

# Journal of the Senate

SECOND REGULAR SESSION

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FIFTY-NINTH DAY—TUESDAY, APRIL 29, 2008

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“His *word*...is in my heart like a fire, a fire shut up in my bones. I am weary of holding it in; indeed I cannot.” (Jeremiah 20:9)

O God of heaven and earth, thank You for touching our hearts and minds with Your words of life and the guidance that they provide us this day. May we speak to others with graciousness and conviction that You have given to us that must be said. May our interactions with others be a life affirming stream of care and resolve that revives our thinking and touches our soul. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

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

Present—Senators

|          |           |        |          |          |          |         |             |
|----------|-----------|--------|----------|----------|----------|---------|-------------|
| Barnitz  | Bartle    | Bray   | Callahan | Champion | Clemens  | Coleman | Crowell     |
| Days     | Dempsey   | Engler | Gibbons  | Goodman  | Graham   | Green   | Griesheimer |
| Justus   | Kennedy   | Koster | Lager    | Loudon   | Mayer    | McKenna | Nodler      |
| Purgason | Ridgeway  | Rupp   | Scott    | Shields  | Shoemyer | Smith   | Stouffer    |
| Vogel    | Wilson—34 |        |          |          |          |         |             |

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

Senator Dempsey assumed the Chair.

### **RESOLUTIONS**

Senator Bartle offered Senate Resolution No. 2520, regarding Marge Caffey, Lee's Summit, which was adopted.

Senator Coleman offered Senate Resolution No. 2521, regarding Billy Don Patty, Wentzville, which was adopted.

Senator Coleman offered Senate Resolution No. 2522, regarding the Bubblemasters Underwater Recovery Team (B.U.R.T. Rescue), Granite City, Illinois, which was adopted.

Senator McKenna offered the following resolution, which was read and adopted:

#### **SENATE RESOLUTION NO. 2523**

Whereas, the members of the Missouri Senate feel it is altogether fitting and proper to pause from time to time to recognize individuals and organizations that have contributed to the welfare of this great state and its citizens or distinguished themselves through significant personal achievement; and

Whereas, the members now pause to recognize William "Billyo" O'Donnell, of Eureka, Missouri, who is well known for his project "Painting Missouri"; and

Whereas, Billyo O'Donnell has traveled across this state for the past seven years during all seasons capturing "en plein air" each of the state's 114 counties and the City of St. Louis, thus creating "Painting Missouri"; and

Whereas, a life-long resident of Missouri, Billyo O'Donnell grew up in Pendleton and graduated from Warrenton R-III High School, East Central College in Union, and Southwest Missouri State College in Springfield; and

Whereas, Billyo O'Donnell is highly regarded for his effective teaching methods and lecture and his local, national international awards include 2006 Best Body of Work (Maui Plein Air Painting Invitational), 2006 King of Frames (Maui Plein Air Painting Invitational), 2003 Missouri Citizens for Arts Missouri Arts Advocacy Award, 1999 National Oil and Acrylic "Best Use of Light and Color", 1996 Painters' Society Exhibition, 1994 Selection for the cover of Japan Creators' Association Annual, and 1987 Painting Selected for Tourism Poster by Austria's Board of Tourism; and

Whereas, Billyo O'Donnell is the only artist in Missouri who can boast that practically every citizen in the state has had the opportunity to enjoy his art at no cost and on a daily basis, because he is the artist who designed Missouri's official license plate, without any compensation from Missouri taxpayers; and

Whereas, Billyo O'Donnell will be the honored guest at a special reception showcasing "Painting Missouri" that will be hosted by Missouri First Lady Melanie Blunt on Tuesday, April 29, 2008, at the Governor's Mansion; and

Whereas, Billyo O'Donnell lives in a 170-year-old cabin near Eureka with his wife, Peggy, where they raised their three children:

Now, Therefore, Be It Resolved that we, the members of the Missouri Senate, Ninety-fourth General Assembly, extend our admiration to Billyo O'Donnell for his body of work and the contribution he has made to this great state; and

Be It Further Resolved that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for William "Billyo" O'Donnell.

Senator Engler offered Senate Resolution No. 2524, regarding William L. Kreidler, which was adopted.

Senator Engler offered Senate Resolution No. 2525, regarding Jonathan Korn, Fletcher, which was adopted.

Senator Shoemyer offered Senate Resolution No. 2526, regarding Bob Gregory, Hannibal, which was adopted.

### **HOUSE BILLS ON SECOND READING**

The following Bills were read the 2nd time and referred to the Committees indicated:

**HCS for HB 2034**—Agriculture, Conservation, Parks and Natural Resources.

**HCS for HB 2016**—Appropriations.

**HCS for HB 2023**—Appropriations.

**HCS for HB 2250**—Ways and Means.

**HCS for HBs 1788 and 1882**—Ways and Means.

**HCS for HB 1813**—Ways and Means.

**HCS for HB 2060**—Financial and Governmental Organizations and Elections.

**HCS for HB 1700**—Financial and Governmental Organizations and Elections.

**HB 1756**—Judiciary and Civil and Criminal Jurisprudence.

**HCS for HBs 2062 and 1518**—Pensions, Veterans' Affairs and General Laws.

**HB 2266**—Education.

**HCS for HB 2114**—Financial and Governmental Organizations and Elections.

**HCS for HB 2279**—Commerce, Energy and the Environment.

**HCS for HB 1516**—Seniors, Families and Public Health.

**HB 2590**—Financial and Governmental Organizations and Elections.

**HB 2202**—Financial and Governmental Organizations and Elections.

**HCS for HB 1704**—Education.

**HB 2078**—Education.

**HCS for HB 1423**—Judiciary and Civil and Criminal Jurisprudence.

### **REFERRALS**

President Pro Tem Gibbons referred **HCS for HCRs 43 and 46; HCR 15; HCR 34 and HCR 35** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

Senator Nodler requested unanimous consent of the Senate to suspend the rules for the purpose of allowing the conferees on **SCS for HCS for HB 2002; SCS for HCS for HB 2003; SCS for HB 2004; SCS for HCS for HB 2005; SCS for HCS for HB 2006; SCS for HCS for HB 2007; SCS for HCS for HB 2008; SCS for HCS for HB 2009; SCS for HCS for HB 2010; SCS for HCS for HB 2011; SCS for HCS for HB 2012; and SCS for HCS for HB 2013** to meet while the Senate is in session, which request was granted.

### **REPORTS OF STANDING COMMITTEES**

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCS for SB 967 and SB 1066**, begs leave to report that it has examined the same and finds that the bills have been duly enrolled and that the printed copies furnished the Senators are correct.

**RE-REFERRALS**

President Pro Tem Gibbons re-referred **HCS** for **HBs 1788** and **1882** to the Committee on Pensions, Veterans' Affairs and General Laws.

**HOUSE BILLS ON THIRD READING**

At the request of Senator Champion, **HCS** for **HB 1619**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Gibbons, **HB 1384** and **HB 2157**, with **SCS**, were placed on the Informal Calendar.

**HCS** for **HB 2104**, **HB 1574**, **HB 1706**, **HCS** for **HB 1774**, **HB 2055** and **HCS** for **HB 2056**, with **SCS**, were placed on the Informal Calendar.

**HCS** for **HJR 55** was placed on the Informal Calendar.

At the request of Senator Scott, **HB 1937**, with **SCS**, was placed on the Informal Calendar.

**HB 2224**, with **SCS**, was placed on the Informal Calendar.

**HB 1711**, with **SCS**, was placed on the Informal Calendar.

**HB 1970**, introduced by Representative Wasson, entitled:

An Act to amend chapter 407, RSMo, by adding thereto one new section relating to motor vehicle dealers.

Was taken up by Senator Scott.

On motion of Senator Scott, **HB 1970** was read the 3rd time and passed by the following vote:

## YEAS—Senators

|          |        |         |          |          |         |             |          |
|----------|--------|---------|----------|----------|---------|-------------|----------|
| Barnitz  | Bartle | Bray    | Callahan | Champion | Coleman | Crowell     | Days     |
| Dempsey  | Engler | Gibbons | Goodman  | Graham   | Green   | Griesheimer | Justus   |
| Kennedy  | Koster | Lager   | Loudon   | Mayer    | McKenna | Nodler      | Purgason |
| Ridgeway | Rupp   | Scott   | Shields  | Shoemyer | Smith   | Stouffer    | Vogel    |

Wilson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Clemens—1

Vacancies—None

The President declared the bill passed.

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

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

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

**HB 2224**, with **SCS**, introduced by Representative Jones (117), et al, entitled:

An Act to repeal section 590.050, RSMo, and to enact in lieu thereof one new section relating to continuing education requirements for peace officers.

Was called from the Informal Calendar and taken up by Senator Griesheimer.

**SCS** for **HB 2224**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2224

An Act to repeal sections 57.280, 488.435, 590.050, 610.021, 610.100, and 650.350, RSMo, and to enact in lieu thereof seven new sections relating to law enforcement.

Was taken up.

Senator Griesheimer moved that **SCS** for **HB 2224** be adopted.

Senator Griesheimer offered **SS** for **SCS** for **HB 2224**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2224

An Act to repeal sections 57.280, 488.435, 590.050, and 650.350, RSMo, and to enact in lieu thereof five new sections relating to the training and compensation of law enforcement officers.

Senator Griesheimer moved that **SS** for **SCS** for **HB 2224** be adopted.

Senator Graham offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 2224, Page 4, Section 57.280, Line 27 of said page, by inserting after all of said line the following:

"221.515. **1.** Any person designated a jailer under the provisions of this chapter shall have the power to serve [an arrest warrant] **civil process and arrest warrants** on any person who **surrenders himself or herself to the facility under an arrest warrant** or is already an inmate in the custody of the facility in or at which such jailer is employed.

**2. Under the rules and regulations of the sheriff, employees designated as jailers may carry firearms when necessary for the proper discharge of their duties as jailers in this state under the provisions of this chapter.**

**3. Such persons authorized to act by the sheriff as jailers under the rules and regulations of the sheriff shall have the same power as granted any other law enforcement officers in this state to arrest escaped prisoners and apprehend all persons who may be aiding and abetting such escape while in the custody of the sheriff in accordance with state law."**; and

Further amend the title and enacting clause accordingly.

Senator Graham moved that the above amendment be adopted.

Senator Griesheimer raised the point of order that **SA 1** is out of order as it goes beyond the scope of

the underlying bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Under the provisions of Senate Rule 91, Senator Wilson was excused from voting.

Senator Griesheimer moved that **SS** for **SCS** for **HB 2224** be adopted, which motion prevailed.

On motion of Senator Griesheimer, **SS** for **SCS** for **HB 2224** was read the 3rd time and passed by the following vote:

YEAS—Senators

|          |          |          |             |         |         |          |        |
|----------|----------|----------|-------------|---------|---------|----------|--------|
| Barnitz  | Callahan | Champion | Coleman     | Crowell | Days    | Dempsey  | Engler |
| Gibbons  | Goodman  | Graham   | Griesheimer | Justus  | Kennedy | Koster   | Lager  |
| Mayer    | McKenna  | Ridgeway | Rupp        | Scott   | Shields | Shoemyer | Smith  |
| Stouffer | Vogel—26 |          |             |         |         |          |        |

NAYS—Senators

|        |      |       |        |        |            |  |  |
|--------|------|-------|--------|--------|------------|--|--|
| Bartle | Bray | Green | Loudon | Nodler | Purgason—6 |  |  |
|--------|------|-------|--------|--------|------------|--|--|

Absent—Senators—None

Absent with leave—Senator Clemens—1

Excused from voting—Senator Wilson—1

Vacancies—None

The President declared the bill passed.

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

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

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

President Pro Tem Gibbons assumed the Chair.

### SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SCS** for **SB 967** and **SB 1066**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills were so read by the Secretary and signed by the President Pro Tem.

Senator Dempsey assumed the Chair.

### PRIVILEGED MOTIONS

Senator Goodman moved that the Senate refuse to concur in **HCS** for **SB 958** and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

### HOUSE BILLS ON THIRD READING

**HCS** for **HB 1619**, with **SCS**, entitled:

An Act to repeal sections 195.010, 195.017, and 195.417, RSMo, and to enact in lieu thereof eleven new sections relating to monitoring of drugs, with penalty provisions and an effective date.

Was called from the Informal Calendar and taken up by Senator Champion.

**SCS** for **HCS** for **HB 1619**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1619

An Act to repeal sections 195.010, 195.017, and 195.417, RSMo, and to enact in lieu thereof eleven new sections relating to monitoring of drugs, with penalty provisions and an effective date.

Was taken up.

Senator Champion moved that **SCS** for **HCS** for **HB 1619** be adopted.

Senator Champion offered **SS** for **SCS** for **HCS** for **HB 1619**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1619

An Act to repeal sections 195.010, 195.017, and 195.417, RSMo, and to enact in lieu thereof eleven new sections relating to monitoring of drugs, with penalty provisions and an effective date.

Senator Champion moved that **SS** for **SCS** for **HCS** for **HB 1619** be adopted.

Senator Green offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1619, Page 47, Section 195.017, Line 3 of said page, by inserting immediately after said line the following:

“195.070. 1. A physician, podiatrist, dentist, or a registered optometrist certified to administer pharmaceutical agents as provided in section 336.220, RSMo, in good faith and in the course of his or her professional practice only, may prescribe, administer, and dispense controlled substances or he or she may cause the same to be administered or dispensed by an individual as authorized by statute.

**2. An advanced practice registered nurse, as defined in section 335.016, RSMo, but not a certified registered nurse anesthetist as defined in subdivision (8) of section 335.016, RSMo, who holds a certificate of controlled substance prescriptive authority from the board of nursing under section 335.019, RSMo, and who is delegated the authority to prescribe controlled substances under a collaborative practice arrangement under section 334.104, RSMo, may prescribe any controlled substances listed in Schedules III, IV, and V of section 195.017. However, no such certified advanced practice registered nurse shall prescribe controlled substance for his or her own self or family. Schedule III narcotic controlled substance prescriptions shall be limited to a one hundred twenty hour supply without refill.**

**3. A veterinarian, in good faith and in the course of his professional practice only, and not for use by**

a human being, may prescribe, administer, and dispense controlled substances and he may cause them to be administered by an assistant or orderly under his direction and supervision.

[3.] 4. A practitioner shall not accept any portion of a controlled substance unused by a patient, for any reason, if such practitioner did not originally dispense the drug.

[4.] 5. An individual practitioner may not prescribe or dispense a controlled substance for such practitioner's personal use except in a medical emergency.

195.100. 1. It shall be unlawful to distribute any controlled substance in a commercial container unless such container bears a label containing an identifying symbol for such substance in accordance with federal laws.

2. It shall be unlawful for any manufacturer of any controlled substance to distribute such substance unless the labeling thereof conforms to the requirements of federal law and contains the identifying symbol required in subsection 1 of this section.

3. The label of a controlled substance in Schedule II, III or IV shall, when dispensed to or for a patient, contain a clear, concise warning that it is a criminal offense to transfer such narcotic or dangerous drug to any person other than the patient.

4. Whenever a manufacturer sells or dispenses a controlled substance and whenever a wholesaler sells or dispenses a controlled substance in a package prepared by him, he shall securely affix to each package in which that drug is contained, a label showing in legible English the name and address of the vendor and the quantity, kind, and form of controlled substance contained therein. No person except a pharmacist for the purpose of filling a prescription under sections 195.005 to 195.425, shall alter, deface, or remove any label so affixed.

5. Whenever a pharmacist or practitioner sells or dispenses any controlled substance on a prescription issued by a physician, dentist, podiatrist [or], veterinarian, **or advanced practice registered nurse**, he shall affix to the container in which such drug is sold or dispensed, a label showing his own name and address of the pharmacy or practitioner for whom he is lawfully acting; the name of the patient or, if the patient is an animal, the name of the owner of the animal and the species of the animal; the name of the physician, dentist, podiatrist [or], **advanced practice registered nurse, or** veterinarian by whom the prescription was written; **the name of the collaborating physician if the prescription is written by an advanced practice registered nurse**, and such directions as may be stated on the prescription. No person shall alter, deface, or remove any label so affixed.”; and

Further amend said bill, page 59, section 195.417, line 27 of said page, by inserting immediately after said line the following:

“334.104. 1. A physician may enter into collaborative practice arrangements with registered professional nurses. Collaborative practice arrangements shall be in the form of written agreements, jointly agreed-upon protocols, or standing orders for the delivery of health care services. Collaborative practice arrangements, which shall be in writing, may delegate to a registered professional nurse the authority to administer or dispense drugs and provide treatment as long as the delivery of such health care services is within the scope of practice of the registered professional nurse and is consistent with that nurse's skill, training and competence.

2. Collaborative practice arrangements, which shall be in writing, may delegate to a registered



professional nurse the authority to administer, dispense or prescribe drugs and provide treatment if the registered professional nurse is an advanced practice nurse as defined in subdivision (2) of section 335.016, RSMo. **Collaborative practice arrangements may delegate to an advanced practice registered nurse, as defined in section 335.016, RSMo, the authority to administer, dispense, or prescribe controlled substances listed in Schedules III, IV, and V of section 195.017, RSMo. Schedule III narcotic controlled substance prescriptions shall be limited to a one hundred twenty hour supply without refill.** Such collaborative practice arrangements shall be in the form of written agreements, jointly agreed-upon protocols or standing orders for the delivery of health care services.

**3. The written collaborative practice arrangement shall contain at least the following provisions:**

**(1) Complete names, home and business addresses, zip codes, and telephone numbers of the collaborating physician and the advanced practice registered nurse;**

**(2) A list of all other offices or locations besides those listed in subdivision (1) of this subsection where the collaborating physician authorized the advanced practice registered nurse to prescribe;**

**(3) A requirement that there shall be posted at every office where the advanced practice registered nurse is authorized to prescribe, in collaboration with a physician, a prominently displayed disclosure statement informing patients that they may be seen by an advanced practice registered nurse and have the right to see the collaborating physician;**

**(4) All specialty or board certifications of the collaborating physician and all certifications of the advanced practice registered nurse;**

**(5) The manner of collaboration between the collaborating physician and the advanced practice registered nurse, including how the collaborating physician and the advanced practice registered nurse will:**

**(a) Engage in collaborative practice consistent with each professional's skill, training, education, and competence;**

**(b) Maintain geographic proximity; and**

**(c) Provide coverage during absence, incapacity, infirmity, or emergency by the collaborating physician;**

**(6) A description of the advanced practice registered nurse's controlled substance prescriptive authority in collaboration with the physician, including a list of the controlled substances the physician authorizes the nurse to prescribe and documentation that it is consistent with each professional's education, knowledge, skill, and competence;**

**(7) A list of all other written practice agreements of the collaborating physician and the advanced practice registered nurse;**

**(8) The duration of the written practice agreement between the collaborating physician and the advanced practice registered nurse; and**

**(9) A description of the time and manner of the collaborating physician's review of the advanced practice registered nurse's prescribing practices. The description shall include provisions that the advanced practice registered nurse shall submit documentation of the advanced practice registered nurse's prescribing practices to the collaborating physician within fourteen days. The documentation**

**shall include, but not be limited to, a random sample review by the collaborating physician of at least twenty percent of the charts and medications prescribed.**

4. The state board of registration for the healing arts pursuant to section 334.125 and the board of nursing pursuant to section 335.036, 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 **including delegating authority to prescribe controlled substances**. Any rules relating to dispensing or distribution of medications or devices by prescription or prescription drug orders under this section shall be subject to the approval of the state board of pharmacy. **Any rules relating to dispensing or distribution of controlled substances by prescription or prescription drug orders under this section shall be subject to the approval of the department of health and senior services and the state board of pharmacy.** In order to take effect, such rules shall be approved by a majority vote of a quorum of each board. Neither the state board of registration for the healing arts nor the board of nursing may separately promulgate rules relating to collaborative practice arrangements. Such jointly promulgated rules shall be consistent with guidelines for federally funded clinics. The rulemaking authority granted in this subsection shall not extend to collaborative practice arrangements of hospital employees providing inpatient care within hospitals as defined pursuant to chapter 197, RSMo.

[4.] 5. The state board of registration for the healing arts shall not deny, revoke, suspend or otherwise take disciplinary action against a physician for health care services delegated to a registered professional nurse provided the provisions of this section and the rules promulgated thereunder are satisfied. Upon the written request of a physician subject to a disciplinary action imposed as a result of an agreement between a physician and a registered professional nurse or registered physician assistant, whether written or not, prior to August 28, 1993, all records of such disciplinary licensure action and all records pertaining to the filing, investigation or review of an alleged violation of this chapter incurred as a result of such an agreement shall be removed from the records of the state board of registration for the healing arts and the division of professional registration and shall not be disclosed to any public or private entity seeking such information from the board or the division. The state board of registration for the healing arts shall take action to correct reports of alleged violations and disciplinary actions as described in this section which have been submitted to the National Practitioner Data Bank. In subsequent applications or representations relating to his medical practice, a physician completing forms or documents shall not be required to report any actions of the state board of registration for the healing arts for which the records are subject to removal under this section.

[5.] 6. Within thirty days of any change and on each renewal, the state board of registration for the healing arts shall require every physician to identify whether the physician is engaged in any collaborative practice agreement, **including collaborative practice agreements delegating the authority to prescribe controlled substances**, or physician assistant agreement and also report to the board the name of each licensed professional with whom the physician has entered into such agreement. The board may make this information available to the public. The board shall track the reported information and may routinely conduct random reviews of such agreements to ensure that agreements are carried out for compliance under this chapter.

[6. 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.]

**7. Notwithstanding any law to the contrary, a certified registered nurse anesthetist as defined in subdivision (8) of section 335.016, RSMo, shall be permitted to provide anesthesia services without a collaborative practice arrangement provided that he or she is under the supervision of an anesthesiologist or other physician, dentist, or podiatrist who is immediately available if needed. Nothing in this subsection shall be construed to prohibit or prevent a certified registered nurse anesthetist as defined in subdivision (8) of section 335.016, RSMo, from entering into a collaborative practice arrangement under this section, except that the collaborative practice arrangement may not delegate the authority to prescribe any controlled substances listed in Schedules III, IV, and V of section 195.017, RSMo.**

**8. A collaborating physician shall not enter into a collaborative practice arrangement with more than three full-time equivalent advanced practice registered nurses. This limitation shall not apply to collaborative arrangements of hospital employees providing inpatient care service in hospitals as defined in chapter 197, RSMo.**

**9. It is the responsibility of the collaborating physician to determine and document the completion of at least a one-month period of time during which the advanced practice registered nurse shall practice with the collaborating physician continuously present before practicing in a setting where the collaborating physician is not continuously present.**

**10. No agreement made under this section shall supersede current hospital licensing regulations governing hospital medication orders under protocols or standing orders for the purpose of delivering inpatient or emergency care within a hospital as defined in section 197.020, RSMo, if such protocols or standing orders have been approved by the hospital's medical staff and pharmaceutical therapeutics committee.**

**11. No contract or other agreement shall require a physician to act as a collaborating physician for an advanced practice registered nurse against the physician's will. A physician shall have the right to refuse to act as a collaborating physician, without penalty, for a particular advanced practice registered nurse. No contract or other agreement shall limit the collaborating physician's ultimate authority over any protocols or standing orders or in the delegation of the physician's authority to any advanced practice registered nurse, but this requirement shall not authorize a physician in implementing such protocols, standing orders, or delegation to violate applicable standards for safe medical practice established by hospital's medical staff.**

**12. No contract or other agreement shall require any advanced practice registered nurse to serve as a collaborating advanced practice registered nurse for any collaborating physician against the advanced practice registered nurse's will. An advanced practice registered nurse shall have the right to refuse to collaborate, without penalty, with a particular physician.**

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

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

(2) “Advanced practice **registered nurse**”, a nurse who has [had] education beyond the basic nursing education and is certified by a nationally recognized professional organization [as having a nursing specialty, or who meets criteria for advanced practice nurses established by the board of nursing. The board of nursing may promulgate rules specifying which professional nursing organization certifications are to be recognized as advanced practice nurses, and may set standards for education, training and experience required for those without such specialty certification to become advanced practice nurses] **as a certified nurse practitioner, certified nurse midwife, certified registered nurse anesthetist, or a certified clinical nurse specialist. The board shall promulgate rules specifying which nationally recognized professional organization certifications are to be recognized for the purposes of this section.** Advanced practice nurses and only such individuals may use the title “Advanced Practice Registered Nurse” and the abbreviation “APRN”;

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

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

(5) “**Certified nurse practitioner**”, a registered nurse who is currently certified as a nurse practitioner by a nationally recognized certifying body approved by the board of nursing;

(6) “**Certified clinical nurse specialist**”, a registered nurse who is currently certified as a clinical nurse specialist by a nationally recognized certifying board approved by the board of nursing;

(7) “**Certified nurse midwife**”, a registered nurse who is currently certified as a nurse midwife by the American College of Nurse Midwives, or other nationally recognized certifying body approved by the board of nursing;

(8) “**Certified registered nurse anesthetist**”, a registered nurse who is currently certified as a nurse anesthetist by the Council on Certification of Nurse Anesthetists, the Council on Recertification of Nurse Anesthetists, or other nationally recognized certifying body approved by the board of nursing;

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

[(6)] (10) “Inactive nurse”, as defined by rule pursuant to section 335.061;

[(7)] (11) “Lapsed license status”, as defined by rule under section 335.061;

[(8)] (12) “Licensed practical nurse” or “practical nurse”, a person licensed pursuant to the provisions of this chapter to engage in the practice of practical nursing;

[(9)] (13) “Licensure”, the issuing of a license to practice professional or practical nursing to candidates who have met the specified requirements and the recording of the names of those persons as holders of a license to practice professional or practical nursing;

[(10)] (14) “Practical nursing”, the performance for compensation of selected acts for the promotion of health and in the care of persons who are ill, injured, or experiencing alterations in normal health processes. Such performance requires substantial specialized skill, judgment and knowledge. All such nursing care shall be given under the direction of a person licensed by a state regulatory board to prescribe medications and treatments or under the direction of a registered professional nurse. For the purposes of this

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

[(11)] **(15)** “Professional nursing”, the performance for compensation of any act which requires substantial specialized education, judgment and skill based on knowledge and application of principles derived from the biological, physical, social and nursing sciences, including, but not limited to:

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

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

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

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

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

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

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

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

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

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

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

**(4) Has a controlled substance prescribing authority delegated in the collaborative practice**

**arrangement under section 334.104, RSMo, with a physician who has an unrestricted federal Drug Enforcement Administration registration number and who is actively engaged in a practice comparable in scope, specialty, or expertise to that of the advanced practice registered nurse.”; and**

Further amend said bill, page 40, section B, line 1, by striking “Section A” and inserting in lieu thereof the following: “The repeal and reenactment of sections 195.010, 195.017, and 195.417, and the enactment of sections 195.378, 195.381, 195.384, 195.387, 195.390, 195.393, 195.396, and 195.399”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted.

Senator Champion raised the point of order that **SA 1** is out of order as it goes beyond the scope of the title of the bill.

The point of order was referred to the President Pro Tem who took it under advisement, which placed the bill back on the Informal Calendar.

### MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

#### OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 29, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

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

Darryl T. Jones, Democrat, 55 Bradford Drive, Olivette, Saint Louis County, Missouri 63132, as a member of the Missouri Gaming Commission, for a term ending April 29, 2011, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MATT BLUNT

Also,

#### OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 29, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

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

Gary L. Panethiere, Democrat, 8670 NE 97<sup>th</sup> Terrace, Kansas City, Clay County, Missouri 64157, as a member of the Northwest Missouri State University Board of Regents, for a term ending January 1, 2011, and until his successor is duly appointed and qualified; vice, John Douglas Joyce, withdrawn.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
65101  
April 29, 2008

To the Senate of the 94th General Assembly of the State of Missouri:  
I have the honor to transmit to you herewith for your advice and consent the following appointment:

Noel J. Shull, Republican, 8620 North Richmond Avenue, Kansas City, Clay County, Missouri 64157, as a member of the Missouri Gaming Commission, for a term ending April 29, 2011, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
MATT BLUNT

### **BILLS DELIVERED TO THE GOVERNOR**

**SB 1066** and **SCS** for **SB 967**, after having been duly signed by the Speaker of the House of Representatives in open session, were delivered to the Governor by the Secretary of the Senate.

On motion of Senator Shields, the Senate recessed until 2:30 p.m.

### **RECESS**

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

### **RESOLUTIONS**

Senator Stouffer offered Senate Resolution No. 2527, regarding Janet Delsemme, Kearney, which was adopted.

Senator Stouffer offered Senate Resolution No. 2528, regarding the One Hundred Second Birthday of Erna Louise Riekhof, Higginsville, which was adopted.

Senator Vogel offered Senate Resolution No. 2529, regarding First Baptist Church, California, which was adopted.

Senator Vogel offered Senate Resolution No. 2530, regarding the R-U Safe student group at Fulton Middle School, which was adopted.

Senator Vogel offered Senate Resolution No. 2531, regarding Robert Lee Frasher, New Bloomfield, which was adopted.

Senator Vogel offered Senate Resolution No. 2532, regarding the Jefferson City Academic Center (JCAC) students, which was adopted.

### **SENATE BILLS FOR PERFECTION**

**SB 1194** was placed on the Informal Calendar.

### **RE-REFERRALS**

President Pro Tem Gibbons re-referred **HCS** for **HB 2250** to the Committee on Commerce, Energy and the Environment.

### **HOUSE BILLS ON THIRD READING**

At the request of Senator Engler, **HCS** for **HB 1763** was placed on the Informal Calendar.

**HCS** for **HB 2068** was placed on the Informal Calendar.

**HCS** for **HB 1341** was placed on the Informal Calendar.

At the request of Senator Dempsey, **HB 1617** was placed on the Informal Calendar.

**HCS** for **HB 1715**, with **SCS**, was placed on the Informal Calendar.

**HB 2226** was placed on the Informal Calendar.

At the request of Senator Stouffer, **HB 1656**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Goodman, **HB 1983**, with **SCS**, was placed on the Informal Calendar.

**HB 1973**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Mayer, **HCS** for **HBs 1876** and **1877**, with **SCS**, was placed on the Informal Calendar.

**HCS** for **HB 2188**, with **SCS**, entitled:

An Act to repeal sections 339.100, 339.532, 443.809, 443.810, and 443.891, RSMo, and to enact in lieu thereof nine new sections relating to mortgage fraud, with penalty provisions.

Was taken up by Senator Engler.

**SCS** for **HCS** for **HB 2188**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2188

An Act to repeal sections 339.100, 339.532, 443.809, 443.810, and 443.891, RSMo, and to enact in lieu thereof nine new sections relating to mortgage fraud, with penalty provisions.

Was taken up.

Senator Engler moved that **SCS** for **HCS** for **HB 2188** be adopted, which motion prevailed.

Senator Rupp assumed the Chair.

On motion of Senator Engler, **SCS** for **HCS** for **HB 2188** was read the 3rd time and passed by the following vote:

YEAS—Senators

|          |        |          |          |          |          |             |           |
|----------|--------|----------|----------|----------|----------|-------------|-----------|
| Barnitz  | Bray   | Callahan | Champion | Clemens  | Coleman  | Crowell     | Days      |
| Dempsey  | Engler | Gibbons  | Goodman  | Graham   | Green    | Griesheimer | Justus    |
| Kennedy  | Koster | Lager    | Loudon   | Mayer    | McKenna  | Nodler      | Purgason  |
| Ridgeway | Rupp   | Scott    | Shields  | Shoemyer | Stouffer | Vogel       | Wilson—32 |

NAYS—Senator Bartle—1

Absent—Senator Smith—1

Absent with leave—Senators—None

Vacancies—None



The President declared the bill passed.

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

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

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

### **MESSAGES FROM THE HOUSE**

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 939**, entitled:

An Act to repeal sections 242.230, 242.430, 242.500, 245.020, 245.105, 245.175, 245.197, and 246.305, RSMo, and to enact in lieu thereof eight new sections relating to certain district taxes.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SCS** for **SB 931**, entitled:

An Act to repeal sections 135.800, 135.805, 142.028, 260.546, 261.035, 261.230, 261.235, 261.239, 263.232, 265.200, 281.260, 340.337, 340.341, 340.375, 340.381, 340.384, 340.387, 340.390, 340.393, 340.396, 340.399, 340.402, 340.405, 348.430, 348.432, 348.505, 414.012, 414.032, 414.042, 414.052, 414.082, 414.112, and 414.122, RSMo, and to enact in lieu thereof forty-four new sections relating to the administration of agriculture incentives and programs.

With House Amendments Nos. 1 and 2.

#### **HOUSE AMENDMENT NO. 1**

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 931, Section 281.260, Page 19, Line 74, by deleting all of said line and inserting in lieu thereof the following:

**“12. Notwithstanding any other provision of law to the contrary the director may allow a reasonable period of time for the retailer to dispose”;** and

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

#### **HOUSE AMENDMENT NO. 2**

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 931, Section 267.168, Page 17, Line 13, by inserting immediately after all of said line the following:

“278.070. As used in sections 278.060 to 278.300, the following words and terms mean:

- (1) “Board of soil and water district supervisors” or “soil and water supervisors”, the local governing body of a soil and water district, elected or appointed in accordance with the provisions of this law;
- (2) “Landowner”, any person, firm or corporation who holds title to any lands lying within a district

organized or to be organized under the provisions of this chapter. Any landowner may be represented by notarized proxy not more than one year old;

(3) “Land representative”, the owner or representative authorized by power of attorney of any farm lying within any area proposed to be established, and subsequently established, as a soil and water district under the provisions of this law, and for the purposes of this law each such farm shall be entitled to representation by a land representative; provided, however, that any land representative must be a taxpayer of the county within which the soil and water district is located;

(4) “Soil and water conservation cost-share program”, a state-funded incentive program designed for the purpose of saving the soil of the state through erosion control and abatement;

(5) “Soil and water conservation district” or “soil and water district”, a county or one or more of its townships wherein a project for saving the soil and water has been established with the authority and duty and subject to the restrictions herein set forth; and in establishing a soil and water district, if the proposed area is less than the area of the county which contains it, but greater than the area of one township, the additional township or townships to be included in such soil and water district need not be contiguous with the first township or with one another, but there shall be only one soil and water district within the boundaries of the same county; and any farm intersected by a soil and water district boundary shall be considered as lying within that district for purposes of soil and water conservation by that district, except that the soil and water conservation of a farm which lies partly within one soil and water district and partly within another shall be considered the duty of the soil and water district in which the home buildings of such farm are located;

(6) “State soil and water districts commission” or “soil and water commission”, the agency created by section 278.080 for the administration of the soil and water conservation districts provided for by this law;

(7) **“Subdistrict”, “watershed subdistrict”, or “watershed district”, as used in sections 278.160 to 278.300, a watershed district, with the exception of section 278.160 whereby subdistrict is specifically used to describe the relationship to an established soil water conservation district or districts that may be established as a watershed district;**

(8) “Township”, municipal township and not congressional or survey township.”; and

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

In which the concurrence of the Senate is respectfully requested.

### **PRIVILEGED MOTIONS**

Senator Purgason moved that the Senate refuse to concur in **HCS** for **SS** for **SCS** for **SB 931**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

### **HOUSE BILLS ON THIRD READING**

Senator Champion moved that **HCS** for **HB 1619**, with **SCS**, **SS** for **SCS**, **SA 1** and the point of order (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

At the request of Senator Green, **SA 1** was withdrawn, rendering the pending point of order moot.

Senator Green offered **SA 2:**

**SENATE AMENDMENT NO. 2**

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1619, Page 47, Section 195.017, Line 3 of said page, by inserting after all of said line the following:

“195.070. 1. A physician, podiatrist, dentist, or a registered optometrist certified to administer pharmaceutical agents as provided in section 336.220, RSMo, in good faith and in the course of his or her professional practice only, may prescribe, administer, and dispense controlled substances or he or she may cause the same to be administered or dispensed by an individual as authorized by statute.

**2. An advanced practice registered nurse, as defined in section 335.016, RSMo, but not a certified registered nurse anesthetist as defined in subdivision (8) of section 335.016, RSMo, who holds a certificate of controlled substance prescriptive authority from the board of nursing under section 335.019, RSMo, and who is delegated the authority to prescribe controlled substances under a collaborative practice arrangement under section 334.104, RSMo, may prescribe any controlled substances listed in Schedules III, IV, and V of section 195.017. However, no such certified advanced practice registered nurse shall prescribe controlled substance for his or her own self or family. Schedule III narcotic controlled substance prescriptions shall be limited to a one hundred twenty hour supply without refill.**

3. A veterinarian, in good faith and in the course of his professional practice only, and not for use by a human being, may prescribe, administer, and dispense controlled substances and he may cause them to be administered by an assistant or orderly under his direction and supervision.

[3.] 4. A practitioner shall not accept any portion of a controlled substance unused by a patient, for any reason, if such practitioner did not originally dispense the drug.

[4.] 5. An individual practitioner may not prescribe or dispense a controlled substance for such practitioner's personal use except in a medical emergency.

195.100. 1. It shall be unlawful to distribute any controlled substance in a commercial container unless such container bears a label containing an identifying symbol for such substance in accordance with federal laws.

2. It shall be unlawful for any manufacturer of any controlled substance to distribute such substance unless the labeling thereof conforms to the requirements of federal law and contains the identifying symbol required in subsection 1 of this section.

3. The label of a controlled substance in Schedule II, III or IV shall, when dispensed to or for a patient, contain a clear, concise warning that it is a criminal offense to transfer such narcotic or dangerous drug to any person other than the patient.

4. Whenever a manufacturer sells or dispenses a controlled substance and whenever a wholesaler sells or dispenses a controlled substance in a package prepared by him, he shall securely affix to each package in which that drug is contained, a label showing in legible English the name and address of the vendor and the quantity, kind, and form of controlled substance contained therein. No person except a pharmacist for the purpose of filling a prescription under sections 195.005 to 195.425, shall alter, deface, or remove any label so affixed.

5. Whenever a pharmacist or practitioner sells or dispenses any controlled substance on a prescription

issued by a physician, dentist, podiatrist [or], veterinarian, **or advanced practice registered nurse**, he shall affix to the container in which such drug is sold or dispensed, a label showing his own name and address of the pharmacy or practitioner for whom he is lawfully acting; the name of the patient or, if the patient is an animal, the name of the owner of the animal and the species of the animal; the name of the physician, dentist, podiatrist [or], **advanced practice registered nurse**, or veterinarian by whom the prescription was written; **the name of the collaborating physician if the prescription is written by an advanced practice registered nurse**, and such directions as may be stated on the prescription. No person shall alter, deface, or remove any label so affixed.”; and

Further amend said bill, page 59, section 195.417, line 27 of said page, 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. **Collaborative practice arrangements may delegate to an advanced practice registered nurse, as defined in section 335.016, RSMo, the authority to administer, dispense, or prescribe controlled substances listed in Schedules III, IV, and V of section 195.017, RSMo; except that, the collaborative practice arrangement shall not delegate the authority to administer any controlled substances listed in schedules III, IV, and V of section 197.017, RSMo, for the purpose of inducing sedation or general anesthesia for therapeutic, diagnostic, or surgical procedures. Schedule III narcotic controlled substance prescriptions shall be limited to a one hundred twenty hour supply without refill.** Such collaborative practice arrangements shall be in the form of written agreements, jointly agreed-upon protocols or standing orders for the delivery of health care services.

3. **The written collaborative practice arrangement shall contain at least the following provisions:**

(1) **Complete names, home and business addresses, zip codes, and telephone numbers of the collaborating physician and the advanced practice registered nurse;**

(2) **A list of all other offices or locations besides those listed in subdivision (1) of this subsection where the collaborating physician authorized the advanced practice registered nurse to prescribe;**

(3) **A requirement that there shall be posted at every office where the advanced practice registered nurse is authorized to prescribe, in collaboration with a physician, a prominently displayed disclosure statement informing patients that they may be seen by an advanced practice registered nurse and have the right to see the collaborating physician;**

(4) **All specialty or board certifications of the collaborating physician and all certifications of the advanced practice registered nurse;**

(5) **The manner of collaboration between the collaborating physician and the advanced practice**

registered nurse, including how the collaborating physician and the advanced practice registered nurse will:

(a) Engage in collaborative practice consistent with each professional's skill, training, education, and competence;

(b) Maintain geographic proximity; and

(c) Provide coverage during absence, incapacity, infirmity, or emergency by the collaborating physician;

(6) A description of the advanced practice registered nurse's controlled substance prescriptive authority in collaboration with the physician, including a list of the controlled substances the physician authorizes the nurse to prescribe and documentation that it is consistent with each professional's education, knowledge, skill, and competence;

(7) A list of all other written practice agreements of the collaborating physician and the advanced practice registered nurse;

(8) The duration of the written practice agreement between the collaborating physician and the advanced practice registered nurse; and

(9) A description of the time and manner of the collaborating physician's review of the advanced practice registered nurse's prescribing practices. The description shall include provisions that the advanced practice registered nurse shall submit documentation of the advanced practice registered nurse's prescribing practices to the collaborating physician within fourteen days. The documentation shall include, but not be limited to, a random sample review by the collaborating physician of at least twenty percent of the charts and medications prescribed.

4. The state board of registration for the healing arts pursuant to section 334.125 and the board of nursing pursuant to section 335.036, 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 **including delegating authority to prescribe controlled substances**. Any rules relating to dispensing or distribution of medications or devices by prescription or prescription drug orders under this section shall be subject to the approval of the state board of pharmacy. **Any rules relating to dispensing or distribution of controlled substances by prescription or prescription drug orders under this section shall be subject to the approval of the department of health and senior services and the state board of pharmacy.** In order to take effect, such rules shall be approved by a majority vote of a quorum of each board. Neither the state board of registration for the healing arts nor the board of nursing may separately promulgate rules relating to collaborative practice arrangements. Such jointly promulgated rules shall be consistent with guidelines for federally funded clinics. The rulemaking authority granted in this subsection shall not extend to collaborative practice arrangements of hospital employees providing inpatient care within hospitals as defined pursuant to chapter 197, RSMo.

[4.] 5. The state board of registration for the healing arts shall not deny, revoke, suspend or otherwise take disciplinary action against a physician for health care services delegated to a registered professional nurse provided the provisions of this section and the rules promulgated thereunder are satisfied. Upon the written request of a physician subject to a disciplinary action imposed as a result of an agreement between

a physician and a registered professional nurse or registered physician assistant, whether written or not, prior to August 28, 1993, all records of such disciplinary licensure action and all records pertaining to the filing, investigation or review of an alleged violation of this chapter incurred as a result of such an agreement shall be removed from the records of the state board of registration for the healing arts and the division of professional registration and shall not be disclosed to any public or private entity seeking such information from the board or the division. The state board of registration for the healing arts shall take action to correct reports of alleged violations and disciplinary actions as described in this section which have been submitted to the National Practitioner Data Bank. In subsequent applications or representations relating to his medical practice, a physician completing forms or documents shall not be required to report any actions of the state board of registration for the healing arts for which the records are subject to removal under this section.

[5.] **6.** Within thirty days of any change and on each renewal, the state board of registration for the healing arts shall require every physician to identify whether the physician is engaged in any collaborative practice agreement, **including collaborative practice agreements delegating the authority to prescribe controlled substances**, or physician assistant agreement and also report to the board the name of each licensed professional with whom the physician has entered into such agreement. The board may make this information available to the public. The board shall track the reported information and may routinely conduct random reviews of such agreements to ensure that agreements are carried out for compliance under this chapter.

[6. 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.]

**7. Notwithstanding any law to the contrary, a certified registered nurse anesthetist as defined in subdivision (8) of section 335.016, RSMo, shall be permitted to provide anesthesia services without a collaborative practice arrangement provided that he or she is under the supervision of an anesthesiologist or other physician, dentist, or podiatrist who is immediately available if needed. Nothing in this subsection shall be construed to prohibit or prevent a certified registered nurse anesthetist as defined in subdivision (8) of section 335.016, RSMo, from entering into a collaborative practice arrangement under this section, except that the collaborative practice arrangement may not delegate the authority to prescribe any controlled substances listed in Schedules III, IV, and V of section 195.017, RSMo.**

**8. A collaborating physician shall not enter into a collaborative practice arrangement with more than three full-time equivalent advanced practice registered nurses. This limitation shall not apply to collaborative arrangements of hospital employees providing inpatient care service in hospitals as defined in chapter 197, RSMo.**

**9. It is the responsibility of the collaborating physician to determine and document the completion of at least a one-month period of time during which the advanced practice registered nurse shall practice with the collaborating physician continuously present before practicing in a setting where the collaborating physician is not continuously present.**

**10. No agreement made under this section shall supersede current hospital licensing regulations**

**governing hospital medication orders under protocols or standing orders for the purpose of delivering inpatient or emergency care within a hospital as defined in section 197.020, RSMo, if such protocols or standing orders have been approved by the hospital's medical staff and pharmaceutical therapeutics committee.**

**11. No contract or other agreement shall require a physician to act as a collaborating physician for an advanced practice registered nurse against the physician's will. A physician shall have the right to refuse to act as a collaborating physician, without penalty, for a particular advanced practice registered nurse. No contract or other agreement shall limit the collaborating physician's ultimate authority over any protocols or standing orders or in the delegation of the physician's authority to any advanced practice registered nurse, but this requirement shall not authorize a physician in implementing such protocols, standing orders, or delegation to violate applicable standards for safe medical practice established by hospital's medical staff.**

**12. No contract or other agreement shall require any advanced practice registered nurse to serve as a collaborating advanced practice registered nurse for any collaborating physician against the advanced practice registered nurse's will. An advanced practice registered nurse shall have the right to refuse to collaborate, without penalty, with a particular physician.**

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

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

(2) “Advanced practice **registered** nurse”, a nurse who has [had] education beyond the basic nursing education and is certified by a nationally recognized professional organization [as having a nursing specialty, or who meets criteria for advanced practice nurses established by the board of nursing. The board of nursing may promulgate rules specifying which professional nursing organization certifications are to be recognized as advanced practice nurses, and may set standards for education, training and experience required for those without such specialty certification to become advanced practice nurses] **as a certified nurse practitioner, certified nurse midwife, certified registered nurse anesthetist, or a certified clinical nurse specialist. The board shall promulgate rules specifying which nationally recognized professional organization certifications are to be recognized for the purposes of this section.** Advanced practice nurses and only such individuals may use the title “Advanced Practice Registered Nurse” and the abbreviation “APRN”;

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

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

(5) “**Certified nurse practitioner**”, a registered nurse who is currently certified as a nurse practitioner by a nationally recognized certifying body approved by the board of nursing;

(6) “**Certified clinical nurse specialist**”, a registered nurse who is currently certified as a clinical nurse specialist by a nationally recognized certifying board approved by the board of nursing;

(7) “**Certified nurse midwife**”, a registered nurse who is currently certified as a nurse midwife by the American College of Nurse Midwives, or other nationally recognized certifying body approved by the board of nursing;

**(8) “Certified registered nurse anesthetist”, a registered nurse who is currently certified as a nurse anesthetist by the Council on Certification of Nurse Anesthetists, the Council on Recertification of Nurse Anesthetists, or other nationally recognized certifying body approved by the board of nursing;**

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

[(6)] **(10)** “Inactive nurse”, as defined by rule pursuant to section 335.061;

[(7)] **(11)** “Lapsed license status”, as defined by rule under section 335.061;

[(8)] **(12)** “Licensed practical nurse” or “practical nurse”, a person licensed pursuant to the provisions of this chapter to engage in the practice of practical nursing;

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

[(10)] **(14)** “Practical nursing”, the performance for compensation of selected acts for the promotion of health and in the care of persons who are ill, injured, or experiencing alterations in normal health processes. Such performance requires substantial specialized skill, judgment and knowledge. All such nursing care shall be given under the direction of a person licensed by a state regulatory board to prescribe medications and treatments or under the direction of a registered professional nurse. For the purposes of this chapter, the term “direction” shall mean guidance or supervision provided by a person licensed by a state regulatory board to prescribe medications and treatments or a registered professional nurse, including, but not limited to, oral, written, or otherwise communicated orders or directives for patient care. When practical nursing care is delivered pursuant to the direction of a person licensed by a state regulatory board to prescribe medications and treatments or under the direction of a registered professional nurse, such care may be delivered by a licensed practical nurse without direct physical oversight;

[(11)] **(15)** “Professional nursing”, the performance for compensation of any act which requires substantial specialized education, judgment and skill based on knowledge and application of principles derived from the biological, physical, social and nursing sciences, including, but not limited to:

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

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

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

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

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

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

[(13)] **(17)** “Retired license status”, any person licensed in this state under this chapter who retires from



such practice. Such person shall file with the board an affidavit, on a form to be furnished by the board, which states the date on which the licensee retired from such practice, an intent to retire from the practice for at least two years, and such other facts as tend to verify the retirement as the board may deem necessary; but if the licensee thereafter reengages in the practice, the licensee shall renew his or her license with the board as provided by this chapter and by rule and regulation.

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

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

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

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

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

Further amend said bill, page 59, section B, line 28 of said page, by striking “Section A” and inserting in lieu thereof the following: “The repeal and reenactment of sections 195.010, 195.017, and 195.417, and the enactment of sections 195.378, 195.381, 195.384, 195.387, 195.390, 195.393, 195.396, and 195.399”; and

Further amend the title and enacting clause accordingly.

Senator Green move that the above amendment be adopted, which motion prevailed.

Senator Champion moved that **SS** for **SCS** for **HCS** for **HB 1619**, as amended, be adopted, which motion prevailed.

On motion of Senator Champion, **SS** for **SCS** for **HCS** for **HB 1619**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

|          |           |        |          |          |          |         |             |
|----------|-----------|--------|----------|----------|----------|---------|-------------|
| Barnitz  | Bartle    | Bray   | Callahan | Champion | Clemens  | Coleman | Crowell     |
| Days     | Dempsey   | Engler | Gibbons  | Goodman  | Graham   | Green   | Griesheimer |
| Justus   | Kennedy   | Koster | Lager    | Loudon   | Mayer    | McKenna | Nodler      |
| Purgason | Ridgeway  | Rupp   | Scott    | Shields  | Shoemyer | Smith   | Stouffer    |
| Vogel    | Wilson—34 |        |          |          |          |         |             |

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

Senator Griesheimer moved that **HCS** for **HB 1779**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SA 1** was again taken up.

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

Senator Griesheimer offered **SA 2**:

#### SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1779, Page 13, Section 319.025, Line 19 of said page, by inserting immediately after “RSMo” the following: “, **provided however, the provisions of this subsection shall not apply to railroad right of way owned or operated by a railroad**”.

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

Under the provisions of Senate Rule 91, Senator Ridgeway was excused from voting on the adoption of **SS** for **SCS** for **HCS** for **HB 1779** and the 3rd reading of the bill.

Senator Bray offered **SA 3**:

#### SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1779, Page 63, Section 392.245, Lines 2-3 of said page, by striking “companies that are” and inserting in lieu thereof the following: “**upon a finding that a company that is**”; and further amend line 3 of said page, by striking “and that have” and inserting in lieu thereof the following: “**has**”; and further amend line 5 of said page, by inserting after “competitive” the following: “, **the company**”; and further amend line 9 of said page, by inserting immediately after “company” the following: “, **provided that any annual increase in rates for residential basic local telecommunications service shall not exceed two dollars per line per month for a period of four years**”; and

Further amend said bill and section, page 69, line 15 of said page, by striking “and”; and further amend line 16 of said page, by striking “fifty cents”.

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

At the request of Senator Griesheimer, **HCS** for **HB 1779**, with **SCS** and **SS** for **SCS**, as amended (pending), was placed on the Informal Calendar.

#### PRIVILEGED MOTIONS

Senator Champion requested unanimous consent of the Senate to reconsider, in one vote, the votes by which the titling and perfecting motions, the third reading motion, and the motion to adopt the substitute

bill carried on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1619, as amended, which request was granted.

Having voted on the prevailing side, Senator Champion moved that the vote to lay on the table the motion to reconsider the vote by which Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1619, as amended passed; the vote by which the title was agreed to, the vote by which the bill was third read and finally passed, and the vote by which the Senate Substitute was adopted, be reconsidered, which motion prevailed by the following vote:

YEAS—Senators

|          |           |        |          |          |          |         |             |
|----------|-----------|--------|----------|----------|----------|---------|-------------|
| Barnitz  | Bartle    | Bray   | Callahan | Champion | Clemens  | Coleman | Crowell     |
| Days     | Dempsey   | Engler | Gibbons  | Goodman  | Graham   | Green   | Griesheimer |
| Justus   | Kennedy   | Koster | Lager    | Loudon   | Mayer    | McKenna | Nodler      |
| Purgason | Ridgeway  | Rupp   | Scott    | Shields  | Shoemyer | Smith   | Stouffer    |
| Vogel    | Wilson—34 |        |          |          |          |         |             |

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

**SS for SCS for HCS for HB 1619**, as amended, was again taken up.

At the request of Senator Champion, **HCS for HB 1619**, with **SCS** and **SS for SCS**, as amended (pending), was placed on the Informal Calendar.

Senator Griesheimer moved that **HCS for HB 1779**, with **SCS** and **SS for SCS**, as amended (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SS for SCS for HCS for HB 1779**, as amended, was again taken up.

Senator Crowell assumed the Chair.

Senator Lager offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1779, Page 45, Section 386.020, Line 7 of said page, by inserting after all of said line the following:

**“386.572. 1. No corporation, person, public utility, or municipality that owns any gas plant shall violate any law or any order, decision, decree, rule, direction, demand, or requirement of the commission or any part or portion thereof relating to federally mandated natural gas safety standards. Notwithstanding the above, a municipality that owns any gas plant shall be subject to the provisions of this section only for violations of natural gas safety laws, rules, or orders.**

**2. The maximum penalties for violations of federally mandated natural gas safety standards, or such stricter natural gas safety standards or rules as may be approved by the commission, shall not be greater than fifteen thousand dollars for each violation with a maximum penalty for a continuing violation or a multiple series of violations of the same standard or rule provision not to exceed one**

**hundred fifty thousand dollars, notwithstanding any provisions of subsection 1 of section 386.570 to the contrary. The maximum penalty for each violation shall increase to twenty thousand dollars, effective January 1, 2015, twenty-five thousand dollars, effective January 1, 2025, thirty thousand dollars, effective January 1, 2035, and forty thousand dollars, effective January 1, 2040. The maximum penalty for a continuing violation or a multiple series of violations of the same standard or rule provision shall increase to two hundred thousand dollars, effective January 1, 2015, two hundred fifty thousand dollars, effective January 1, 2025, three hundred thousand dollars, effective January 1, 2035, and four hundred thousand dollars, effective January 1, 2040. In determining the amount of the penalty, the commission shall consider the nature, circumstances, and gravity of the violation, and also shall consider, with respect to the entity found to have committed the violation:**

- (1) The degree of culpability;**
- (2) Any history of prior violations;**
- (3) The effect of the penalty on the entity's ability to continue operation;**
- (4) Any good faith effort in attempting to achieve compliance;**
- (5) Ability to pay the penalty; and**
- (6) Such other matters as are relevant in the case.**

**3. Every violation of a specific natural gas safety standard or rule by any corporation, person, public utility, or municipality that owns any gas plant is a separate and distinct offense, regardless of whether such violations relate to the same incident. In case of a continuing violation, each day's continuance thereof shall be a separate and distinct offense.**

**4. In construing and enforcing the provisions of this section, the act, omission, or failure of any officer, agent, or employee of any corporation, person, public utility, or municipality that owns any gas plant acting within the scope of official duties of employment shall in every case be considered the act, omission, or failure of such corporation, person, public utility, or municipality that owns any gas plant.”; and**

Further amend the title and enacting clause accordingly.

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

Senator Griesheimer moved that **SS for SCS for HCS for HB 1779**, as amended, be adopted, which motion prevailed.

Senator Griesheimer moved that **SS for SCS for HCS for HB 1779**, as amended, be read the 3rd time and finally passed and was recognized to close.

President Pro Tem Gibbons referred **SS for SCS for HCS for HB 1779**, as amended, to the Committee on Governmental Accountability and Fiscal Oversight.

## **REFERRALS**

President Pro Tem Gibbons referred the Gubernatorial Appointments appearing on Pages 991 and 992 of the Senate Journal, to the Committee on Gubernatorial Appointments.

## **MESSAGES FROM THE HOUSE**

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has

taken up and passed **HCS** for **SB 841**, entitled:

An Act to repeal sections 304.180 and 304.190, RSMo, and to enact in lieu thereof three new sections relating to vehicle weight regulations.

With House Amendment No.1 and House Substitute Amendment No.1 for House Amendment No. 2.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 841, Page 6, Section 304.180, Line 100, by inserting after the second occurrence of the word “pounds” the following: “, **except as provided in subsection 9 of this section**”; and

Further amend said bill, Page 6, Section 304.180, Line 116, by inserting after all of said line the following:

**“9. Notwithstanding subsections 3 and 6 of this section or any other provision of law to the contrary, the total gross weight of any vehicle or combination of vehicles hauling livestock may be as much as, but shall not exceed, eighty-five thousand five hundred pounds while operating on U.S. Highway 36 from St. Joseph to U.S. Highway 65, and on U.S. Highway 65 from the Iowa state line to U.S. Highway 36.”**; and

Further amend said bill, Pages 6 through 8, Section 304.190 by removing said section from the bill; and

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

HOUSE SUBSTITUTE AMENDMENT NO. 1 FOR  
HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 841, Section 304.190, Page 8, Line 50, by inserting immediately after all of said line the following:

“304.230. 1. It shall be the duty of the sheriff of each county or city to see that the provisions of sections 304.170 to 304.230 are enforced, and any peace officer or police officer of any county or city or any highway patrol officer shall have the power to arrest on sight or upon a warrant any person found violating or having violated the provisions of such sections.

2. The sheriff or any peace officer or any highway patrol officer is hereby given the power to stop any such conveyance or vehicle as above described upon the public highway for the purpose of determining whether such vehicle is loaded in excess of the provisions of sections 304.170 to 304.230, and if he or she finds such vehicle loaded in violation of the provisions thereof he or she shall have a right at that time and place to cause the excess load to be removed from such vehicle; and provided further, that any regularly employed maintenance man of the department of transportation shall have the right and authority in any part of this state to stop any such conveyance or vehicle upon the public highway for the purpose of determining whether such vehicle is loaded in excess of the provisions of sections 304.170 to 304.230, and if he or she finds such vehicle loaded in violation of the provisions thereof, he or she shall have the right at that time and place to cause the excess load to be removed from such vehicle. When only an axle or a tandem axle group of a vehicle is overloaded, the operator shall be permitted to shift the load, if this will not overload some other axle or axles, without being charged with a violation; provided, however, the privilege of shifting the weight without being charged with a violation shall not extend to or include vehicles while traveling on the federal interstate system of highways. When only an axle or tandem axle group of the vehicle traveling on the federal interstate system of highways is overloaded and a court authorized to

enforce the provisions of sections 304.170 to 304.230 finds that the overloading was due to the inadvertent shifting of the load changing axle weights in transit through no fault of the operator of the vehicle and that the load thereafter had been shifted so that no axle had been overloaded, then the court may find that no violation has been committed. The operator of any vehicle shall be permitted to back up and reweigh, or to turn around and weigh from the opposite direction. Any operator whose vehicle is weighed and found to be within five percent of any legal limit may request and receive a weight ticket, memorandum or statement showing the weight or weights on each axle or any combinations of axles. Once a vehicle is found to be within the limits of section 304.180 after having been weighed on any state scale and there is no evidence that any cargo or fuel has been added, no violation shall occur, but a presumption shall exist that cargo or fuel has been added if upon reweighing on another state scale the total gross weight exceeds the applicable limits of section 304.180 or 304.190. The highways and transportation commission of this state may deputize and appoint any number of their regularly employed maintenance men to enforce the provisions of such sections, and the maintenance men delegated and appointed in this section shall report to the proper officers any violations of sections 304.170 to 304.230 for prosecution by such proper officers.

3. The superintendent of the Missouri state highway patrol may assign qualified persons who are not highway patrol officers to supervise or operate permanent or portable weigh stations used in the enforcement of commercial vehicle laws. These persons shall be designated as commercial vehicle inspectors and have limited police powers:

(1) To issue uniform traffic tickets at a permanent or portable weigh station for violations of rules and regulations of the division of motor carrier and railroad safety of the department of economic development and department of public safety, and laws, rules, and regulations pertaining to commercial motor vehicles and trailers and related to size, weight, fuel tax, registration, equipment, driver requirements, transportation of hazardous materials and operators' or chauffeurs' licenses, and the provisions of sections 303.024 and 303.025, RSMo;

(2) To require the operator of any commercial vehicle to stop and submit to a vehicle and driver inspection to determine compliance with commercial vehicle laws, rules, and regulations, the provisions of sections 303.024 and 303.025, RSMo, and to submit to a cargo inspection when reasonable grounds exist to cause belief that a vehicle is transporting hazardous materials as defined by Title 49 of the Code of Federal Regulations;

(3) To make arrests for violation of subdivisions (1) and (2) of this subsection. Commercial vehicle inspectors shall not have the authority to exercise the powers granted in subdivisions (1), (2) and (3) of this subsection until they have successfully completed training approved by the superintendent of the Missouri state highway patrol; nor shall they have the right as peace officers to bear arms.

4. The superintendent of the Missouri state highway patrol may appoint qualified persons, who are not members of the highway patrol, designated as commercial vehicle enforcement officers, with the powers:

(1) To issue uniform traffic tickets for violations of laws, rules and regulations pertaining to commercial vehicles, trailers, special mobile equipment and drivers of such vehicles, and the provisions of sections 303.024 and 303.025, RSMo;

(2) To require the operator of any commercial vehicle to stop and submit to a vehicle and driver inspection to determine compliance with commercial vehicle laws, rules, and regulations, compliance with the provisions of sections 303.024 and 303.025, RSMo, and to submit to a cargo inspection when reasonable grounds exist to cause belief that a vehicle is transporting hazardous materials as defined by Title 49 of the Code of Federal Regulations;

(3) To make arrests upon warrants and for violations of subdivisions (1) and (2) of this subsection. Commercial vehicle enforcement officers shall not have the authority to exercise the powers granted in subdivisions (1), (2) and (3) of this subsection until they have successfully completed training approved by the superintendent of the Missouri state highway patrol. Commercial vehicle enforcement officers shall have the right as peace officers to bear arms.

5. Any additional employees needed for the implementation of this section shall be hired in conformity with the provisions of the federal fair employment and antidiscrimination acts.

6. Any part of this section which shall be construed to be in conflict with the axle or tandem axle load limits permitted by the Federal-Aid Highway Act, Section 127 of Title 23 of the United States Code (Public Law 85-767, 85th Congress) shall be null, void and of no effect.

**7. The superintendent may also appoint members of the patrol who are certified under the commercial vehicle safety alliance with the power to conduct commercial motor vehicle and driver inspections and to require the operator of any commercial vehicle to stop and submit to said inspections to determine compliance with commercial vehicle laws, rules, and regulations, compliance with the provisions of sections 303.024 and 303.025, RSMo, and to submit to a cargo inspection when reasonable grounds exist to cause belief that a vehicle s transporting hazardous materials as defined by Title 49 of the Code of Federal Regulations.”; and**

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

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 748**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SCS** for **SB 944**.

Emergency clause defeated.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SS** for **SCS** for **SB 931**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS** for **SS** for **SCS** for **SB 931**, as amended. Representatives: Munzlinger, Dethrow, Wells, Witte and Aull.

**CONFERENCE COMMITTEE APPOINTMENTS**

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **HCS** for **SS** for **SCS** for **SB 931**, as amended: Senators Purgason, Clemens, Goodman, Barnitz and Shoemyer.

**HOUSE BILLS ON THIRD READING**

Senator Champion moved that **HCS** for **HB 1619**, with **SCS** and **SS** for **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

At the request of Senator Champion, **SS** for **SCS** for **HCS** for **HB 1619**, as amended, was withdrawn.

Senator Champion offered **SS No. 2** for **SCS** for **HCS** for **HB 1619**, entitled:

SENATE SUBSTITUTE NO. 2 FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1619

An Act to repeal sections 195.010, 195.017, 195.070, 195.100, 195.417, 334.104, and 335.016, RSMo, and to enact in lieu thereof sixteen new sections relating to monitoring of drugs, with penalty provisions and an effective date.

Senator Champion moved that **SS No. 2** for **SCS** for **HCS** for **HB 1619** be adopted.

Senator Champion offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 1619, Page 62, Section 334.104, Line 22 of said page, by striking “197.017” and inserting in lieu thereof the following: “**195.017**”.

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

Senator Mayer offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 1619, Page 74, Section 335.016, Line 4 of said page, by inserting immediately after said line the following:

**“338.650. There is hereby established in the state treasury the “Pharmacy Rebates Fund”. Any revenues received by the state, either directly or indirectly, from pharmaceutical manufacturer rebates as required by federal law or state supplemental rebates as defined in state plan amendments shall be deposited into the pharmacy rebates fund and shall be used only in the MO HealthNet pharmacy program or its successor programs authorized under Title XIX, Public Law 89-97, 1965 amendments to the federal Social Security Act, 42 U.S.C. Section 301 et seq.”; and**

Further amend the title and enacting clause accordingly.

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

Senator Champion moved that **SS No. 2** for **SCS** for **HCS** for **HB 1619**, as amended, be adopted, which



motion prevailed.

On motion of Senator Champion, **SS No. 2** for **SCS** for **HCS** for **HB 1619**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

|          |           |        |          |          |          |         |             |
|----------|-----------|--------|----------|----------|----------|---------|-------------|
| Barnitz  | Bartle    | Bray   | Callahan | Champion | Clemens  | Coleman | Crowell     |
| Days     | Dempsey   | Engler | Gibbons  | Goodman  | Graham   | Green   | Griesheimer |
| Justus   | Kennedy   | Koster | Lager    | Loudon   | Mayer    | McKenna | Nodler      |
| Purgason | Ridgeway  | Rupp   | Scott    | Shields  | Shoemyer | Smith   | Stouffer    |
| Vogel    | Wilson—34 |        |          |          |          |         |             |

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

Senator Lager assumed the Chair.

**SENATE BILLS FOR PERFECTION**

Senator Mayer moved that **SB 1170**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

**SCS** for **SB 1170**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 1170

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to the rebuild Missouri schools program, with an emergency clause.

Was taken up.

Senator Mayer moved that **SCS** for **SB 1170** be adopted.

Senator Smith offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 1170, Page 1, In the Title, Line 2, by striking the following: “the”; and further amend the title, line 3, by striking the following: “rebuild Missouri schools program” and insert in lieu thereof the following: “elementary and secondary education”; and further amend said bill, page 1, section A, line 2, by inserting after said line the following:

“160.410. 1. A charter school shall enroll:

(1) All pupils resident in the district in which it operates;

(2) Nonresident pupils eligible to attend a district's school under an urban voluntary transfer program;  
[and]

**(3) In the case of a charter school whose mission includes student drop-out prevention or recovery, a nonresident pupil from the same or an adjacent county who submits a timely application; and**

**(4)** In the case of a workplace charter school, any student eligible to attend under subdivision (1) or (2) of this subsection whose parent is employed in the business district, who submits a timely application, unless the number of applications exceeds the capacity of a program, class, grade level or building. The configuration of a business district shall be set forth in the charter and shall not be construed to create an undue advantage for a single employer or small number of employers.

2. If capacity is insufficient to enroll all pupils who submit a timely application, the charter school shall have an admissions process that assures all applicants of an equal chance of gaining admission except that:

(1) A charter school may establish a geographical area around the school whose residents will receive a preference for enrolling in the school, provided that such preferences do not result in the establishment of racially or socioeconomically isolated schools and provided such preferences conform to policies and guidelines established by the state board of education; [and]

(2) A charter school may also give a preference for admission of children whose siblings attend the school or whose parents are employed at the school or in the case of a workplace charter school, a child whose parent is employed in the business district or at the business site of such school; **and**

**(3) A charter school whose mission includes student drop-out prevention or recovery as described in subdivision (3) of subsection 1 of this section shall give preference for admission to resident pupils over nonresident pupils.**

3. A charter school shall not limit admission based on race, ethnicity, national origin, disability, gender, income level, proficiency in the English language or athletic ability, but may limit admission to pupils within a given age group or grade level.

4. The department of elementary and secondary education shall commission a study of the performance of students at each charter school in comparison with a comparable group and a study of the impact of charter schools upon the districts in which they are located, to be conducted by a contractor selected through a request for proposal. The department of elementary and secondary education shall reimburse the contractor from funds appropriated by the general assembly for the purpose. The study of a charter school's student performance in relation to a comparable group shall be designed to provide information that would allow parents and educators to make valid comparisons of academic performance between the charter school's students and a group of students comparable to the students enrolled in the charter school. The impact study shall be undertaken every two years to determine the effect of charter schools on education stakeholders in the districts where charter schools are operated. The impact study may include, but is not limited to, determining if changes have been made in district policy or procedures attributable to the charter school and to perceived changes in attitudes and expectations on the part of district personnel, school board members, parents, students, the business community and other education stakeholders. The department of elementary and secondary education shall make the results of the studies public and shall deliver copies to the governing boards of the charter schools, the sponsors of the charter schools, the school board and

superintendent of the districts in which the charter schools are operated.

5. A charter school shall make available for public inspection, and provide upon request, to the parent, guardian, or other custodian of any school-age pupil resident in the district in which the school is located the following information:

- (1) The school's charter;
- (2) The school's most recent annual report card published according to section 160.522; and
- (3) The results of background checks on the charter school's board members.

The charter school may charge reasonable fees, not to exceed the rate specified in section 610.026, RSMo, for furnishing copies of documents under this subsection.”; and

further amend said bill, page 4, section B, line 2, by striking the following: “A of this act” and insert in lieu thereof the following: “160.459”; and

further amend said bill and section, line 5, by striking the following: “A of this act” and insert in lieu thereof the following: “160.459”; and

Further amend the title and enacting clause accordingly.

Senator Smith moved that the above amendment be adopted.

Senator Mayer raised the point of order that **SA 1** is out of order as it goes beyond the scope of the bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Mayer moved that **SCS** for **SB 1170** be adopted, which motion prevailed.

On motion of Senator Mayer, **SCS** for **SB 1170** was declared perfected and ordered printed.

President Pro Tem Gibbons assumed the Chair.

### **REPORTS OF STANDING COMMITTEES**

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **HCS** for **HBs 1595** and **1668**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HCS** for **HB 1550**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HB 1923**, begs leave to report that it has considered the same and recommends that the bill do pass.

### **RESOLUTIONS**

Senator Griesheimer offered Senate Resolution No. 2533, regarding Landon Anderson and Josh

Jennings, Wright City, which was adopted.

Senator Koster offered Senate Resolution No. 2534, regarding the Yeokum Middle School Gifted English class, Belton, which was adopted.

### **INTRODUCTIONS OF GUESTS**

Senator Barnitz introduced to the Senate, Gary Young, Tim Belshe, Amanda Engelkey and eleventh grade students from Waynesville High School.

Senator Shoemyer introduced to the Senate, Megan Roberts, Lynn Turner and fourth grade students from Paris Elementary School.

Senator Stouffer introduced to the Senate, Teri Haack and Stacy Pierson, Kaitlin Rundel and Jennifer Hill, students from Central Methodist University, Fayette.

Senator Mayer introduced to the Senate, Derek Spencer and Mitchell Davis, Poplar Bluff.

Senator McKenna introduced to the Senate, Billyo O'Donnell and his wife, Peggy, Eureka; and Karen Glines.

Senator Bray introduced to the Senate, Coach Cory Frazier and members of the Class 3 State Champion Maplewood-Richmond Heights High School Blue Devils boys basketball team.

Senator Scott introduced to the Senate, Coach Gary Keeling and Casey Garrison, Crystal Guiot, Lindsay Archer, Brooke Hale, Andrea Porter, Rachel Sawyer, Hayley Blair, Katy Roweton, Lindsey Lehman, Jessica Rumpfelt, Rachel Schraeder and Julie Lollar, members of the Class 4 State Championship Bolivar High School Lady Basketball Liberators.

Senator Shoemyer introduced to the Senate, Mrs. Novinger and fourth grade students from North Shelby Elementary School, Shelbyville.

Senator Wilson introduced to the Senate, members of Big Brothers Big Sisters Amachi Missouri.

Senator McKenna introduced to the Senate, fourth grade students from Antonia Elementary School.

Senator Koster introduced to the Senate, Tyler Williams, Sam Larson and Emily Bates, Garden City.

Senator Shoemyer introduced to the Senate, Steve Wright and his daughter, Sabrina, Paris.

On behalf of Senator Gibbons and himself, Senator Kennedy introduced to the Senate, fourth grade students from Crestwood Elementary School, St. Louis.

Senator Goodman introduced to the Senate, sixth, seventh and eighth grade students from Pierce City Middle School.

Senator Scott introduced to the Senate, his aunt and uncle, Noel and Betty Scott, Lowry City.

On motion of Senator Goodman, the Senate adjourned under the rules.

SENATE CALENDAR

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SIXTIETH DAY—WEDNESDAY, APRIL 30, 2008

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FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SCS for SB 898-Clemens  
(In Fiscal Oversight)

SCS for SB 865-Rupp and Gibbons

HOUSE BILLS ON THIRD READING

HCS for HB 2393, with SCS (Shields)  
(In Fiscal Oversight)

HB 1678-Day, et al (Stouffer)  
(In Fiscal Oversight)

HB 1532-Davis, with SCS (Rupp)

HCS for HB 1393 (Ridgeway)

HCS for HBs 1595 & 1668

HCS for HB 1550

HB 1923-Jones (117) and Pratt

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 712 & 882-Gibbons and Rupp, with SCS

SB 713-Gibbons, with SCS

SB 716-Loudon, et al

SB 717-Kennedy and Shields

SB 729-Griesheimer, with SCS

SB 749-Ridgeway, with SCS

SB 756-Engler and Rupp, with SCS (pending)

SB 776-Justus and Koster, with SCS

SB 809-Stouffer, with SCS, SS for SCS &  
SA 1 (pending)

SB 811-Stouffer, with SCS, SA 1 & point  
of order (pending)

SB 815-Goodman

SB 821-Shoemyer, with SCS (pending)

SBs 840 & 857-Engler, with SCS & SS for  
SCS (pending)

SB 861-Shoemyer, with SCS

SB 874-Graham, with SCS

SB 877-Mayer

SB 881-Green

SB 904-Griesheimer, with SCS

SBs 909, 954, 934 & 1003-Engler, with SCS

SB 915-Ridgeway

SB 917-Goodman, et al

SB 929-Green and Callahan, with SCS

SB 957-Goodman

SBs 982, 834 & 819-Purgason, with SCS

SB 990-Champion

SBs 993 & 770-Crowell, with SCS, SS for  
SCS, SA 4 & SSA 1 for SA 4 (pending)

SB 996-Crowell, with SCS

SB 997-Crowell

SB 1000-Justus

SB 1007-Loudon, with SA 2 (pending)

SBs 1021 & 870-Loudon, et al, with SCS,  
SS for SCS & SA 2 (pending)

|                                                        |                                                               |
|--------------------------------------------------------|---------------------------------------------------------------|
| SB 1035-Scott, with SCS                                | SB 1138-McKenna, with SCS                                     |
| SB 1046-Mayer, with SA 1 & SSA 1 for<br>SA 1 (pending) | SB 1158-Mayer, with SCS                                       |
| SB 1052-Rupp                                           | SB 1164-Loudon                                                |
| SB 1054-Dempsey, with SCS                              | SB 1180-Crowell                                               |
| SB 1057-Scott, with SCS                                | SB 1183-Bray, with SCS                                        |
| SB 1058-Mayer                                          | SB 1194-Goodman                                               |
| SB 1067-Ridgeway, et al                                | SB 1197-Crowell                                               |
| SB 1077-Goodman, with SS (pending)                     | SBs 1234 & 1270-Shields, with SCS & SS#2<br>for SCS (pending) |
| SB 1093-Loudon, et al                                  | SB 1240-Dempsey                                               |
| SB 1094-Loudon, with SCS                               | SB 1244-Barnitz and Purgason                                  |
| SB 1099-Graham, with SA 1 (pending)                    | SB 1275-Vogel                                                 |
| SB 1101-Bray, et al                                    | SB 1278-Shields                                               |
| SB 1103-Gibbons                                        | SJR 43-Loudon                                                 |

#### HOUSE BILLS ON THIRD READING

|                                                                       |                                                                                                         |
|-----------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|
| HCS for HB 1341 (Nodler)                                              | HCS for HBs 1876 & 1877, with SCS (Mayer)                                                               |
| HB 1384 & HB 2157-Cox, et al, with SCS<br>(Gibbons)                   | HB 1937-Pearce, et al, with SCS (Scott)                                                                 |
| HB 1617-Cunningham (86), et al (Dempsey)                              | HB 1973-Franz, with SCS (Engler)                                                                        |
| HB 1656-Nance and Cooper (155), with SCS<br>(Stouffer)                | HB 1983-Pratt, with SCS (Goodman)                                                                       |
| HB 1661-LeVota, et al (Ridgeway)                                      | HCS for HB 2068 (Scott)                                                                                 |
| HB 1711-Weter, et al, with SCS (Clemens)                              | HCS for HB 2104, HB 1574, HB 1706, HCS<br>for HB 1774, HB 2055 & HCS for<br>HB 2056, with SCS (Crowell) |
| HCS for HB 1715, with SCS                                             | HB 2226-Muschany (Rupp)                                                                                 |
| HCS for HB 1763 (Engler)                                              | HCS for HJR 55                                                                                          |
| SS for SCS for HCS for HB 1779<br>(Griesheimer) (In Fiscal Oversight) |                                                                                                         |

#### CONSENT CALENDAR

##### House Bills

Reported 4/10

|                                           |                                                 |
|-------------------------------------------|-------------------------------------------------|
| HB 1628-Cooper (120) (Scott)              | HB 1368-Thomson (Lager)                         |
| HB 1670-Cooper (120) (Dempsey)            | HCS for HB 1807, with SCS (Mayer)               |
| HB 1828-Sutherland (Vogel)                | HB 1869-Wilson (130), et al (Goodman)           |
| HCS for HB 1804, with SCS (Days)          | HCS for HB 2048, with SCS (Engler)              |
| HB 2047-Curls, et al, with SCS (Callahan) | HB 2213-Kraus, et al (Shields)                  |
| HB 1410-Flook, et al (Ridgeway)           | HB 1422-St. Onge, et al, with SCS<br>(Stouffer) |
| HCS for HB 1888 (Clemens)                 |                                                 |

HB 1354-Wilson (119), et al (Scott)  
HCS for HB 1575 (Vogel)  
HB 1952-Loehner, et al (Barnitz)  
HB 1887-Parson (Scott)

HCS for HB 2360 (Lager)  
HB 1311-Hoskins, with SCS (Engler)  
HB 1426-Kraus (Green)

Reported 4/14

HB 1608-Ervin (Ridgeway)  
HB 2065-Wasson, with SCS (Scott)  
HB 1450-Roordra, et al, with SCS (McKenna)  
HB 2233-Page, et al (Shields)

HB 1419-Portwood (Loudon)  
HB 1791-Cooper (155), et al (Barnitz)  
HB 1689-Wilson (130), with SCS (Scott)  
HCS for HB 1690, with SCS (Scott)

Reported 4/15

HCS for HB 1380 (Goodman)  
HCS for HB 2036 (Stouffer)  
HB 1946-Franz, with SCS (Champion)  
HB 1849-Pratt and Curls (Justus)  
HB 1640-Schoeller, et al, with SCS (Goodman)  
HB 1570-Franz, with SCS (Champion)  
HB 1469-Pratt (Goodman)

HB 1710-Flook (Ridgeway)  
HCS for HB 1783 (Engler)  
HB 1784-Meadows, et al (McKenna)  
HB 1313-Wright, et al (Mayer)  
HCS for HB 1893 (Dempsey)  
HB 1881-Schlottach (Kennedy)

SENATE BILLS WITH HOUSE AMENDMENTS

SB 841-Stouffer, with HCS, as amended

SCS for SB 939-Stouffer, with HCS

BILLS IN CONFERENCE AND BILLS  
CARRYING REQUEST MESSAGES

In Conference

SS for SCS for SB 931-Purgason, with  
HCS, as amended  
HCS for HB 2002, with SCS (Nodler)  
HCS for HB 2003, with SCS (Nodler)  
HB 2004, with SCS (Nodler)  
HCS for HB 2005, with SCS (Nodler)  
HCS for HB 2006, with SCS (Nodler)

HCS for HB 2007, with SCS (Nodler)  
HCS for HB 2008, with SCS (Nodler)  
HCS for HB 2009, with SCS (Nodler)  
HCS for HB 2010, with SCS (Nodler)  
HCS for HB 2011, with SCS (Nodler)  
HCS for HB 2012, with SCS (Nodler)  
HCS for HB 2013, with SCS (Nodler)

Requests to Recede or Grant Conference

SB 958-Goodman, with HCS (Senate  
requests House recede or grant conference)

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