace;

(8) Any individual having a valid blaster's license or certificate issued under the provisions of any requirement of the U.S. government in which the requirements for obtaining the license or certificate meet or exceed the requirements of sections 319.300 to 319.339;

(9) Individuals using agricultural fertilizers when used for agricultural or horticultural purposes;

(10) Individuals handling explosives while in the act of transporting them from one location to another;

(11) Individuals assisting or training under the direct supervision of a licensed blaster;

(12) Individuals handling explosives while engaged in the process of explosives manufacturing;

(13) Employees, agents, or contractors of rural electric cooperatives organized or operating under chapter 394, RSMo;

(14) Individuals discharging historic firearms and cannon or reproductions of historic firearms and cannon.

19. The division of fire safety shall promulgate rules under this section to become effective no later than July 1, 2007. Any individual loading or firing explosives after the effective date of such rule shall obtain a license within one hundred eighty days of the effective date of such rule. Any experience or training prior to the effective date of such rule which meets the standards established by the rule shall be deemed to comply with this section.

319.309. 1. Any person using explosives in the state of Missouri shall calculate the scaled distance to the nearest uncontrolled structure. If more than one uncontrolled structure is the same approximate distance from the blast site, then the person using explosives may select one representative structure for calculation of scaled distance.

2. For the purposes of this section, the term uncontrolled structure shall not apply to the following:

(1) Buildings in a state of disrepair or neglect which are not being used as a permanent residence;

(2) Noncommercial storage sheds;

(3) Temporary structures;

(4) Any unoccupied mobile recreational vehicle, trailer, or camper;

(5) Agricultural barns, storage sheds, and animal shelters;

(6) Any building on mine property that is owned by the mine operator or contained on property leased by the mine operator.

3. In any instance when the scaled distance value is fifty-five or less, any person using explosives, except as provided in 319.321, shall use at least one seismograph to record the ground vibration and acoustic levels that occur from the use of such explosives or explosive materials. When measuring ground vibration and acoustic levels, the seismograph shall be placed in the proximity of the nearest uncontrolled structure or, at the option of the person using explosives, closer to the blast site. If more than one uncontrolled structure is the same approximate distance from the blast site, then the person using explosives may select one representative structure for placement of the seismograph.

4. Any person voluntarily using a calibrated seismograph for all blasting is exempt from the requirements of this section.

319.312. 1. (1) Any person using explosives in the state of Missouri in which monitoring with a seismograph is required, as provided in section 319.309, shall comply with ground vibration limits based on the U.S. Bureau of Mines Report of Investigations 8507, Appendix B.

(2) In lieu of the ground vibration limit established in subdivision (1) of this subsection, the person using explosives may submit a written request to the division of fire safety to use an alternate compliance method. Such written request must be supported by sufficient technical information, which may include but not limited to, documented approval of such method by other federal, state, or local political subdivisions which regulates the use of explosives. Upon submittal by the person using explosives of a request to use an alternate compliance method, the state blasting safety board shall issue a written determination as to whether the technical information submitted provides sufficient justification for the alternate method to be used as a method of demonstrating compliance with the provisions of this section.

2. Any person using explosives in the state of Missouri in which monitoring with a seismograph is required, as provided in section 319.309, shall limit acoustic values from blasting to one hundred thirty-three

decibels using a two hertz flat response measuring system based on the Office of Surface Mining regulation 816.67(b)(1)(I).

**319.315. 1.** Seismograph recordings of the ground vibration and acoustic levels created by the use of explosives, when required by section 319.309, shall be retained for at least three years. Such recordings shall be made available to the division of fire safety within twenty-four hours of a request by any representative of the division of fire safety. Each seismograph recording and the accompanying records shall include the:

- (1) Maximum ground vibration and acoustics levels recorded;
- (2) Specific location of the seismograph equipment, its distance from the detonation of the explosives, the date of the recording, and the time of the recording;
- (3) Name of the individual responsible for operation of the seismograph equipment and performing an analysis of each recording;
- (4) Type of seismograph instrument, its sensitivity and calibration signal or certification date of the last calibration.

**2.** When seismograph recordings of the use of explosives are required by section 319.309, a record of each such use of explosives shall be made and retained for at least three years. The record shall be completed by the end of the work day following the day in which the explosives were detonated. Such records shall be made available to the division of fire safety, upon request, within twenty-four hours of the request. Each record shall include the:

- (1) Name of the person using the explosives;
- (2) Location, date, and time of the detonation;
- (3) Name of the licensed blaster responsible for use of the explosives;
- (4) Type of material blasted;
- (5) Number of bore holes, burden, and spacing;
- (6) Diameter and depth of bore holes;
- (7) Type of explosives used;
- (8) Weight of explosives used per bore hole and total weight of explosives used;
- (9) Maximum weight of explosives detonated with any eight millisecond period;
- (10) Maximum number of bore holes or decks detonated within any eight millisecond period;
- (11) Initiation system, including number of circuits and the timer interval, if a sequential timer is used;
- (12) Type and length of stemming;
- (13) Type of detonator and delay periods used, in milliseconds;
- (14) Sketch of delay pattern, including decking;
- (15) Distance and scaled distance, if required under the provisions of 319.309, to the nearest uncontrolled structure;
- (16) Location of the nearest uncontrolled structure, using the best available information.

**3.** It shall be the duty of each licensed blaster and each person using explosives to assure that the requirements of this section are met. Any person using explosives shall provide properly calibrated seismographic equipment at the closest practical proximity to the nearest uncontrolled structure, or at the option of the person using explosives the seismograph equipment may be located nearer to the blast site on an approximate line between the nearest uncontrolled structure and the blast site. Licensed blasters shall create the record required in subsection 2 of this section and provide such record to the person using explosives, who shall be responsible for maintaining records required in this section.

**319.318. 1.** Any person using explosives shall comply with the provisions of this section.

**2.** Provisions of federal law and regulation regarding the manufacturing, transportation, distribution, and storage of explosives shall be enforced by the appropriate federal agency and shall not be subject to enforcement under sections 319.300 to 319.339.

**3.** Within sixty days after the effective date of sections 319.300 to 319.339, each person using explosives or intending to use explosives in Missouri shall register with the state fire marshal. Any person not required to register on the effective date, who subsequently uses explosives in Missouri, shall register with the state fire marshal prior to first using explosives in Missouri. The initial registration shall state the name of the person, address, telephone number, facsimile number, e-mail address, and name of the principal individual having responsibility for supervision of the use of explosives. A fee of one hundred dollars shall be submitted with the initial registration.

4. Each person using explosives that is required to register under subsection 3 of this section shall by January 31 of each year after registering, file an annual report with the state fire marshal for the preceding calendar year.

(1) The annual report shall state any material change or addition to the information stated in the report required by subsection 3 of this section.

(2) The initial annual report shall only include that portion of the preceding calendar year after the date the person became subject to the requirement to register under subsection 3 of this section.

(3) The report shall include:

(a) The name and address of the explosives distributors from which explosives were purchased;

(b) The total number of pounds of explosives purchased during the period required to be covered by the report. For persons who purchase explosives for use in multiple states, the report need only state the total number of pounds which were delivered for use in Missouri. Persons required to annually report shall maintain records sufficient to prove the accuracy of the information reported.

(4) The person shall submit with the annual report a fee per ton, as established under this section, based on the amount of explosives reported. If the report of total pounds purchased results in a portion of a ton, the cumulative total of the fee shall be rounded to the nearest ton. The minimum total fee submitted by any person required to annually report shall be five hundred dollars. In addition to the minimum fee, any person using explosives during any year shall pay a fee of one dollar and fifteen cents on each ton of explosives used. The fee authorized under this subdivision may be adjusted by rule provided the fee shall not exceed one dollar and fifty cents per ton. The state blasting safety board shall review the fee schedule on a biennial basis and make recommendations for adjustments.

5. (1) The state fire marshal may audit the records of any person required to annually report under subsection 4 of this section to determine the accuracy of the number of pounds of explosives reported. In connection with such audit, the state fire marshal may also require any distributor of explosives to provide a statement of sales during the year to persons required to report under subsection 4 of this section.

(2) It shall be a violation of sections 319.300 to 319.319 to fail to register as required by subsection 3 of this section or to knowingly report false information in the reports required under subsections 3 and 4 of this section. The state fire marshal may issue a notice of violation for reporting false information. The notice of violation shall be subject to the same procedures and rights of appeal as established in sections 319.324, 319.327, and 319.333. Upon conviction for knowingly filing a false report, the person shall be subject to a penalty as a class B misdemeanor. Conviction upon a second or subsequent offense shall be subject to penalty as a class A misdemeanor.

6. It shall also be a violation of sections 319.300 to 319.339 for any person using explosives to:

(1) Engage in blasting other than by a licensed blaster or an individual working under the direct supervision of a licensed blaster;

(2) Fail to calculate the scaled distance, conduct monitoring of vibration and noise levels, and conduct record keeping as required by sections 319.300 to 319.339.

(3) Fail to carry a minimum of one million dollars in commercial general liability insurance.

7. Upon a conviction or guilty plea to violation of subsection 6 of this section, the person shall be subject to a penalty as a class B misdemeanor upon the first offense, and upon a second or subsequent offense, the person shall be subject to a penalty as a class A misdemeanor as provided in subsection 1 of section 560.021, RSMo.

319.321. Sections 319.309, 319.312, 319.315, and 319.318 shall not apply to:

(1) Universities, colleges, or trade schools when confined to the purpose of instruction or research;

(2) The use of explosive materials in the forms prescribed by the official U.S. Pharmacopoeia or the National Formulary and used in medicines and medicinal agents;

(3) The training or emergency operations of any federal, state, or local government including all departments, agencies, and divisions thereof, provided they are acting in their official capacity and in the proper performance of their duties or functions;

(4) The use of explosives by the military or any agency of the United States;

(5) The use of pyrotechnics, commonly known as fireworks, including signaling devices such as flares, fuses, and torpedoes;

(6) The use of small arms ammunition and components thereof which are subject to the Gun Control Act of 1968, Title 18, Chapter 44, U.S.C., and regulations promulgated thereunder. Any small arms ammunition

and components thereof exempted by the Gun Control Act of 1968 and regulations promulgated thereunder are also exempted from the provisions of sections 319.300 to 319.339;

(7) Any individual performing duties in underground mines regulated by 30 CFR Part 48, Subpart A and 30 CFR Part 57; or performing duties in coal mining regulated by 30 CFR Part 76 and 30 CFR Part 77 of the Code of Federal Regulations, as amended; or using explosives within an industrial furnace;

(8) The use of agricultural fertilizers when used for agricultural or horticultural purposes;

(9) The use of explosives for demolition of structures;

(10) The use of explosives by employees, agents, or contractors of rural electric cooperatives organized or operating under chapter 394, RSMo;

(11) Individuals discharging historic firearms and cannon or reproductions of historic firearms and cannon.

319.324. 1. A state blasting safety board is hereby created and assigned to the division of fire safety under the state fire marshal. There shall be seven members of this board, as appointed by the governor, to be comprised of:

(1) One representative of a municipality who serves in the capacity of director of public works or a similar position;

(2) One representative of a person using explosives that is engaged in surface mining which is subject to the requirements of sections 319.300 to 319.339;

(3) One representative of a person using explosives that is engaged in construction;

(4) One representative of a person that is in the business of providing contract blast monitoring services;

(5) Two representatives of persons that manufacture or distribute explosives; and

(6) The state fire marshal or his or her designee.

2. Each board member shall serve for a term of six years, except for the members initially appointed one term shall be for one year, one term shall be for two years, one term shall be for three years, one term shall be for four years, one term shall be for five years, and one term shall be for six years. Members appointed and serving shall serve until their successor is named and shall be eligible for reappointment. The state fire marshal or his or her designee shall be a standing member of the board and shall have the power to vote.

3. Members of the board shall serve without compensation but may be reimbursed by the division of fire safety for reasonable and necessary expenses. Meetings of the board shall be held in facilities arranged for by the division of fire safety. Hearings under the duties of the board may be held at a location in Missouri agreed upon by the state fire marshal and the chairman of the board. Upon agreement by the appellant, the state fire marshal, and the chairman of the state blasting safety board, hearings may be conducted by conference call.

4. The board shall annually by January 31 elect a chairman from one of the persons other than the state fire marshal or his or her designee. The chairman shall be elected by majority vote of the board and shall preside over all meetings and hearings and perform any specific duties set out in sections 319.300 to 319.339.

5. The state fire marshal or his or her designee shall perform the duties of secretary of the board.

6. The board shall meet as needed at the call of the chairman or upon written notice by the state fire marshal. The board shall meet at least once each calendar year.

7. It shall be the duty of the board to:

(1) Advise the state fire marshal in the development of application and registration forms, training and examinations, and setting fees for the filing of required applications, registrations, and reports;

(2) Approve or disapprove any examination for licensing of blasters;

(3) Hold hearings and make decisions by majority vote upon appeals under section 319.306 and upon notices of violation under section 319.333;

(4) Approve or disapprove any rule proposed by the division of fire safety for administration or enforcement of sections 319.300 to 319.339;

(5) Advise or assist the division of fire safety in any other matter regarding administration or enforcement, within the scope and requirements of section 319.300 to 319.339.

8. For any matter upon which a hearing is held under subdivision (3) of subsection 7 of this section, any referral of a notice of violation or request for criminal or civil enforcement action or injunctive relief shall be made by the state fire marshal to the attorney general or a prosecuting or circuit attorney, only upon a positive majority vote by the board.

319.327. It shall be the duty of the division of fire safety to:

(1) Develop and distribute all forms, certificates, and printed material necessary for carrying out duties relating to applications, registrations, training, testing, and licensing required by sections 319.300 to 319.339.

(2) Publish, distribute, and administer an examination that tests the knowledge of applicants for a blaster's license in the safe and proper use of explosives. The examination may be given to applicants by representatives of the division of fire safety, persons approved by division of fire safety to provide training under section 319.306, or by other persons designated by the division of fire safety.

(3) Upon approval by majority vote of the state blasting safety board, promulgate any rule necessary for carrying out the purposes of sections 319.300 to 319.339. No rule promulgated by the state fire marshal shall duplicate, amend, supersede, or conflict with the provisions of any statute, regulation, or policy established by:

(a) The U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives;

(b) 18 U.S.C., Chapter 40, Importation, Manufacturing, Distribution and Storage of Explosive Materials;

(c) The U.S. Department of Transportation;

(d) The federal Mine Safety and Health Administration;

(e) The federal Occupational Safety and Health Administration;

(4) Investigate possible violations of sections 319.300 to 319.339 upon the complaint of any citizen that believes explosives are being used in such a way to endanger the public's safety or property, or upon any cause for the state fire marshal to believe that a violation is occurring. To conduct such investigations, the state fire marshal shall assign adequately trained personnel within the division of fire safety to inspect blasting sites, examine records and seismograph recordings, inspect blaster's licenses, inspect registration and reporting records required by section 319.315, or determine if any other provision of sections 319.300 to 319.339 has been violated. Such inspectors shall be employees of the division of fire safety and may act on a full-time or part-time basis. Any such inspector shall meet the requirements of section 319.306 for being licensed as a blaster in the state of Missouri.

(5) The division of fire safety may enforce any provision of sections 319.300 to 319.339 by referral of violations to the attorney general or a prosecuting or circuit attorney and may seek criminal penalties and may seek injunctive relief. For any matter upon which a hearing is held under subdivision (3) of subsection 7 of section 319.324, any referral of a notice of violation or a request for criminal or civil enforcement action or injunctive relief shall be made by the state fire marshal to the attorney general or a prosecuting or circuit attorney, only upon a positive majority vote by the board.

(6) Receive and provide information and assistance, in cooperation with local governments, federal agencies, and agencies of other states, in administration and enforcement of sections 319.300 to 319.339 and similar laws, regulations, and requirements in other jurisdictions.

319.330. There is hereby created in the state treasury the "Missouri Explosives Safety Act Administration Fund", which shall consist of all fees collected under sections 319.300 to 319.339, appropriations of the general assembly, federal grants, and private donations. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, RSMo, the state treasurer may approve disbursements. Upon appropriation, money in the fund shall be used solely for the administration of sections 319.300 to 319.339. Notwithstanding the provisions of section 33.080, RSMo, 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. The state fire marshal shall submit a report to the state blasting safety board and the public each year that describes the revenue created by fees established under the provisions of sections 319.300 to 319.339 and how the revenue was expended to enforce the provisions of sections 319.300 to 319.339, including the number of employees used and activities performed.

319.333. Any person the state fire marshal or his or her representative determines, upon substantial evidence, to be in violation of sections 319.300 to 319.339 may be issued a notice of violation by the division of fire safety. Any hearings regarding suspension or revocation of a blaster's license shall be conducted under the provisions of subsection 10 of section 319.306, rather than the provisions of this section. The notice of violation shall be in writing and shall state the section or sections violated and the circumstance of the violation, including date, place, person involved, and the act or omission constituting the violation. The notice shall also inform the person receiving the notice of the right to request a hearing before the state blasting safety board. The recipient

may request a hearing within forty-five days of the date the notice was received. If a hearing is requested, the state fire marshal shall immediately inform the chairman of the board. The person receiving the notice, the state fire marshal, and the chairman of the board shall establish a mutually acceptable date and place for the hearing, which in no case shall be more than thirty days after the hearing was requested. The hearing shall be conducted as an uncontested case, although the person or the state fire marshal may be represented by an attorney. Within fifteen days of such hearing, the board shall notify the appellant of its decision on the appeal, which may include upholding, modifying, or disapproving the notice of violation. The board's action upon the appeal shall be decided by majority vote. If the notice of violation is upheld by the board, in whole or part, upon a separate majority vote of the board, the person may be referred for enforcement action as provided in section 319.327.

**319.336.** Any person aggrieved by any official action of the state blasting safety board affecting their licensed status, including revocation, suspension, failure to renew, or refusal to grant a license may seek a determination thereon by the administrative hearing commission under the provisions of section 621.045, RSMo.

**319.338. 1.** Any person using explosives within Missouri shall notify the division of fire safety in writing or by telephone at least two business days in advance of first using explosives at a site where blasting has not previously been conducted at that location. If blasting will be conducted at an ongoing project, such as a long term construction project, or at a permanent site, such as a surface mine, the person shall only be required to make one notice to the division of fire safety in advance of the first use of explosives.

2. The notice required by this section shall state the name, address, and telephone number of the person using explosives, the name of the individual responsible for supervision of blasting, the date or approximate period over which blasting will be conducted, the location of blasting by street address, route, or other description, and the nature of the project or reason for blasting.

3. This section shall not apply to any blasting required by a contract with any agency of the state of Missouri, any federal agency, or any political subdivision.

**319.339. 1.** Any person using explosives which will conduct blasting within the jurisdiction of a municipality shall notify the appropriate representative of the municipality in writing or by telephone at least two business days in advance of blasting at that location. An appropriate representative shall be deemed to be the city's public works department, code enforcement official or an official at the main office maintained by the city. In any area where blasting will be conducted, whether in a municipality or in an unincorporated area, the person using explosives shall also notify the appropriate fire protection official for the jurisdiction where blasting will occur, which may be a city fire department, fire protection district, or volunteer fire protection association. The notice required by this section shall state the name, address, and telephone number of the person using explosives, the name of the individual responsible for supervision of blasting, the date or approximate period over which blasting will be conducted, the location of blasting by street address, route, or other description, and the nature of the project or reason for blasting. If blasting will be conducted at an ongoing project, such as a long term construction project, or at a permanent site, such as a surface mine, the person shall only be required to make one notice to the municipality or appropriate fire protection official in advance of the first use of explosives. Any such ongoing projects or permanent sites in existence at the time of the effective date of sections 319.300 to 319.339 shall not be required to provide notice as described in this subsection.

2. Any person using explosives which will conduct blasting within the jurisdiction of a municipality shall notify the owner or occupant of any residence or business located within a scaled distance of fifty-five from the site of blasting prior to the start of blasting at any new location. One notification by mail, telephone, or by printed notification posted prominently on the premises or property, or delivered in person to any such owner or occupant meets the requirements of this subsection. A municipality may provide the name, last known address, and telephone number of the owners or occupants of any residence or business that may be located within the scaled distance of fifty-five from the site of blasting to the person using explosives upon request.

3. Any municipality or county may by ordinance:

(1) Require that a permit be obtained in addition to the notice required by subsection 1 of this section, with such application for permit being due no more than ten days prior to the first use of explosives;

(2) Require that the application for the permit contain specific information about the type of explosives to be used and their storage location at the site where used;



(3) Require the applicant to demonstrate an acceptable plan for signage or other means of informing the public of blasting in proximity to public streets or highways and any request for temporary closing of streets or routing of traffic;

(4) Specify the times of day blasting may be conducted, which shall not be less than eight consecutive hours, and provide that blasting may not be conducted on Sunday except upon application of the person using explosives and approval by the municipality;

(5) Require the applicant to submit proof that the person using explosives is registered with the division of fire safety and that blasting will be conducted by blasters licensed by the state of Missouri, division of fire safety;

(6) Require that the applicant submit proof of commercial general liability insurance in an acceptable amount, which shall not be less than one million dollars and no more than five million dollars;

(7) Require that the applicant conduct a preblast survey of any uncontrolled structures within a scaled distance of fifty-five from the blast site.

4. A permit for blasting under a municipal ordinance authorized by subsection 3 of this section shall be granted by the municipality upon satisfying the requirements of the ordinance and upon the applicant's payment of a reasonable fee to cover the administration of the permit system.

5. Any authorized representative of a municipality or an appropriate fire protection official may:

(1) Require any person using explosives to show proof that he or she is registered with the division of fire safety and blasting is being conducted by an individual that is licensed under the provisions of section 319.306;

(2) Request and be allowed access to the site of blasting by the person using explosives and shall be allowed to observe blasting from a safe location designated by the blaster;

(3) Examine records of blasting required to be maintained by sections 319.300 and 319.315. However, no municipality or fire protection official shall require a person using explosives or a blaster to surrender such records or a copy of such records to the municipality or fire protection official;

(4) Report suspected violations of sections 319.300 to 319.339 to the division of fire safety.

6. Subsections 1, 2, 3, and 4 of this section shall not apply to any blasting required by a construction contract with any agency of the state of Missouri, any federal agency, or any political subdivision.

7. The state of Missouri hereby preempts existing regulation, licensing, and inspection of persons using explosives, blasters, and blasting by local governments or other political subdivisions, except as authorized in this section. It shall be unlawful for any local government or other political subdivision to impose any future ordinance, order, permit or regulation upon persons using explosives or blasters which duplicates, exceeds or conflicts with the requirements of sections 319.300 to 319.339. Nothing in this section shall preempt the rights and remedies afforded by the general assembly or common law to persons damaged by blasting.;" and

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

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

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

*House Amendment No. 7*

AMEND House Committee Substitute for House Bill Nos. 1660 & 1269, Page 41, Section 334.1021, Line 24, by inserting after all of said line the following:

"7. Persons who use equipment powered by no more than one hundred ten volt electricity shall be exempt from said licensure requirements under sections 334.1000 to 334.1024 unless the board authorizes to study the impact of such exemption and if after such study an analysis shows there is a risk to the public, the board may issue a rule to require licensure of such persons.;" and

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

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

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

*House Amendment No. 8*

AMEND House Committee Substitute for House Bill Nos. 1660 & 1269, Page 34, Section 334.103, Line 19, by inserting after all of 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 nurse as defined in subdivision (2) of section 335.016, RSMo. 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 state board of registration for the healing arts pursuant to section 334.125 and the board of nursing pursuant to section 335.036, RSMo, 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. 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. 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, RSMo.

4. 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.

5. Notwithstanding anything to the contrary in this section, a registered nurse who has graduated from a school of nurse anesthesia accredited by the Council on Accreditation of Educational Programs of Nurse Anesthesia or its predecessor and has been certified or is eligible for certification as a nurse anesthetist by the Council on Certification of Nurse Anesthetists 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.

**6. No physician shall enter into a collaborative practice arrangement with an advanced practice nurse who employs a collaborating physician.";** and

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

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

Representative Pearce offered **House Amendment No. 9.**

*House Amendment No. 9*

AMEND House Committee Substitute for House Bill Nos. 1660 & 1269, Page 4, Section 167.195, by deleting all of said section and inserting in lieu thereof the following:

**"167.195. 1. Beginning July 1, 2007, every child enrolling in kindergarten or first grade in a public elementary school in this state shall receive one comprehensive vision examination performed by a state licensed optometrist, ophthalmologist, physician, or doctor of osteopathy. The examination, or a copy of a prior examination if the child has previously received a vision examination under this section, shall be submitted to the school no later than January 1 of the first year in which the student is enrolled at the school.**

**2. The state board of education, in conjunction with the department of health and senior services, shall promulgate rules establishing the criteria for meeting the requirements of subsection 1 of this section, which may include, but are not limited to, forms or other proof of such examination, or other rules as are necessary for the enforcement of this section. The form or other proof of such examination shall include but not be limited to identifying the result of the examinations performed under subsection of 4 of this section, the cost for the examination, the examiner's qualifications, and method of payment through either:**

- (1) Insurance;**
- (2) The state Medicaid program;**
- (3) Personal injury;**
- (4) Complimentary; or**
- (5) Other form of payment.**

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

**4. For purposes of this section, the following comprehensive vision examinations shall be performed:**

- (1) Complete case history;**
- (2) Visual acuity at distance:**
  - (a) Unaided (mono plus binocular);**
  - (b) Last prescription or habitual prescription (mono plus binocular);**
- (3) External examination, including pupil reactivity;**
- (4) Internal examination (ophthalmoscopic examination);**
- (5) Retinoscopy;**
- (6) Refractive status:**
  - (a) Subjective refraction to best visual acuity at distance;**
  - (b) Subjective refraction at near;**
- (7) Measurement of binocularity, including vergences, phoric, and accommodative ability;**
- (8) Color vision screening;**
- (9) Glaucoma screening, including tonometry.**

**5. Findings from the examination shall be kept by the optometrist, ophthalmologist, physician, or doctor of osteopathy for a period of six years.**

**6. For purposes of this section, the office of any optometrist, ophthalmologist, physician, or doctor of osteopathy conducting a comprehensive vision examination shall contain, in good working condition, the following minimum equipment:**

- (1) Ophthalmoscope;**
- (2) Retinoscope or its equivalent;**
- (3) Tonometer;**

- (4) Visual Field Testing Device;
- (5) Color Vision Testing Device;
- (6) Keratometer or its equivalent;
- (7) Biomicroscope;
- (8) Lenses for subjective testing;
- (9) Blood pressure measuring device.

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

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

(1) The provisions of the new program authorized under this section shall automatically sunset four years after the effective date of this section unless reauthorized by an act of the general assembly; and

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

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

"192.935. 1. There is hereby created in the state treasury the "Blindness Education, Screening and Treatment Program Fund". The fund shall consist of moneys donated pursuant to subsection 7 of section 301.020, RSMo, and subsection 3 of section 302.171, RSMo. Unexpended balances in the fund at the end of any fiscal year shall not be transferred to the general revenue fund or any other fund, the provisions of section 33.080, RSMo, to the contrary notwithstanding.

2. Subject to the availability of funds in the blindness education, screening and treatment program fund, the department shall develop a blindness education, screening and treatment program to provide blindness prevention education and to provide screening and treatment for persons who do not have adequate coverage for such services under a health benefit plan.

3. The program shall provide for:

- (1) Public education about blindness and other eye conditions;
- (2) Screenings and eye examinations to identify conditions that may cause blindness; [and]
- (3) Treatment procedures necessary to prevent blindness;

**(4) Any additional costs for vision examinations under section 167.195, RSMo, that are not covered by existing public health insurance. Subject to appropriations, moneys from the fund shall be used to pay for those additional costs, provided that the costs do not exceed ninety-nine thousand dollars per year. Payment from the fund for vision examinations under section 167.195, RSMo, shall not exceed the allowable state Medicaid reimbursement amount for vision examinations.**

4. The department may contract for program development with any department-approved nonprofit organization dealing with regional and community blindness education, eye donor and vision treatment services.

5. The department may adopt rules to prescribe eligibility requirements for the program.

6. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo."; and

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

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

Speaker Jetton resumed the Chair.

Representative Swinger 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 House Bill Nos. 1660 & 1269, Page 3, Line 21, by deleting the word “**vengeances**” and inserting in lieu thereof “**vergences**”; and

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

On motion of Representative Swinger, **House Amendment No. 1 to House Amendment No. 9** was adopted.

Representative Dempsey moved the previous question.

Which motion was adopted by the following vote:

AYES: 092

Avery	Baker 123	Bearden	Behnen	Bivins
Black	Bowman	Chinn	Cooper 120	Cooper 155
Cooper 158	Cunningham 145	Cunningham 86	Davis	Day
Deeken	Dempsey	Denison	Dethrow	Dixon
Dougherty	Dusenberg	Emery	Ervin	Faith
Fares	Fisher	Flook	Franz	Guest
Hobbs	Ice	Johnson 47	Jones	Kelly
Kingery	Kraus	Lager	Lembke	Lipke
May	McGhee	Moore	Munzlinger	Muschany
Myers	Nance	Nieves	Nolte	Parker
Parson	Pearce	Phillips	Pollock	Portwood
Pratt	Quinn	Rector	Richard	Roark
Robb	Rucker	Ruestman	Rupp	Sander
Sater	Schaaf	Schad	Schlottach	Schneider
Self	Silvey	Smith 14	Smith 118	Smith 150
Stevenson	St. Onge	Sutherland	Threlkeld	Tilley
Viebrock	Wallace	Wasson	Wells	Weter
Wilson 119	Wilson 130	Wood	Wright 137	Wright 159
Yates	Mr Speaker			

NOES: 053

Aull	Baker 25	Bland	Bringer	Brooks
Brown 50	Burnett	Casey	Chappelle-Nadal	Corcoran
Curls	Dake	Darrough	Daus	Donnelly
El-Amin	Frame	Fraser	George	Harris 110
Haywood	Hoskins	Hubbard	Johnson 90	Jolly
Kratky	Kuessner	Lampe	LeVota	Liese
Low 39	Lowe 44	Meadows	Meiners	Oxford
Page	Robinson	Roorda	Salva	Schoemehl
Skaggs	Spreng	Storch	Villa	Walsh
Walton	Whorton	Wildberger	Witte	Wright-Jones
Yaeger	Young	Zweifel		

PRESENT: 006

Bogetto	Harris 23	Henke	Shoemyer	Swinger
Wagner				

ABSENT WITH LEAVE: 012

Bean	Boykins	Brown 30	Bruns	Hughes
Hunter	Jackson	Johnson 61	Loehner	Marsh
Schamhorst	Vogt			

On motion of Representative Pearce, **House Amendment No. 9, as amended**, was adopted by the following vote:

AYES: 114

Aull	Avery	Baker 25	Baker 123	Bivins
Black	Bland	Bogetto	Bowman	Boykins
Bringer	Brooks	Brown 50	Burnett	Casey
Chappelle-Nadal	Cooper 120	Corcoran	Cunningham 145	Curls
Dake	Darrough	Daus	Day	Deeken
Dempsey	Denison	Dethrow	Dixon	Dougherty
Dusenberg	El-Amin	Fisher	Flook	Frame
Franz	Fraser	George	Haywood	Henke
Hoskins	Hubbard	Johnson 47	Johnson 61	Johnson 90
Jolly	Jones	Kelly	Kingery	Kratky
Kraus	Kuessner	Lager	Lampe	Lembke
LeVota	Liese	Low 39	Lowe 44	McGhee
Meadows	Meiners	Moore	Nance	Nolte
Oxford	Parker	Parson	Pearce	Pollock
Portwood	Pratt	Quinn	Roark	Robinson
Roorda	Rucker	Ruestman	Rupp	Salva
Schad	Schlottach	Schneider	Schoemehl	Self
Shoemyer	Silvey	Skaggs	Smith 14	Smith 150
Spreng	St. Onge	Swinger	Tilley	Viebrock
Villa	Wagner	Wallace	Walsh	Walton
Wasson	Wells	Weter	Whorton	Wilson 119
Witte	Wood	Wright 137	Wright 159	Wright-Jones
Yates	Young	Zweifel	Mr Speaker	

NOES: 039

Bearden	Behnen	Chinn	Cooper 155	Cooper 158
Cunningham 86	Davis	Donnelly	Emery	Ervin
Faith	Guest	Harris 23	Harris 110	Hobbs
Hunter	Ice	Lipke	May	Munzlinger
Muschany	Myers	Nieves	Page	Phillips
Rector	Richard	Robb	Sander	Sater
Schaaf	Schamhorst	Smith 118	Stevenson	Storch
Sutherland	Wildberger	Wilson 130	Yaeger	

PRESENT: 002

Fares	Threlkeld
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ABSENT WITH LEAVE: 008

Bean	Brown 30	Bruns	Hughes	Jackson
Loehner	Marsh	Vogt		

**HCS HBs 1660 & 1269, as amended**, was placed on the Informal Calendar.

### REFERRAL OF SENATE BILL

The following Senate Bill was referred to the Committee indicated:

**SCS SB 690** - Children and Families

### COMMITTEE REPORTS

**Committee on Fiscal Review**, Chairman Guest reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS HBs 1698, 1236, 995, 1362 & 1290** (Fiscal Note), begs leave to report it has examined the same and recommends that it **Do Pass**.

**Committee on Local Government**, Chairman Johnson (47) reporting:

Mr. Speaker: Your Committee on Local Government, to which was referred **SB 725**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass by Consent**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Local Government, to which was referred **SB 893**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass by Consent**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Local Government, to which was referred **SCS SB 968**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass by Consent**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Local Government, to which was referred **SB 1016**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Local Government, to which was referred **SB 1094**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Local Government, to which was referred **SB 1177**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Local Government, to which was referred **SB 1207**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.

**Committee on Professional Registration and Licensing**, Chairman Behnen reporting:

Mr. Speaker: Your Committee on Professional Registration and Licensing, to which was referred **SCS SB 749**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Professional Registration and Licensing, to which was referred **SB 819**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass by Consent**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Professional Registration and Licensing, to which was referred **SB 828**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Professional Registration and Licensing, to which was referred **SCS SB 934**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.

**Committee on Retirement**, Chairman Smith (118) reporting:

Mr. Speaker: Your Committee on Retirement, to which was referred **HB 1628**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Retirement, to which was referred **SB 871**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.

**Committee on Small Business**, Chairman Ervin reporting:

Mr. Speaker: Your Committee on Small Business, to which was referred **SB 1020**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.



**Special Committee on Energy and Environment**, Chairman Bivins reporting:

Mr. Speaker: Your Special Committee on Energy and Environment, to which was referred **SB 1165**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass by Consent**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.

**Special Committee on Urban Issues**, Chairman Hoskins reporting:

Mr. Speaker: Your Special Committee on Urban Issues, to which was referred **HB 1930**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.

**Committee on Utilities**, Chairman Rector reporting:

Mr. Speaker: Your Committee on Utilities, to which was referred **SB 558**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.

**Committee on Ways and Means**, Chairman Sutherland reporting:

Mr. Speaker: Your Committee on Ways and Means, to which was referred **SB 1056**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.

**Committee on Workforce Development and Workplace Safety**, Chairman Hunter reporting:

Mr. Speaker: Your Committee on Workforce Development and Workplace Safety, to which was referred **HB 1465**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Workforce Development and Workplace Safety, to which was referred **HB 1868**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.

**Committee on Rules**, Chairman Cooper (120) reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **HCR 37**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HJR 48**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 1036**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 1347**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1536**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 1607**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 1761**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1864**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1885**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SB 559**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SCS SB 614**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SCS SB 630**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **SB 648**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **SB 678**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **SCS SB 751**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **SB 766**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SCS SB 802**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **SB 863**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SB 809**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **SB 933**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **SB 936**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SB 981**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

### **WITHDRAWAL OF HOUSE BILL**

April 6, 2006

Mr Stephen Davis, Chief Clerk  
Missouri House of Representatives  
Jefferson City, MO 65101

Dear Mr. Davis:

I write to respectfully request that **House Bill No. 1960** which would change the laws regarding state individual income tax, be withdrawn from consideration.

Thank you for your assistance.

Sincerely,

/s/ Jeanette Mott Oxford  
District 59

### **ADJOURNMENT**

On motion of Representative Dempsey, the House adjourned until 10:00 a.m., Wednesday, April 12, 2006.

### **CORRECTION TO THE HOUSE JOURNAL**

#### **AFFIDAVIT**

I, State Representative Amber Boykins, District 60, hereby state and affirm that my vote as recorded on the motion for the previous question on House Amendment No. 9 to HCS HBs 1660 & 1269 as recorded in the House Journal for Tuesday, April 11, 2006 showing that I voted "absent with leave" was incorrectly recorded. Pursuant to House Rule 88, I ask that the Journal be corrected to show that I voted "no". I further state and affirm that I was present in the House Chamber at the time this vote was taken, I did in fact vote, and my vote or absence was incorrectly recorded.

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 11th day of April 2006.

/s/ Amber Boykins  
State Representative

State of Missouri            )  
  ) ss.  
County of Cole                )

Subscribed and sworn to before me this 11th day of April in the year 2006.

/s/ Stephen S. Davis  
Chief Clerk

### **COMMITTEE MEETINGS**

#### **AGRICULTURE POLICY**

Wednesday, April 12, 2006, House Chamber side gallery upon afternoon adjournment.

Executive session.

Public hearings to be held on: HCR 33, SCS SB 1008

#### **BUDGET**

Wednesday, April 12, 2006, 8:00 a.m. Hearing Room 3.

Executive session may follow.

Tax credit presentation.

Public hearing to be held on: HB 1021

#### **CHILDREN AND FAMILIES**

Wednesday, April 12, 2006, 8:00 a.m. Hearing Room 7.

Executive session may follow.

Public hearings to be held on: SCS SB 878, SB 1197, SB 1206

#### **CORRECTIONS AND PUBLIC INSTITUTIONS**

Wednesday, April 12, 2006, 8:00 a.m. Hearing Room 6.

Executive session may follow.

Public hearings to be held on: SCS SB 870, SCS#2 SB 1003

Executive session will be held on: SB 612, SB 712, SB 881

#### **FISCAL REVIEW**

Thursday, April 13, 2006, 8:30 a.m. Hearing Room 4.

Committee will hear any perfected bills that are referred before the hearing.

Executive session may follow.

#### **HEALTH CARE POLICY**

Thursday, April 13, 2006, 8:00 a.m. Hearing Room 7.

Executive session.

Public hearings to be held on: HB 2073, HB 2087

INSURANCE POLICY

Wednesday, April 12, 2006, Hearing Room 7 upon afternoon adjournment.  
Executive session may follow. CANCELLED  
Public hearing to be held on: SB 1247

INSURANCE POLICY

Thursday, April 13, 2006, 9:00 a.m. Hearing Room 1.  
Executive session.

JOB CREATION AND ECONOMIC DEVELOPMENT

Wednesday, April 12, 2006, 12:00 p.m. North (river) side of Capitol.  
Will revert to Hearing Room 6 if inclement (rain) weather.  
Executive session may follow.  
Public hearings to be held on: HCR 40, SS SB 696

LOCAL GOVERNMENT

Thursday, April 13, 2006, 8:00 a.m. Hearing Room 6.  
Executive session may follow.  
Public hearings to be held on: HB 2047, HB 1952, HB 2048, SB 1002

PROFESSIONAL REGISTRATION AND LICENSING

Wednesday, April 12, 2006, 12:00 p.m. Hearing Room 1.  
Public hearings to be held on: HB 1956, HB 1823, HB 2050, HB 2118

RULES

Wednesday, April 12, 2006, 1:15 p.m. Hearing Room 6.  
Executive session may follow.  
Public hearing to be held on: HR 1720

RULES [PURSUANT TO RULE 25(26)(f)]

Wednesday, April 12, 2006, 1:15 p.m. Hearing Room 6.  
Public hearings to be held on: HCS HB 1900, HB 1975, HCS SB 837,  
SB 900, SB 974, SB 677, SB 1084, SCS SB 1117, SB 641, SB 818,  
HCS SCS SB 765, HCS SCS SBs 1001, 896 & 761

SPECIAL COMMITTEE ON GENERAL LAWS

Wednesday, April 12, 2006, 8:30 a.m. Hearing Room 4.  
Executive session may follow. AMENDED  
Public hearings to be held on: HJR 55, SB 919, SB 1216

SPECIAL COMMITTEE ON STUDENT ACHIEVEMENT AND FINANCE

Wednesday, April 12, 2006, 12:00 p.m. Hearing Room 4.  
Possible Executive session.  
Public hearings to be held on: SB 980, SS SCS SB 894

**SPECIAL COMMITTEE ON URBAN ISSUES**

Wednesday, April 12, 2006, Hearing Room 6 upon evening adjournment.

Executive session may follow.

Public hearings to be held on: HB 2111, HB 2140

**TRANSPORTATION**

Wednesday, April 12, 2006, 8:00 a.m. Hearing Room 1.

Executive session may follow.

Public hearings to be held on: HB 1640, HB 1772, SS SB 584

**UTILITIES**

Wednesday, April 12, 2006, Hearing Room 5 upon morning recess.

Executive session.

**VETERANS**

Wednesday, April 12, 2006, 8:00 a.m. Hearing Room 5.

Executive session may follow.

Public hearings to be held on: SCS SB 1026, SCS SB 1060, SB 1189

**WAYS AND MEANS**

Wednesday, April 12, 2006, Hearing Room 5 upon afternoon adjournment.

Possible Executive session.

Public hearings to be held on: SB 778, SB 582

**WORKFORCE DEVELOPMENT AND WORKPLACE SAFETY**

Wednesday, April 12, 2006, 12:00 p.m. Hearing Room 7.

Executive session may follow.

Public hearings to be held on: HB 1464, SB 735, SB 779

**HOUSE CALENDAR**

FIFTY-FIFTH DAY, WEDNESDAY, APRIL 12, 2006

**HOUSE JOINT RESOLUTIONS FOR PERFECTION**

- 1 HJR 40 - Avery
- 2 HJR 44 - Whorton
- 3 HJR 43 - Dethrow
- 4 HCS HJR 48 - Bearden

**HOUSE BILLS FOR PERFECTION**

- 1 HCS HB 1151 - Cunningham (86)
- 2 HCS HB 974 - Davis
- 3 HB 1498 - Dethrow (4 hours debate on Perfection)

- 4 HB 1071 - Phillips
- 5 HCS HBs 1378, 1379, 1391 & 1541 - St. Onge
- 6 HB 1619 - Sutherland
- 7 HCS HB 1620 - Sutherland
- 8 HCS HB 1141 - Jackson
- 9 HCS HB 1441, as amended, \*HSA 1 for HA 3, HA 3, pending - Sutherland
- 10 HCS HB 1534 - Lembke
- 11 HCS HB 1080 - Schaaf
- 12 HCS HB 1322 - Lipke
- 13 HCS HB 1487 - Parker
- 14 HCS HB 1581 - Jetton
- 15 HCS HB 1677 - Ervin
- 16 HCS HB 1726 - Johnson (47)
- 17 HCS HB 1767 - Bruns
- 18 HCS HB 1155 - Yates
- 19 HCS HB 1194 - Cunningham (86)
- 20 HCS HB 1162 - Deeken
- 21 HB 1728 - Rector
- 22 HCS HB 1137 - Darrough
- 23 HCS HB 1873 - Lembke
- 24 HB 1412 - Portwood
- 25 HCS HB 1316 - Lipke (2 hours debate on Perfection)
- 26 HB 1499 - May
- 27 HB 1910 - Fisher
- 28 HCS HB 1928 - Ervin
- 29 HCS HB 1939 - Hunter
- 30 HCS HB 1607 - Schneider
- 31 HCS HB 1036 - Sander
- 32 HCS HB 1347 - Myers
- 33 HB 1536 - Schaaf
- 34 HCS HB 1761 - Loehner
- 35 HB 1864 - Nolte
- 36 HB 1885 - Behnen

**HOUSE BILLS FOR PERFECTION - INFORMAL**

- 1 HCS HBs 1783 & 1479 - Bearden (3 hours debate on Perfection)
- 2 HCS HB 1075, as amended - Davis (150 minutes debate on Perfection)
- 3 HCS HB 1944 - Hobbs (5 hours debate on Perfection)
- 4 HCS HBs 1660 & 1269, as amended - Behnen

**HOUSE BILL FOR PERFECTION - FEDERAL MANDATE**

- HB 1884 - Behnen

**HOUSE CONCURRENT RESOLUTION FOR THIRD READING**

HCR 41, (4-05-06, Page 907) - Sutherland

**HOUSE BILLS FOR THIRD READING**

- 1 HCS HB 1485, (Fiscal Review 4-05-06) - Icet
- 2 HCS HBs 1698, 1236, 995, 1362 & 1290 - Lipke
- 3 HCS HB 1305 - Smith (118)
- 4 HB 1065 - Tilley
- 5 HCS HB 1482 - Jackson
- 6 HCS HB 1092, (Fiscal Review 4-11-06) - Sater
- 7 HB 1905 - Jetton
- 8 HCS HBs 1045, 1152, 1267 & 1634 - Wells

**HOUSE BILL FOR THIRD READING - CONSENT - INFORMAL**

HB 1522 - Sander

**HOUSE CONCURRENT RESOLUTIONS**

- 1 HCR 10, (4-05-06, Page 905) - Zweifel
- 2 HCR 18, (4-05-06, Page 906) - Kuessner
- 3 HCR 30, (3-29-06, Pages 753-754) - Wilson (130)
- 4 HCR 37, (4-06-06, Pages 927-928) - Loehner

**SENATE BILLS FOR THIRD READING - CONSENT**

(4/06/06)

SCS SBs 701 & 948 - Jackson

(4/10/06)

SB 561 - Dempsey

(4/12/06)

- 1 SCS SB 630 - Bruns
- 2 SB 559 - Rector
- 3 SB 648 - Denison
- 4 SB 678 - Smith (14)
- 5 SCS SB 751 - Johnson (47)
- 6 SCS SB 802, E.C. - Rucker
- 7 SB 863 - Robinson



- 8 SB 933 - Bruns
- 9 HCS SB 981 - Behnen
- 10 HCS SB 809 - Baker (25)
- 11 SB 936 - Jones

**SENATE BILLS FOR THIRD READING**

- 1 SB 645 - Richard
- 2 HCS SCS SB 614 - Sutherland
- 3 SB 766 - Bruns

**SENATE CONCURRENT RESOLUTIONS**

- 1 SCS SCR 21, (1-24-06, Pages 115-116) - Ervin
- 2 SCS SCR 25, (2-16-06, Pages 273-274) - Dixon