

JOURNAL OF THE HOUSE

Second Regular Session, 96th GENERAL ASSEMBLY

FIFTIETH DAY, TUESDAY, APRIL 3, 2012

The House met pursuant to adjournment.

Speaker Pro Tem Schoeller in the Chair.

Prayer by Msgr. Robert A. Kurwicki, Chaplain.

Blessed are the merciful, for they shall obtain mercy. (Matthew 5:7)

Almighty God, the creator of all things, the sustainer of all life, and the giver of every good gift - again we bow in Your presence and in spirit kneel before the Throne of Mercy. We acknowledge our selfishness, our shortcomings, and our sins. We have done that which we ought not to have done, and we have left undone that which we ought to have done. We do earnestly repent and are heartily sorry for these our misdoings.

Have mercy upon us, most merciful Father, we humbly beseech You. Forgive us, and receiving Your forgiveness, may we in turn, forgive one another; as we have received mercy may we also be merciful; as love has come to us may love also go out from us to others.

As we bow before You in prayer give to us the assurance, that with You, all good things are possible. So may we do good, speak good, live good, because in You, we are good.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as an Honorary Page for the Day, to serve without compensation: Marin McMenus.

The Journal of the forty-ninth day was approved as printed.

PERFECTION OF HOUSE BILLS

HCS HB 1475, relating to tanning devices, was taken up by Representative Cross.

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

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 1475, Page 1, Section 577.665, Line 12, by inserting after all of said line the following:

“3. Any person less than fifteen years of age shall be prohibited from using any tanning device.

4. Any operator of a tanning facility who allows a person less than fifteen years of age to use a tanning device in violation of this section shall be assessed a fine of two hundred fifty dollars for the first violation and five hundred dollars for each subsequent violation. Every use of a tanning facility in violation of this section is a separate offense.

5. The enforcement of the provisions of this section shall be provided by existing personnel and resources of law enforcement and the department of health and senior services.”; and

Further amend said section by renumbering the subsequent sub-sections accordingly; and

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

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

HCS HB 1475, as amended, was laid over.

HB 1403, relating to workers’ compensation, was taken up by Representative Schatz.

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

House Amendment No. 1

AMEND House Bill No. 1403, Page 1, Section A, Line 4, by inserting the following after all of said line:

“287.067. 1. In this chapter the term "occupational disease" is hereby defined to mean, unless a different meaning is clearly indicated by the context, an identifiable disease arising with or without human fault out of and in the course of the employment. Ordinary diseases of life to which the general public is exposed outside of the employment shall not be compensable, except where the diseases follow as an incident of an occupational disease as defined in this section. The disease need not to have been foreseen or expected but after its contraction it must appear to have had its origin in a risk connected with the employment and to have flowed from that source as a rational consequence.

2. An injury **or death** by occupational disease is compensable only if the occupational exposure was the prevailing factor in causing both the resulting medical condition and disability. The "prevailing factor" is defined to be the primary factor, in relation to any other factor, causing both the resulting medical condition and disability. Ordinary, gradual deterioration, or progressive degeneration of the body caused by aging or by the normal activities of day-to-day living shall not be compensable.

3. An injury due to repetitive motion is recognized as an occupational disease for purposes of this chapter. An occupational disease due to repetitive motion is compensable only if the occupational exposure was the prevailing factor in causing both the resulting medical condition and disability. The "prevailing factor" is defined to be the primary factor, in relation to any other factor, causing both the resulting medical condition and disability. Ordinary, gradual deterioration, or progressive degeneration of the body caused by aging or by the normal activities of day-to-day living shall not be compensable.

4. "Loss of hearing due to industrial noise" is recognized as an occupational disease for purposes of this chapter and is hereby defined to be a loss of hearing in one or both ears due to prolonged exposure to harmful noise in employment. "Harmful noise" means sound capable of producing occupational deafness.

5. "Radiation disability" is recognized as an occupational disease for purposes of this chapter and is hereby defined to be that disability due to radioactive properties or substances or to Roentgen rays (X-rays) or exposure to ionizing radiation caused by any process involving the use of or direct contact with radium or radioactive properties or substances or the use of or direct exposure to Roentgen rays (X-rays) or ionizing radiation.

6. Disease of the lungs or respiratory tract, hypotension, hypertension, or disease of the heart or cardiovascular system, including carcinoma, may be recognized as occupational diseases for the purposes of this chapter and are defined to be disability due to exposure to smoke, gases, carcinogens, inadequate oxygen, of paid firefighters of a paid fire department or paid police officers of a paid police department certified under chapter 590 if a direct causal relationship is established, or psychological stress of firefighters of a paid fire department if a direct causal relationship is established.

7. Any employee who is exposed to and contracts any contagious or communicable disease arising out of and in the course of his or her employment shall be eligible for benefits under this chapter as an occupational disease.

8. With regard to occupational disease due to repetitive motion, if the exposure to the repetitive motion which is found to be the cause of the injury is for a period of less than three months and the evidence demonstrates that the exposure to the repetitive motion with the immediate prior employer was the prevailing factor in causing the injury, the prior employer shall be liable for such occupational disease.”; and

Further amend said bill, Section 287.120, Page 1, Lines 4-8, by deleting said lines and inserting in lieu thereof the following:

“in the course of the employee’s employment[.]. **Any employee of such employer shall not be liable for any injury or death for which compensation is recoverable under this chapter and every employer and employees of such employer shall be released from all other liability therefor whatsoever, whether to the employee or any other person, except that an employee shall not be released from liability for injury or death if the employee engaged in an affirmative negligent act that purposefully and dangerously caused or increased the risk of injury.** The term “accident” as used”; and

Further amend said bill, Section 287.149, Page 9, Line 10, by inserting the following after all of said line:

“287.150. 1. Where a third person is liable to the employee or to the dependents, for the injury or death, the employer shall be subrogated to the right of the employee or to the dependents against such third person, and the recovery by such employer shall not be limited to the amount payable as compensation to such employee or dependents, but such employer may recover any amount which such employee or his dependents would have been entitled to recover. Any recovery by the employer against such third person shall be apportioned between the employer and employee or his dependents using the provisions of subsections 2 and 3 of this section.

2. When a third person is liable for the death of an employee and compensation is paid or payable under this chapter, and recovery is had by a dependent under this chapter either by judgment or settlement for the wrongful death of the employee, the employer shall have a subrogation lien on any recovery and shall receive or have credit for sums paid or payable under this chapter to any of the dependents of the deceased employee to the extent of the settlement or recovery by such dependents for the wrongful death. Recovery by the employer and credit for future installments shall be computed using the provisions of subsection 3 of this section relating to comparative fault of the employee.

3. Whenever recovery against the third person is effected by the employee or his dependents, the employer shall pay from his share of the recovery a proportionate share of the expenses of the recovery, including a reasonable attorney fee. After the expenses and attorney fee have been paid, the balance of the recovery shall be apportioned between the employer and the employee or his dependents in the same ratio that the amount due the employer bears to the total amount recovered if there is no finding of comparative fault on the part of the employee, or the total damages determined by the trier of fact if there is a finding of comparative fault on the part of the employee. Notwithstanding the foregoing provision, the balance of the recovery may be divided between the employer and the employee or his dependents as they may otherwise agree. Any part of the recovery found to be due to the employer, the employee or his dependents shall be paid forthwith and any part of the recovery paid to the employee or his dependents under this section shall be treated by them as an advance payment by the employer on account of any future installments of compensation in the following manner:

(1) The total amount paid to the employee or his dependents shall be treated as an advance payment if there is no finding of comparative fault on the part of the employee; or

(2) A percentage of the amount paid to the employee or his dependents equal to the percentage of fault assessed to the third person from whom recovery is made shall be treated as an advance payment if there is a finding of comparative fault on the part of the employee.

4. In any case in which an injured employee has been paid benefits from the second injury fund as provided in subsection 3 of section 287.141, and recovery is had against the third party liable to the employee for the injury, the second injury fund shall be subrogated to the rights of the employee against said third party to the extent of the payments made to him from such fund, subject to provisions of subsections 2 and 3 of this section.

5. No construction design professional who is retained to perform professional services on a construction project or any employee of a construction design professional who is assisting or representing the construction design professional in the performance of professional services on the site of the construction project shall be liable for any injury resulting from the employer's failure to comply with safety standards on a construction project for which compensation is recoverable under the workers' compensation law, unless responsibility for safety practices is specifically assumed by contract. The immunity provided by this subsection to any construction design professional shall not apply to the negligent preparation of design plans or specifications.

6. Any provision in any contract or subcontract, where one party is an employer in the construction group of code classifications, which purports to waive subrogation rights provided under this section in anticipation of a future injury or death is hereby declared against public policy and void. Each contract of insurance for workers' compensation shall require the insurer to diligently pursue all subrogation rights of the employer and shall require the employer to fully cooperate with the insurer in pursuing such recoveries, except that the employer may enter into compromise agreements with an insurer in lieu of the insurer pursuing subrogation against another party. The amount of any subrogation recovery by an insurer shall be credited against the amount of the actual paid losses in the determination of such employer's experience modification factor within forty-five days of the collection of such amount.

7. Notwithstanding any other provision of this section, when a third person is liable to the employee or to the dependents of an employee in a case when there is a finding that an occupational disease was caused by toxic exposure and the employee or dependents are compensated under this chapter, in no case shall the employer be subrogated to the rights of an employee or to the dependents of an employee against such third person when the employer caused the occupational disease. As used in this subsection, the term "toxic exposure" is defined to mean exposure to chemicals, dusts, particulates, fumes, mists, fibers, solvents, vapors, radiation, or other substances or materials that, when ingested, consumed, inhaled, or absorbed are sufficient to cause disease, death, mutations, cancer, deformities, or reproductive abnormalities in humans.”; and

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

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

On motion of Representative Schatz, **HB 1403, as amended**, was ordered perfected and printed by the following vote:

AYES: 081

Allen	Bernskoetter	Berry	Brandom	Brattin
Brown 85	Brown 116	Burlison	Cauthorn	Cierpiot
Conway 14	Cookson	Cox	Crawford	Cross
Curtman	Davis	Day	Denison	Dieckhaus
Dugger	Elmer	Entlicher	Fisher	Fitzwater
Flanigan	Fraker	Franklin	Franz	Frederick
Fuhr	Gatschenberger	Gosen	Grisamore	Guernsey
Haefner	Hampton	Higdon	Hinson	Hoskins
Hough	Houghton	Johnson	Jones 89	Jones 117
Keeney	Kelley 126	Koenig	Korman	Lair
Lant	Largent	Lauer	Loehner	Long
McNary	Nance	Parkinson	Phillips	Pollock
Redmon	Reiboldt	Richardson	Riddle	Rowland
Ruzicka	Sater	Schad	Scharnhorst	Schatz
Schneider	Schoeller	Shumake	Smith 150	Stream
Swinger	Thomson	Torpey	Wells	Weter
White				

NOES: 067

Anders	Asbury	Atkins	Aull	Bahr
Barnes	Black	Brown 50	Carlson	Carter
Casey	Colona	Conway 27	Ellinger	Ellington

Fallert	Harris	Hodges	Holsman	Hubbard
Hummel	Jones 63	Kander	Kelly 24	Kirkton
Kratky	Lampe	Lichtenegger	Marshall	May
McCaherty	McCann Beatty	McCreery	McDonald	McGeoghegan
McGhee	McManus	McNeil	Montecillo	Morgan
Nasheed	Neth	Newman	Nichols	Oxford
Pace	Pierson	Quinn	Rizzo	Schieber
Schieffer	Schupp	Shively	Sifton	Smith 71
Solon	Sommer	Spreng	Still	Swearingen
Talboy	Taylor	Wallingford	Webb	Webber
Wyatt	Zerr			

PRESENT: 000

ABSENT WITH LEAVE: 015

Diehl	Funderburk	Hughes	Klippenstein	Lasater
Leach	Leara	Meadows	Molendorp	Nolte
Silvey	Walton Gray	Wieland	Wright	Mr Speaker

HCS HB 1060, relating to elections, was taken up by Representative Dugger.

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

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 1060, Page 8, Section 115.761, Line 31, by inserting after all of said section the following:

“162.102. 1. Beginning July 1, 2013, no school district shall retain the authority to hire or contract with a superintendent of schools, except as provided in sections 162.102 to 162.104, and sections 162.083 and 162.1100.

2. The office of superintendent of schools shall become an elective office as of the opening date of the candidate filing period for school board elections scheduled for calendar year 2013. Any person who holds a valid contract as superintendent or who is appointed as an interim superintendent as of the opening date of the candidate filing period for school board elections scheduled for calendar year 2013 shall, unless elected to the office of the superintendent as provided in sections 162.102 to 162.104, forfeit the office as of noon on July 1, 2013.

3. In the event that no person files to become a candidate for superintendent of schools, a majority of the members of the board of education may appoint an interim superintendent who shall serve until July first after the next available election cycle that produces a candidate for superintendent.

162.103. 1. A superintendent of schools elected under sections 162.102 to 162.104 shall have the following qualifications:

- (1) Be a resident of the state at the time of filing for election;**
- (2) Hold a valid Missouri administrator's certificate; and**
- (3) Have five years of school administrative experience.**

2. A superintendent elected under sections 162.102 to 162.104 shall take office at noon on July first and shall serve a term of three years or until his or her successor takes office.

3. Any vacancy occurring in the office of superintendent shall be filled by a person appointed by a majority of the members of the board of education. The person appointed shall hold office until the next municipal election, when a superintendent shall be elected for the unexpired term.

162.104. The board of education of the district shall set the salary of the superintendent of schools on the following basis:

- (1) In a school district that has had an average daily attendance of three hundred fifty or less for three of the last four school years, the salary for the superintendent shall not exceed one hundred ten percent of the average salary of the district's certificated staff; or**

(2) In a school district that has had an average daily attendance of more than three hundred fifty for three of the last four school years, the salary for the superintendent shall not be less than sixty percent and shall not exceed one hundred twenty percent of the average salary of the district's certificated staff.

162.083. 1. The state board of education may appoint additional members to any special administrative board appointed under section 162.081.

2. The state board of education may set a final term of office for any member of a special administrative board, after which a successor member shall be elected by the voters of the district.

(1) All final terms of office for members of the special administrative board established under this section shall expire on June thirtieth.

(2) The election of a successor member shall occur on the general municipal election day immediately prior to the expiration of the final term of office.

(3) The election shall be conducted in a manner consistent with the election laws applicable to the school district.

3. Nothing in this section shall be construed as barring an otherwise qualified member of the special administrative board from standing for an elected term on the board.

4. **Notwithstanding any other provision of law**, if the state board of education appoints a successor member to replace the chair of the special administrative board, the serving members of the special administrative board shall be authorized to appoint a superintendent of schools and contract for his or her services.

5. On a date set by the state board of education, any district operating under the governance of a special administrative board shall return to local governance, and continue operation as a school district as otherwise authorized by law.

162.591. 1. The board shall organize by electing a president, vice president, and secretary from its members. [The board of education, as soon as practicable after its organization, shall appoint a superintendent of schools.]

2. On an annual basis, the board of education shall reorganize by electing a president, vice president, and secretary from its members.

3. If [the board determines, by vote of a majority of its members, that the superintendent of schools is unable to perform his duties as required by section 168.211 or if] the office of the superintendent is vacant, the board shall appoint an acting superintendent to serve during the period of the [disability of the superintendent or the] vacancy in the office thereof.

168.201. The board of education in all districts except metropolitan districts may employ [and contract with a superintendent for a term not to exceed three years from the time of making the contract, and may employ] such [other] servants and agents as it deems necessary, and prescribe their powers, duties, compensation and term of office or employment which shall not exceed three years. It shall provide and keep a corporate seal.

168.211. 1. In metropolitan districts the superintendent of schools [shall be appointed by the board of education for a term of one to five years, during which term his compensation shall not be reduced. The superintendent of schools] may appoint, with the approval of the board, a treasurer, a commissioner of school buildings and he shall serve at the pleasure of the superintendent of schools and as many associate and assistant superintendents as he deems necessary, whose compensation shall be fixed by the board. The superintendent of schools shall give bond in the sum that the board requires but not less than fifty thousand dollars. No employee or agent of the board shall be a member of the board.

2. The superintendent of schools shall have general supervision, subject to policies established by the board, of the school system, including its various departments and physical properties, courses of instruction, discipline and conduct of the schools, textbooks and studies. All appointments, promotions and transfers of teachers and all other employees, and introduction and changes of textbooks and apparatus, shall be made by the superintendent with the approval of the board. All appointments and promotions of teachers and all other employees shall be made upon the basis of merit, to be ascertained, as far as practicable, in cases of appointment, by examination, and in cases of promotion, by length and character of service. Examinations for appointment shall be conducted by the superintendent under regulations to be made by the board. He shall make such reports to the board that it directs or the rules provide.

3. The superintendent of schools shall have general supervision, subject to policies established by the board, of all school buildings, apparatus, equipment and school grounds and of their construction, installation, operation, repair, care and maintenance; the purchasing of all supplies and equipment; the operation of the school lunchrooms; the administration of examinations for the appointment and promotion of all employees of the school system; and the

preparation and administration of the annual budget for the school system. Subject to the approval of the board of education as to number and salaries, the superintendent may appoint as many employees as are necessary for the proper performance of his duties.

4. [The board may grant a leave of absence to the superintendent of schools, and may remove him from office by vote of a majority of its members.

5.] Should the superintendent hire a commissioner of school buildings, said person shall be a person qualified by reason of education, experience and general familiarity with buildings and personnel to assume the following responsibilities and duties. Subject to the control of the superintendent of schools, he shall exercise supervision over all school buildings, machinery, heating systems, equipment, school grounds and other buildings and premises of the board of education and the construction, installation, operation, repair, care and maintenance related thereto and the personnel connected therewith; the purchasing of building supplies and equipment and such other duties as may be assigned to him by board rules or regulations.

[168.191. In all counties of the first class except counties of the first class not having a charter form of government, any board of education, other than boards in urban districts, in charge of a public school system maintaining a classified high school, previously approved by the state board of education, and employing a superintendent devoting his full time to supervisory and administrative work, may employ and enter into contract with a superintendent of schools for the school district for a period of not to exceed three years. This law shall not invalidate or repeal any other law of this state relating to the employment of teachers, principals or superintendents of public schools.]"; and

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

Representative Lampe raised a point of order that **House Amendment No. 1** goes beyond the scope of the bill.

The Chair ruled the point of order not timely.

HCS HB 1060, with House Amendment No. 1, pending, was laid over.

On motion of Representative Jones (89), the House recessed until 2:00 p.m.

AFTERNOON SESSION

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

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1592 through House Resolution No. 1643

PERFECTION OF HOUSE BILLS

HCS HB 1060, with House Amendment No. 1, pending, relating to elections, was again taken up by Representative Dugger.

Representative Jones (89) moved the previous question.

Which motion was adopted by the following vote:

AYES: 097

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

NOES: 054

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

PRESENT: 000

ABSENT WITH LEAVE: 012

Diehl	Flanigan	Funderburk	Hughes	Klippenstein
Lasater	Meadows	Molendorp	Walton Gray	Wells
Weter	Mr Speaker			

Representative Scharnhorst moved that **House Amendment No. 1** be adopted.

Which motion was defeated.

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

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 1060, Page 3, Section 115.124, Line 3, by inserting after the word "**inhabitants**" the following:

"or any city, town, or village with three thousand or fewer inhabitants"; and

Further amend said bill, Page 3, Section 115.124, Line 29, by inserting after all of said line the following:

"3. In any city, town, or village with three thousand or fewer inhabitants, candidates may assume offices in nonpartisan elections as provided in subsection 1 of this section upon the approval of the voters of the city, town, or village. The governing body of such city, town, or village may submit to the voters at any election available for the city, town, or village a proposal to adopt the provisions of subsection 1 of this section. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the city, town, or village shall conduct nonpartisan elections as provided in subsection 1 of this section for all nonpartisan elections remaining in the year in which the proposal was adopted and for the twelve calendar years immediately following the approval of the proposal. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the proposal shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question. At the end of the twelve-year period in which nonpartisan elections are conducted as provided in subsection 1 of this section, each such city, town, or village shall submit to the voters a proposal to continue conducting nonpartisan elections as provided in subsection 1 of this section."; and

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

Representative Jones (89) moved the previous question.

Which motion was adopted by the following vote:

AYES: 092

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

NOES: 052

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

PRESENT: 000

ABSENT WITH LEAVE: 019

Bernskoetter	Conway 14	Denison	Diehl	Flanigan
Funderburk	Grisamore	Hughes	Klippenstein	Lasater
Meadows	Molendorp	Nasheed	Sater	Walton Gray
Webb	Wells	Weter	Mr Speaker	

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

On motion of Representative Dugger, **HCS HB 1060, as amended**, was adopted.

On motion of Representative Dugger, **HCS HB 1060, as amended**, was ordered perfected and printed.

HCS HB 1361, relating to utilities, was taken up by Representative Pollock.

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

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 1361, Page 1, Section 392.602, Line 3, by inserting after the word “**telecommunications**” on said line the phrase:

“**and broadband**”; and

Further amend said section and page, Line 16, by removing from said line the phrase “**either regulate the rates, terms, and conditions**” and inserting in lieu thereof the phrase “**regulate either the rates, terms, or conditions**”; and

Further amend said section, Page 2, Line 19, to Page 3, Line 71, Subsections 2, 3, and 4, by removing all of said subsections and lines from the bill and inserting in lieu thereof the following:

“2. Attaching entities shall inform the pole owner on whose system any equipment is to be attached of its intent to attach and the specific location of the attachment prior to attaching any such equipment. Unless otherwise agreed, the pole owner shall respond within fifteen business days of the attaching party's notice, except in cases where the pole owner is engaged in large-scale, emergency repairs or disaster response efforts, as to whether the attachment may be made without modifications to the pole, or whether additional requirements must be met prior to allowing the attachment in order to ensure system safety, reliability, and pole integrity. All attachments shall be made in accordance with safety and reliability codes applicable to the pole owner's

telecommunications transmission or rural electric cooperative distribution system as may be promulgated by any governmental agency or instrumentality of appropriate jurisdiction. If an attaching entity causes damages to, or improperly attaches equipment, such that it jeopardizes the safety, integrity, reliability, or creates replacement issues with respect to the telecommunications transmission or rural electric cooperative distribution system owner's pole or system, the attaching entity shall, at a minimum, pay to the pole owner the reasonable costs for any repairs or modification that are necessary to ensure the safe, reliable, and effective operation of the telecommunications transmission or rural electric cooperative distribution system and the attached equipment. In case of a conflict that cannot otherwise be addressed through necessary make ready work, repairs, or pole replacements, to be paid for by the attaching entity whose pole attachment or pole attachment request is responsible for same, the continued reliability and safety of the pole owner's telecommunications transmission or rural electric cooperative distribution system shall have priority over the attachments. If an attachment is made without proper notice to the pole owner, the parties may determine the penalty fee that shall be paid in addition to the past-due pole attachment fee for each such attachment. If the parties cannot agree on a reasonable penalty fee, the penalty for unauthorized attachments made after August 28, 2012, shall equal twenty-five percent of the pole attachment fee for a maximum period of twelve months. Notwithstanding any provision in this subsection, any existing contract provisions for pole attachment penalties shall remain in full force and effect until such contract expires.

3. The telecommunications transmission or rural electric cooperative distribution system pole owner shall be entitled to a reasonable rate for permitting attachments to its telecommunications transmission or rural electric cooperative distribution system poles. Any pole attachment fee charged by a pole owner shall be agreed to between the parties and shall be assessed on a per-pole basis. Such pole attachment fees shall not exceed the reasonable costs to the pole owner's system attributable to the attachments based on the current costs of such equipment calculated in a manner similar to the Federal Communications Commission rules for pole and conduit attachments. In addition, if the pole owner can provide competent evidence of additional cost-based inefficiencies in the maintenance of its system due solely to the presence of the attached equipment, the pole owner may increase the pole attachment fee by a corresponding reasonable amount in the event that such costs are not paid to the pole owner through the operation of some other provision of the agreement between the pole owner and the attaching party. Notwithstanding the forgoing, any existing contracts for pole attachments shall remain in full force and effect until such contracts expire. At the expiration of the term of an existing contract, the pole attachment fee in the new agreement shall not be subject to any increase greater than ten percent per year over any previously established pole attachment fee, provided however, that if the pole owner can provide competent evidence that the previously established pole attachment fee was set at fifty percent or more below the pole owner's cost, the pole attachment fee in the new agreement then shall not be subject to an increase greater than twenty percent per year over any previously established pole attachment fee. In either case, the pole attachment fee in the new agreement shall not exceed the pole owner's reasonable costs calculated in the manner specified in this subsection.

4. If the parties cannot agree on a reasonable pole attachment fee, either party may demand nonbinding mediation. If mediation is unsuccessful in producing an agreement, the pole owner shall set the pole attachment fee under the limits set forth in subsection 3 of this section. If the attaching entity believes the pole attachment fee exceeds the standards provided in this section, it may file a petition in the circuit court of any county in which the pole owner maintains an office for the conduct of its business. The circuit court shall have the right to hear evidence presented by the parties as to the use being made by the attaching entity and as to the relevant costs and determine the pole attachment fee to be paid for such attachments under the limits set forth in subsection 3 of this section.”; and

Further amend said section, Page 3, Line 79, by deleting the word “with” on said line and inserting in lieu thereof the word:

“within”; and

Further amend said section, Page 3, Lines 88 and 89, by deleting the phrase “telecommunications service providers or rural” and inserting in lieu thereof the phrase “telecommunications and broadband service providers and rural”; and

Further amend said section, Page 4, Line 113, by inserting after all of said line the following:

“8. In addition to the compensation provided for in subsection 7 of this section, a landowner may request to receive from a rural electric cooperative pole owner a one-time payment of five hundred dollars per mile prorated for the distance the attached line crosses the landowner’s property with a minimum payment of one hundred dollars per parcel under the following circumstances:

(1) the rural electric cooperative’s easement or right-of-way interest was acquired prior to August 28, 2006 and does not expressly prohibit use of the rural electric cooperative’s facilities for broadband or similar communications use; and

(2) the size of the rural electric cooperative’s transmission line located on the landowner’s property is 34.5 kilovolts or above and has broadband communications facilities that are a part thereof or attached thereto; and

(3) the parties agree, or a court of competent jurisdiction has determined, that the rural electric cooperative’s then-existing easement or right-of-way interest does not permit the attachment of broadband communications facilities or the use of electric facilities on the easement or right-of-way interest for broadband communications purposes; and

(4) the landowner grants in writing an easement to the rural electric cooperative, fully binding on the landowner’s successors and assigns until abandoned by the rural electric cooperative, that authorizes the use of the rural electric cooperative’s electric facilities for broadband communications purposes; and

(5) the landowner makes application for payment in writing to the cooperative within one year of the effective date of this section if the broadband communications facilities were installed prior thereto, or if the broadband facilities were installed after the effective date of this section, within one year of the initial installation of the broadband communications facilities.

The payment fixed hereunder, combined with any amounts calculated under subsection 7 of this section if any, shall be presumed to be the total amount owed for the use of the electric easements or right-of-way interests for broadband communications purposes. This presumption may only be rebutted by competent evidence that the broadband communications use has caused an additional diminution in fair market value of the landowner’s property or additional interference with the owner’s use of the property as provided for under subsection 7 of this section.”; and

Further amend said section, Page 5, Line 127, by inserting after the phrase **“August 28, 2012”** on said line the following:

“, nor to prevent a landowner from voluntarily entering into any agreement with any other entity for use of the landowner’s property provided that such agreement is subordinate to and does not conflict with the property rights and uses authorized in any easement or right-of-way interest previously granted by the landowner or by the landowner’s predecessors in interest”; and

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

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

House Amendment No. 1
to
House Amendment No. 1

AMEND House Amendment No. 1 to House Committee Substitute for House Bill No. 1361, Page 1, Line 7, by inserting after all of said line the following:

“Further amend said section and page, Line 18, by inserting immediately after the phrase **‘as amended.’** on said line the following:

‘The provisions of this section, except for subsections 6 and 8, shall apply to cable television providers and others transmitting information by wire, radio, optical cable, electronic impulses, wireless technology, or other means that are not capable of providing broadband, and in the case of such providers, the law in effect prior to August 28, 2012, governing easements shall continue to apply.’; and”; and

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

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

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

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

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 1361, Page 4, Section 392.602, Line 122, by inserting after all of said line the following:

“9. If a rural electric cooperative undertakes pole attachments involving fiber optic cables, or any other technology that functions to provide broadband service or other high speed fiber optic cable based services, under this section and if such provider also provides broadband service to any customers within this state, then such provider shall, within a three year period from the installation of a pole attachment, be required to offer to the owner of the property upon which the pole is situated, internet broadband service at a reasonable price substantially similar to the rate charged to other customers of broadband internet service within this state. A property owner may enforce the provisions of this subsection in any court of competent jurisdiction and such court may grant injunctive relief, including, but not limited to, the removal of pole attachments from properties in which the provider is not in compliance with the requirements of this subsection.”; and

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

HCS HB 1361, as amended, with House Amendment No. 2, pending, was laid over.

SPECIAL RECOGNITION

The 2011-2012 University of Missouri Tigers Men’s Basketball Team was introduced by Speaker Pro Tem Schoeller and presented a resolution by Representative Still.

Head Coach Frank Haith addressed the House.

PERFECTION OF HOUSE BILLS

HCS HB 1361, as amended, with House Amendment No. 2, pending, was again taken up by Representative Pollock.

Representative Long offered **House Amendment No. 1 to House Amendment No. 2**.

*House Amendment No. 1
to
House Amendment No. 2*

AMEND House Amendment No. 2 to House Committee Substitute for House Bill No. 1361, Page 1, Line 7, by deleting the word **“three”** and inserting in lieu thereof the word **“five”**; and

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

On motion of Representative Long, **House Amendment No. 1 to House Amendment No. 2** was adopted.

Representative Cierpiot moved that **House Amendment No. 2, as amended**, be adopted.

Which motion was defeated by the following vote:

AYES: 068

Aull	Bahr	Bernskoetter	Berry	Black
Brattin	Brown 50	Brown 85	Carlson	Cierpiot
Colona	Conway 14	Cox	Curtman	Ellinger
Ellington	Elmer	Fitzwater	Franz	Frederick
Fuhr	Gatschenberger	Gosen	Haefner	Higdon
Hinson	Holsman	Hoskins	Houghton	Hummel
Jones 89	Jones 117	Kander	Kirkton	Koenig
Korman	Kratky	Lampe	Leach	Leara
Loehner	Long	Marshall	McCaherty	McCann Beatty
McCreery	McDonald	McGhee	McManus	McNeil
Montecillo	Morgan	Nasheed	Neth	Oxford
Richardson	Rizzo	Sarnhorst	Schatz	Schoeller
Smith 150	Still	Talboy	Torpey	Webb
White	Wieland	Zerr		

NOES: 078

Allen	Anders	Asbury	Atkins	Barnes
Brandom	Brown 116	Burlison	Carter	Casey
Cauthorn	Conway 27	Cookson	Crawford	Cross
Davis	Day	Denison	Dugger	Entlicher
Fallert	Fisher	Flanigan	Fraker	Franklin
Grisamore	Guernsey	Hampton	Harris	Hodges
Hough	Hubbard	Johnson	Keeney	Kelley 126
Lair	Lant	Largent	Lauer	Lichtenegger
McGeoghegan	McNary	Nance	Nichols	Nolte
Pace	Parkinson	Phillips	Pierson	Pollock
Quinn	Redmon	Reiboldt	Riddle	Rowland
Ruzicka	Sater	Schad	Schieber	Schieffer
Schneider	Schupp	Shively	Shumake	Sifton
Silvey	Smith 71	Solon	Sommer	Spreng
Stream	Swearingen	Swinger	Thomson	Webber
Weter	Wright	Wyatt		

PRESENT: 000

ABSENT WITH LEAVE: 017

Dieckhaus	Diehl	Funderburk	Hughes	Jones 63
Kelly 24	Klippenstein	Lasater	May	Meadows
Molendorp	Newman	Taylor	Wallingford	Walton Gray
Wells	Mr Speaker			

On motion of Representative Pollock, **HCS HB 1361, as amended**, was adopted.

On motion of Representative Pollock, **HCS HB 1361, as amended**, was ordered perfected and printed.

HCS HB 1111, relating to abandoned towed vehicles, was taken up by Representative Gosen.

On motion of Representative Gosen, **HCS HB 1111** was adopted.

On motion of Representative Gosen, **HCS HB 1111** was ordered perfected and printed.

HCS HB 1150, relating to salvage motor vehicle titles, was taken up by Representative Smith (150).

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

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 1150, Page 5, Section 301.190, Line 163, by inserting after all of said line the following:

“301.194. 1. Notwithstanding any other provision of law, any person who purchases a motor vehicle with a certificate of destruction, junking certificate, salvage certificate, or equivalent, issued by another state, may make an application to the department of revenue for a salvage certificate of title. Prior to making application for a certificate of title on a vehicle under this section, the owner shall have the vehicle inspected by law enforcement as provided in subsection 9 of section 301.190. The application for title shall be accompanied by:

(1) A statement explaining the circumstances by which the property came into the owner's possession; a description of the property including the year, make, model, and vehicle identification number; the current location of the property; and the retail value of the property;

(2) An inspection report of the vehicle by a law enforcement agency under subsection 9 of section 301.190; and

(3) The fee prescribed in subsection 5 of section 301.190.

2. Once the requirements of subsection 1 are satisfied, the director shall issue one of the following:

(1) An original certificate of title designated as prior salvage if the vehicle examination certificate as provided in section 301.190 indicates the vehicle was previously in a salvaged condition or rebuilt; or

(2) A salvage certificate of title designated with the words "salvage" or junking certificate based on the condition of the property as stated in the inspection report.”; and

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

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

On motion of Representative Smith (150), **HCS HB 1150, as amended**, was adopted.

On motion of Representative Smith (150), **HCS HB 1150, as amended**, was ordered perfected and printed.

REFERRAL OF HOUSE BILL

The following House Bill was referred to the Committee indicated:

HB 2100 - Transportation

REFERRAL OF SENATE BILLS

The following Senate Bills were referred to the Committee indicated:

SCS SB 635 - Financial Institutions

SCS SB 726 - Financial Institutions

COMMITTEE REPORTS

Committee on Elections, Chairman Dugger reporting:

Mr. Speaker: Your Committee on Elections, to which was referred **HCR 53**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

HOUSE CONCURRENT RESOLUTION NO. 53

Relating to submission of a revised Summary Statement to House Committee Substitute No. 2 for Senate Joint Resolution No. 2, Ninety-sixth General Assembly, First Regular Session, to the secretary of state.

WHEREAS, on March 27, 2012, the Circuit Court of Cole County in *Aziz v. Mayer*, Case No. 11AC-CC00439 consolidated with No. 11AC-CC00449, found that the Summary Statement as enacted in House Committee Substitute No. 2 for Senate Joint Resolution No. 2, Ninety-sixth General Assembly, First Regular Session, "is insufficient and unfair because...the Proposed Constitutional Amendment (1) does not contain a "Voter Protection Act" in any of its sections; (2) the words "voter protection act," "protection," or "act" do not appear anywhere therein; and (3) no indication is given to where this "Voter Protection Act" can be found"; and

WHEREAS, Section 116.155, RSMo, allows the General Assembly to formulate a summary statement for measures it refers to the people for a vote; and

WHEREAS, the Court in *Aziz* stated, "Because significant changes are required here and policy choices need to be made as to how to reallocate the words in a revised summary statement, the Court chooses to vacate the summary statement and to provide the General Assembly an opportunity to revise it"; and

WHEREAS, in accordance with the Court's statement which gives the General Assembly the opportunity to revise the Summary Statement, the General Assembly hereby submits a revised Summary Statement to House Committee Substitute No. 2 for Senate Joint Resolution No. 2, Ninety-sixth General Assembly, First Regular Session, to read as follows:

"Shall the Missouri Constitution be amended to create standards for enacting general laws that authorize advance voting, require the use of government-issued photo identification in order to vote, and govern voting procedures based on whether an individual is voting in person or by absentee ballot?":

NOW THEREFORE BE IT RESOLVED that the members of the House of Representatives of the Ninety-sixth General Assembly, Second Regular Session, the Senate concurring therein, hereby submits a revised Summary Statement to House Committee Substitute No. 2 for Senate Joint Resolution No. 2, Ninety-sixth General Assembly, First Regular Session, in order to address the issues raised in *Aziz v. Mayer*, Case No. 11AC-CC00439 consolidated with No. 11AC-CC00449, by the Circuit Court of Cole County; and

BE IT FURTHER RESOLVED that this resolution of the General Assembly be deemed as an official submission by the General Assembly of a revised Summary Statement for House Committee Substitute No. 2 for Senate Joint Resolution No. 2, Ninety-sixth General Assembly, First Regular Session, to the Secretary of State; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for Robin Carnahan, Secretary of State.

Mr. Speaker: Your Committee on Elections, to which was referred **SCS SB 569**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Committee on Health Care Policy, Chairman Sater reporting:

Mr. Speaker: Your Committee on Health Care Policy, to which was referred **HB 1274**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Committee on Transportation, Chairman Denison reporting:

Mr. Speaker: Your Committee on Transportation, to which was referred **HCR 6**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

HOUSE CONCURRENT RESOLUTION NO. 6

WHEREAS, last year, the average price of gasoline rose to nearly \$4.00 a gallon and is projected to remain high for the foreseeable future; and

WHEREAS, numerous components make up the price of gasoline, including the cost of crude oil (45%), federal and state taxes (23%), refining costs (22%), and marketing and distribution costs (10%). These components are affected by many factors; and

WHEREAS, the three main factors that contribute to changes in the price of gasoline are changes in crude oil prices, the transparency of energy markets, and regulations that affect the price of gasoline; and

WHEREAS, there is very little government can do about crude oil prices and transparency. Crude oil prices are affected by world supply and demand, which continues to grow and most rapidly in Asia. Transparency produces highly efficient markets, but it also increases volatility. Any reduction in transparency would offset efficiency; and

WHEREAS, while states have limited authority and options available to attempt to reverse the soaring fuel prices and alleviate the growing financial burden on its citizenry, the federal government is able to ease the pressure on prices and reduce volatility by reducing its own interference in the market - most directly by the way of taxes and regulation; and

WHEREAS, federal regulations have contributed significantly to the high price, high volatility environment facing consumers today. These regulations have led to the proliferation of numerous fuel blends - known as "boutique fuels" - which in turn have increased refining and distribution costs; and

WHEREAS, in addition to addressing the boutique fuel problem, Congress and the Administration should reform other Clean Air Act regulations that have resulted in the halt of construction of new refinery capacity and offshore drilling. More production and refinery capacity is needed to ease the pressure on the production system; and

WHEREAS, federal regulations are also affecting gasoline imports because foreign suppliers are unable to keep up with the increasing complexity of federal gasoline requirements. Volatility in the Middle East also threatens our second largest supplier of oil - OPEC; and

WHEREAS, while changes in federal regulations and policies are needed as a long-term solution, the federal government is able to impact gasoline prices in the short-term as well; and

WHEREAS, in the short-term, the Environmental Protection Agency should temporarily suspend clean-fuel requirements and reduce the number of fuel specifications across the country by offering a limited menu of fuel choices that states and localities can choose from; and

WHEREAS, with crude oil costs being the single largest component in the cost of gasoline, the only real impact on crude oil prices is the threat of competition; and

WHEREAS, the leading supplier of oil to the United States market is Canada, with Mexico as the third leading supplier. There are enough oil and gas resources under the ground of those two reliable neighbors to supply the United States at current consumption levels for the next 100 years; and

WHEREAS, by lowering any remaining cross-border barriers to energy imports and by increasing the capacity of cross-border distribution systems, Congress can lower the cost to both Canada and Mexico of shipping oil to the United States, thereby inducing them to bring more supply on line; and

WHEREAS, in order to reduce our dependence on foreign oil, Congress and the Administration should find ways to facilitate the building of new refineries, and an increase in production by permitting the uncapping of existing wells and the drilling of new wells; and

WHEREAS, Congress and the Administration should strive to maintain a well-functioning gasoline market for the good of the economy, without interfering in the marketplace. Changes in federal regulation, introduction of fuel flexibility, removing impediments to importation of fuel from Canada and Mexico, increasing refinery capacity and pipeline construction, as well as greater domestic oil exploration and opening additional areas of production would begin to ease the rising cost of fuels and reduce our dependence on foreign sources of oil:

NOW THEREFORE BE IT RESOLVED that the members of the House of Representatives of the Ninety-sixth General Assembly, Second Regular Session, the Senate concurring therein, hereby strongly urge the United States Congress and the Obama Administration to immediately seek long-term and short-term solutions to the rapidly rising fuel costs to ease the financial burden on its citizens and prevent a second recession; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for President Barack Obama; Lisa P. Jackson, Administrator of the Environmental Protection Agency; the Majority and Minority Leaders of the United States Congress; and each member of the Missouri Congressional delegation.

Mr. Speaker: Your Committee on Transportation, to which was referred **SS SCS SB 470**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Committee on Workforce Development and Workplace Safety, Chairman Fisher reporting:

Mr. Speaker: Your Committee on Workforce Development and Workplace Safety, to which was referred **HCR 33**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE CONCURRENT RESOLUTION NO. 33

Relating to the Joint Interim Committee on State Employee Wages, with an emergency clause.

WHEREAS, the Joint Interim Committee on State Employee Wages was established under HCR 32 in the Ninety-Sixth General Assembly, First Regular Session, and was charged with studying and developing strategies for increasing the wages of Missouri's state employees so Missouri will become competitive with their peer states in regards to state employee wages; and

WHEREAS, Missouri state employees are ranked 50th out of 50 states for the wages paid to state employees; and

WHEREAS, Missouri state employees provide excellent service to Missourians; and

WHEREAS, Missouri state employees have had to do more with less resources for the past several years; and

WHEREAS, Missouri state employees have not had a pay raise since 2008; and

WHEREAS, while state employee wages have remained the same since 2008, Missouri state employee insurance costs have steadily increased; and

WHEREAS, the Missouri state employees deferred compensation state match of state employee contributions made up to \$35 has not been funded for several years; and

WHEREAS, new Missouri state employees who are first employed by the state after January 1, 2011, are required to contribute 4% of their pay to their retirement plan; and

WHEREAS, the State of Missouri does not have comprehensive data on state employee compensation or total compensation; and

WHEREAS, the State of Missouri does not have a long-term or strategic plan for increasing the wages of state employees; and

WHEREAS, the State of Kansas undertook a similar initiative and has many lessons learned that could benefit the State of Missouri; and

WHEREAS, the three poorest states in the nation - West Virginia, Mississippi, and Arkansas - all rank ahead of Missouri in state employee annual compensation:

NOW THEREFORE BE IT RESOLVED that the members of the House of Representatives of the Ninety-sixth General Assembly, Second Regular Session, the Senate concurring therein, hereby re-authorize the "Joint Interim Committee on State Employee Wages" to function in the legislative interims through December 31, 2014, upon passage and approval of this resolution, for the purpose of further studying and developing of strategies for increasing the wages of Missouri's state employees so Missouri will become competitive with their peer states in regards to state employee wages; and

BE IT FURTHER RESOLVED that upon re-establishment, the Joint Interim Committee shall:

- (1) Devise a focused and concise mission statement to guide actions of the Joint Interim Committee;
- (2) Request the State Office of Administration to use moneys in the State Employee Wage Study Fund, created in this resolution, to invest in a consultant to conduct salary and total compensation surveys to more comprehensively review and analyze the state classification and compensation structures, similar to what other states have done;
- (3) Request the State Office of Administration, with the advice and consent of the Joint Interim Committee, to use the data from the comprehensive study to produce a long-term strategic plan for increasing state employee wages and to present such plan to the Governor, the House Budget Committee, and the Senate Appropriations Committee by January 31, 2015;
- (4) Such other matters as the Joint Interim Committee may deem necessary in order to determine the proper course of future legislative and budgetary action regarding these issues; and

BE IT FURTHER RESOLVED that the Joint Interim Committee be composed of the following members:

- (1) Two majority party members and one minority party member of the House of Representatives, to be appointed by the Speaker and Minority Leader of the House;
- (2) Two majority party members and one minority party member of the Senate, to be appointed by the President Pro Tem and Minority Leader of the Senate;
- (3) One representative from the Governor's Office;
- (4) One representative from the State Personnel Advisory Board; and
- (5) Two members of the public, with one to be appointed by the Speaker of the House and one to be appointed by the President Pro Tem of the Senate; and

BE IT FURTHER RESOLVED that there is hereby created in the state treasury the "State Employee Wage Study Fund". The State Treasurer shall deposit to the credit of such fund all moneys which may be appropriated to it by the General Assembly and any gifts, contributions, grants, bequests, or other aid received from federal, private, or other sources. The general assembly may appropriate moneys into the fund to be used by the State Office of Administration for the purpose of investing in a consultant to conduct salary and total compensation surveys to more comprehensively review and analyze the state classification and compensation structures. Notwithstanding the provisions of section 33.080 to the contrary, moneys in the fund shall not revert to the credit of the general revenue fund at the end of the biennium; and

BE IT FURTHER RESOLVED that the Joint Interim Committee may solicit input and information necessary to fulfill its obligations, including but not limited to soliciting input and information from any state department or agency the Joint Interim Committee deems relevant, and the general public; and

BE IT FURTHER RESOLVED that the staff of House Appropriations, Senate Appropriations, House Research, Senate Research, and the Joint Committee on Legislative Research shall provide such legal, research, clerical, technical, and bill drafting services as the Joint Interim Committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of the Joint Interim Committee, its members, and any staff assigned to the Joint Interim Committee incurred by the Joint Interim Committee shall be paid by the Senate's Joint Contingent Expenses appropriation; and

BE IT FURTHER RESOLVED that this resolution be sent to the Governor for his approval or rejection pursuant to the Missouri Constitution; and

BE IT FURTHER RESOLVED that because immediate action is necessary to help attract and maintain a talented and dedicated workforce in order to best serve the needs of Missouri citizens, this resolution is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and this resolution shall be in full force and effect upon its passage and approval.

Mr. Speaker: Your Committee on Workforce Development and Workplace Safety, to which was referred **HB 1367**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

ADJOURNMENT

On motion of Representative Jones (89), the House adjourned until 10:00 a.m., Wednesday, April 4, 2012.

COMMITTEE MEETINGS

AGRICULTURE POLICY

Thursday, April 5, 2012, Upon Morning Adjournment South Gallery.
Executive session will be held: HB 1895
Executive session may be held on any matter referred to the committee.

AGRICULTURE POLICY

Tuesday, April 10, 2012, 2:00 PM House Hearing Room 6.
Executive session will be held: HB 1254
Executive session may be held on any matter referred to the committee.

BUDGET

Wednesday, April 4, 2012, Upon Morning Recess House Hearing Room 3.
Public hearing will be held: HJR 68, HB 2019, HJR 57, HJR 58, HB 1984
Executive session will be held: HB 2019, HJR 57, HJR 58
Executive session may be held on any matter referred to the committee.
AMENDED

CHILDREN AND FAMILIES

Wednesday, April 4, 2012, 8:00 AM House Hearing Room 1.
Public hearing will be held: HB 1882, HB 1102, HB 1565, HB 1877
Executive session may be held on any matter referred to the committee.

CRIME PREVENTION AND PUBLIC SAFETY

Wednesday, April 4, 2012, 12:00 PM House Hearing Room 4.
Public hearing will be held: SS SCS SB 689, SS SCS SB 699
Executive session may be held on any matter referred to the committee.

DOWNSIZING STATE GOVERNMENT

Thursday, April 5, 2012, 9:00 AM House Hearing Room 4.
Executive session will be held: HJR 42, HB 1900, SS SCS SB 467, SS SCS SB 469

ELECTIONS

Wednesday, April 4, 2012, Upon Morning Adjournment South Gallery.
Executive session will be held: HJR 89
Executive session may be held on any matter referred to the committee.

ELEMENTARY AND SECONDARY EDUCATION

Wednesday, April 4, 2012, 8:00 AM House Hearing Room 6.

Public hearing will be held: HB 2043

Executive session may be held on any matter referred to the committee.

FISCAL REVIEW

Thursday, April 5, 2012, 8:30 AM South Gallery.

Executive session may be held on any matter referred to the committee.

Any bills referred to the committee

HEALTH CARE POLICY

Wednesday, April 4, 2012, 12:00 PM House Hearing Room 6.

Public hearing will be held: HCS HB 1490, HB 1938

Executive session may be held on any matter referred to the committee.

AMENDED

HEALTH INSURANCE

Thursday, April 5, 2012, 9:00 AM House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

HIGHER EDUCATION

Thursday, April 5, 2012, 9:30 AM North Gallery.

Executive session will be held: SCS SB 563

Executive session may be held on any matter referred to the committee.

JUDICIARY

Wednesday, April 4, 2012, 12:00 PM House Hearing Room 1.

Public hearing will be held: HB 1858, HB 1698

Executive session may be held on any matter referred to the committee.

AMENDED

LOCAL GOVERNMENT

Wednesday, April 4, 2012, 8:00 AM House Hearing Room 7.

Public hearing will be held: SB 578, HB 1299, HB 1129, HB 1947, HB 1959, HB 1523

Executive session may be held on any matter referred to the committee.

PROFESSIONAL REGISTRATION AND LICENSING

Wednesday, April 4, 2012, Upon Morning Recess or 12 PM, whichever comes first, House Hearing Room 5.

Public hearing will be held: HB 1951, HB 1988, HB 2000

Executive session may be held on any matter referred to the committee.

SMALL BUSINESS

Wednesday, April 4, 2012, 12:00 PM House Hearing Room 7.

Public hearing will be held: HB 1824

Executive session will be held: HB 1306, HB 1674, HB 1146, HB 1065

Executive session may be held on any matter referred to the committee.

SPECIAL STANDING COMMITTEE ON GOVERNMENT OVERSIGHT AND ACCOUNTABILITY

Wednesday, April 4, 2012, 5 PM or Upon Afternoon Adjournment House Hearing Room 5.

Public hearing will be held: HB 1846

Executive session may be held on any matter referred to the committee.

Continuation of hearing on 4/2

TOURISM AND NATURAL RESOURCES

Thursday, April 5, 2012, 8:00 AM House Hearing Room 7.

Public hearing will be held: HCR 49, HB 1752

Executive session will be held: HB 1795

Executive session may be held on any matter referred to the committee.

TRANSPORTATION FUNDING AND PUBLIC INSTITUTIONS

Thursday, April 5, 2012, 9:45 AM South Gallery.

Executive session will be held: HB 1836

Executive session may be held on any matter referred to the committee.

VETERANS

Wednesday, April 4, 2012, 9:00 AM South Gallery.

Executive session will be held: HJR 85

Executive session may be held on any matter referred to the committee.

HOUSE CALENDAR

FIFTY-FIRST DAY, WEDNESDAY, APRIL 4, 2012

HOUSE JOINT RESOLUTIONS FOR PERFECTION

- 1 HCS HJR 47 - Dugger
- 2 HJR 49 - Brattin
- 3 HJR 71 - Elmer

HOUSE BILLS FOR PERFECTION

- 1 HCS HB 1198 - Fisher
- 2 HCS HB 1272 - Kelley (126)
- 3 HCS HB 1475, as amended - Cross
- 4 HCS HB 1275 - Koenig
- 5 HCS HB 1608 - White
- 6 HCS HB 1134 - Scharnhorst
- 7 HCS HB 1549 - Richardson
- 8 HCS HB 1717 - Kelley (126)
- 9 HCS HB 1515 - Schad
- 10 HCS HB 1640 - Denison
- 11 HB 1691 - Dugger
- 12 HB 1066 - McGhee

901 *Journal of the House*

- 13 HB 1109 - Brattin
- 14 HCS HB 1110 - Barnes
- 15 HCS HB 1256 - Diehl
- 16 HCS HB 1211 - Dieckhaus
- 17 HB 1273 - Kelley (126)
- 18 HCS HB 1364 - Schieffer
- 19 HCS HB 1383 - Cox
- 20 HCS HB 1444 - Smith (150)
- 21 HCS HB 1458 - Hinson
- 22 HB 1534 - Bahr
- 23 HB 1540 - Jones (89)
- 24 HCS HBs 1574 & 1097 - Meadows
- 25 HCS HB 1661 - Hoskins
- 26 HCS HB 1789 - Schad
- 27 HCS HB 1826 - Fitzwater
- 28 HCS HB 1860 - Guernsey

HOUSE JOINT RESOLUTIONS FOR THIRD READING

HCS HJR 61 - Loehner

HOUSE BILLS FOR THIRD READING

- 1 HB 1277 - Long
- 2 HCS HBs 1298 & 1180 - Parkinson
- 3 HB 1431 - Hoskins

HOUSE CONCURRENT RESOLUTIONS

- 1 HCR 7 - Rowland
- 2 HCR 31 - Schieffer
- 3 HCR 36 - Asbury
- 4 HCR 42 - Rowland

HOUSE RESOLUTIONS

HR 677 - Hinson

HOUSE BILLS VETOED FROM SECOND REGULAR SESSION

HB 1219 - Elmer

SENATE BILLS VETOED FROM SECOND REGULAR SESSION

SS SCS SB 572 - Richardson