

JOURNAL OF THE HOUSE

Second Regular Session, 93rd GENERAL ASSEMBLY

THIRTY-SIXTH DAY, TUESDAY, MARCH 7, 2006

The House met pursuant to adjournment.

Speaker Jetton in the Chair.

Prayer by Father Donald W. Lammers.

(The forecast of rain, suggests these lines from the Hebrew scripture.)

Thus says the Lord:
Just as from the heavens
The rain and snow come down
And do not return there
Till they have watered the Earth,
Making it fertile and fruitful,
Giving seed to the one who sows
And bread to the one who eats,
So shall My Word be
That goes forth from My mouth;
It shall not return to Me void,
But shall do My will,
Achieving the end for which I sent it.
(Isaiah 55:10-11)

Almighty God, as through the media we receive the forecast of rain, so through the bills and documents placed on our desks we receive the agenda of our work. Help us to find in them the proposals that are in harmony with Your will for the people of our State. Let all that is in harmony with Your will become as Your word to us. Through our efforts may they become fertile and fruitful, benefitting the people as surely as will the rainfall upon the land.

We pray to You who are our God forever and ever. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Brianna Larson, Ashley DeBoeus, Briget Spreng, Connie Jones, Kirstie Carr, Trisha Huxel, Tori Gildehaus, Brittany Branch, Rachel Hellmann, Thomas Wingfield, Sara Heitzman, Faith Joyce, Jennifer Smith, Amy N. Costa, Nichole Norgard, Alex Piontek, Nick Barnfield, Trenton Forbes, Ashley Rogers, Kelsey Winfrey, Dearra Owens, Jalen Baker, Myrion Smith and Jayla Brown.

The Journal of the thirty-fifth day was approved as printed by the following vote:

AYES: 158

Aull	Baker 25	Baker 123	Bean	Bearden
Behnen	Bivins	Black	Bland	Bogetto
Bowman	Boykins	Bringer	Brooks	Brown 50
Bruns	Burnett	Casey	Chinn	Chappelle-Nadal
Cooper 120	Cooper 155	Cooper 158	Corcoran	Cunningham 145
Cunningham 86	Curls	Dake	Darrough	Daus
Davis	Day	Deeken	Dempsey	Denison
Dethrow	Dixon	Donnelly	Dougherty	Dusenberg
El-Amin	Emery	Ervin	Faith	Fares
Fisher	Flook	Frame	Franz	Fraser
George	Guest	Harris 23	Harris 110	Henke
Hobbs	Hoskins	Hubbard	Hughes	Hunter
Ice	Jackson	Johnson 47	Johnson 61	Johnson 90
Jolly	Jones	Kelly	Kingery	Kratky
Kraus	Kuessner	Lager	Lampe	Lembke
LeVota	Liese	Lipke	Loehner	Low 39
Lowe 44	Marsh	May	McGhee	Meadows
Meiners	Moore	Munzlinger	Muschany	Myers
Nance	Nieves	Nolte	Oxford	Page
Parker	Parson	Pearce	Phillips	Pollock
Portwood	Pratt	Quinn	Rector	Richard
Roark	Robb	Robinson	Roorda	Ruestman
Rupp	Salva	Sander	Sater	Schaaf
Schad	Scharnhorst	Schlottach	Schneider	Schoemehl
Self	Shoemyer	Silvey	Skaggs	Smith 14
Smith 118	Smith 150	Spreng	Stevenson	St. Onge
Storch	Sutherland	Swinger	Threlkeld	Tilley
Villa	Vogt	Wagner	Wallace	Walsh
Walton	Wasson	Wells	Weter	Whorton
Wildberger	Wilson 119	Wilson 130	Witte	Wood
Wright 137	Wright 159	Wright-Jones	Yaeger	Yates
Young	Zweifel	Mr Speaker		

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 005

Avery	Brown 30	Haywood	Rucker	Viebrock
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HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

- House Resolution No. 1099 - Representative Cunningham (86)
- House Resolution No. 1100 - Representative Robinson
- House Resolution No. 1101
through
- House Resolution No. 1106 - Representative Sanders Brooks
- House Resolution No. 1107
through
- House Resolution No. 1109 - Representative Pollock

House Resolution No. 1110 - Representative Dethrow
House Resolution No. 1111 - Representative Fraser
House Resolution No. 1112 - Representative St. Onge

SECOND READING OF HOUSE BILLS

HB 1946 through **HB 1960** were read the second time.

SECOND READING OF SENATE BILLS

SCS SB 580, SCS SB 650, SB 837, SB 840, SB 906, SB 908, SCS SB 932, SB 933 and **SCS SB 934** were read the second time.

SPECIAL RECOGNITION

Tammy Pasley, President of the Missouri State Teachers Association (MSTA) was introduced by Speaker Jetton and presented a resolution recognizing the 150th Anniversary of the MSTA.

PERFECTION OF HOUSE BILL

HCS HB 1070, relating to tax increment financing, was taken up by Representative Johnson (47).

Representative Johnson (47) offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 1070, Section 99.845, Page 19, Line 76, by deleting the brackets around the word “fifty” and deleting “**ninety**”; and

Further amend said section and page, Line 95, by deleting the brackets around the word “fifty” and deleting “**ninety**”; and

Further amend said section, Page 24, Lines 261-266, by deleting all of said lines and inserting in lieu thereof “twenty-three years.”; and

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

On motion of Representative Johnson (47), **House Amendment No. 1** was adopted.

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

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 1070, Page 1, Section 67.112, Line 4, by deleting the period [.] in said line and inserting after the word “district” the following:

“, and no property acquired through eminent domain shall be included in a tax increment financing district.”.

Speaker Pro Tem Bearden assumed the Chair.

Representative Kuessner moved that **House Amendment No. 2** be adopted.

Which motion was defeated by the following vote:

AYES: 026

Aull	Baker 123	Bean	Behnen	Bringer
Dake	Davis	Dethrow	Frame	Harris 110
Haywood	Henke	Johnson 61	Johnson 90	Kuessner
Lembke	Portwood	Roark	Roorda	Sander
Schaaf	Self	Shoemyer	Walton	Witte
Wright-Jones				

NOES: 129

Bearden	Bivins	Black	Bland	Bogetto
Bowman	Boykins	Brooks	Brown 50	Bruns
Burnett	Casey	Chinn	Chappelle-Nadal	Cooper 120
Cooper 155	Cooper 158	Corcoran	Cunningham 145	Cunningham 86
Curls	Darrough	Daus	Day	Deeken
Dempsey	Denison	Dixon	Donnelly	Dougherty
Dusenberg	El-Amin	Emery	Ervin	Faith
Fares	Fisher	Flook	Franz	Fraser
George	Guest	Harris 23	Hobbs	Hoskins
Hubbard	Hunter	Icet	Jackson	Johnson 47
Jolly	Jones	Kelly	Kingery	Kratky
Kraus	Lager	Lampe	LeVota	Liese
Lipke	Loehner	Low 39	Marsh	May
McGhee	Meadows	Meiners	Moore	Munzlinger
Muschany	Myers	Nance	Nieves	Nolte
Page	Parker	Parson	Pearce	Phillips
Pollock	Pratt	Quinn	Rector	Richard
Robb	Robinson	Ruestman	Rupp	Salva
Sater	Schad	Scharnhorst	Schlottach	Schneider
Schoemehl	Silvey	Skaggs	Smith 14	Smith 118
Smith 150	Spreng	Stevenson	St. Onge	Storch
Sutherland	Swinger	Threlkeld	Tilley	Viebrock
Villa	Vogt	Wagner	Wallace	Walsh
Wasson	Wells	Weter	Wildberger	Wilson 119
Wilson 130	Wood	Wright 137	Wright 159	Yaeger
Yates	Young	Zweifel	Mr Speaker	

PRESENT: 003

Hughes	Lowe 44	Oxford
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ABSENT WITH LEAVE: 005

Avery	Baker 25	Brown 30	Rucker	Whorton
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Representative Hughes offered **House Amendment No. 3.**

House Amendment No. 3

AMEND House Committee Substitute for House Bill No. 1070, Section 99.866, Page 25, Line 5, by inserting after all of said line, the following:

“Section 1. In any home rule city with more than four hundred thousand inhabitants and located in more than one county and any city not within a county, when tax increment financing is used for a project, those receiving the financing must make all good faith efforts to use minority business enterprises or women business enterprises to help complete the project.”; and

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

On motion of Representative Hughes, **House Amendment No. 3** was adopted by the following vote:

AYES: 158

Aull	Baker 123	Bean	Bearden	Behnen
Bivins	Bland	Bogetto	Bowman	Boykins
Bringer	Brooks	Brown 50	Bruns	Burnett
Casey	Chinn	Chappelle-Nadal	Cooper 120	Cooper 155
Cooper 158	Corcoran	Cunningham 145	Cunningham 86	Curls
Dake	Darrough	Daus	Davis	Day
Deeken	Dempsey	Denison	Dethrow	Dixon
Donnelly	Dougherty	Dusenberg	El-Amin	Emery
Ervin	Faith	Fares	Fisher	Flook
Frame	Franz	Fraser	George	Guest
Harris 23	Harris 110	Haywood	Henke	Hobbs
Hoskins	Hubbard	Hughes	Hunter	Icet
Jackson	Johnson 47	Johnson 61	Johnson 90	Jolly
Jones	Kelly	Kingery	Kratky	Kraus
Kuessner	Lager	Lampe	Lembke	LeVota
Liese	Lipke	Loehner	Low 39	Lowe 44
Marsh	May	McGhee	Meadows	Meiners
Moore	Munzlinger	Muschany	Myers	Nance
Nieves	Nolte	Oxford	Page	Parker
Parson	Pearce	Phillips	Pollock	Portwood
Pratt	Quinn	Rector	Richard	Roark
Robb	Robinson	Roorda	Ruestman	Rupp
Salva	Sander	Sater	Schaaf	Schad
Scharnhorst	Schlottach	Schneider	Schoemehl	Self
Shoemyer	Silvey	Skaggs	Smith 14	Smith 118
Smith 150	Spreng	Stevenson	St. Onge	Storch
Sutherland	Swinger	Threlkeld	Tilley	Viebrock
Villa	Vogt	Wagner	Wallace	Walsh
Walton	Wasson	Wells	Weter	Whorton
Wildberger	Wilson 119	Wilson 130	Witte	Wood
Wright 137	Wright 159	Wright-Jones	Yaeger	Yates
Young	Zweifel	Mr Speaker		

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 005

Avery

Baker 25

Black

Brown 30

Rucker

On motion of Representative Johnson (47), **HCS HB 1070, as amended**, was adopted.

On motion of Representative Johnson (47), **HCS HB 1070, as amended**, was ordered perfected and printed.

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

AFTERNOON SESSION

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

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Casey Smith, Justin Mabry, Laurel Colemire, Quinton Herkenhoff, Monica Soderman and Ryan Lima.

HOUSE RESOLUTIONS

Representative Fraser, et al., offered House Resolution No. 1114.

Representative Hughes offered House Resolution No. 1131.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1113 - Representative Jetton

House Resolution No. 1115

and

House Resolution No. 1116 - Representative Nieves

House Resolution No. 1117 - Representative Lampe

House Resolution No. 1118 - Representative Emery

House Resolution No. 1119

and

House Resolution No. 1120 - Representative Bowman

House Resolution No. 1121 - Representative Jackson

House Resolution No. 1122 - Representative Pearce

House Resolution No. 1123 - Representatives Walsh and Smith (14)

House Resolution No. 1124 - Representative Jetton

House Resolution No. 1125

through

House Resolution No. 1130 - Representative Phillips

HOUSE CONCURRENT RESOLUTION

Representative Wilson (130), et al., offered House Concurrent Resolution No. 30.

THIRD READING OF HOUSE BILLS - CONSENT

HB 1118, relating to civil defense, was taken up by Representative Dempsey.

On motion of Representative Dempsey, HB 1118 was read the third time and passed by the following vote:

AYES: 154

Aull	Baker 25	Baker 123	Bean	Bearden
Behnen	Bivins	Black	Bland	Bogetto
Bowman	Boykins	Bringer	Brooks	Brown 50
Bruns	Burnett	Casey	Chinn	Chappelle-Nadal
Cooper 120	Cooper 155	Cooper 158	Corcoran	Cunningham 145
Cunningham 86	Curls	Darrough	Daus	Davis
Day	Deeken	Dempsey	Denison	Dethrow
Dixon	Donnelly	Dougherty	Dusenberg	El-Amin
Emery	Ervin	Faith	Fares	Fisher
Flook	Frame	Franz	Fraser	George
Guest	Harris 23	Harris 110	Haywood	Henke
Hobbs	Hoskins	Hubbard	Hughes	Hunter
Icet	Jackson	Johnson 47	Johnson 61	Johnson 90
Jolly	Jones	Kelly	Kingery	Kratky
Kraus	Kuessner	Lager	Lampe	Lembke
LeVota	Liese	Lipke	Loehner	Low 39
Lowe 44	Marsh	May	McGhee	Meadows
Meiners	Moore	Munzlinger	Muschany	Myers
Nance	Nieves	Nolte	Oxford	Parker
Pearce	Phillips	Pollock	Pratt	Quinn
Rector	Richard	Roark	Robb	Robinson
Roorda	Ruestman	Rupp	Salva	Sander
Sater	Schaaf	Schad	Scharnhorst	Schlottach
Schneider	Schoemehl	Self	Shoemyer	Silvey
Skaggs	Smith 14	Smith 118	Smith 150	Spreng
Stevenson	St. Onge	Storch	Sutherland	Swinger
Threlkeld	Tilley	Viebrock	Villa	Vogt
Wagner	Walsh	Wasson	Wells	Weter
Whorton	Wildberger	Wilson 119	Wilson 130	Witte
Wood	Wright 137	Wright 159	Wright-Jones	Yaeger
Yates	Young	Zweifel	Mr Speaker	

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 009

Avery	Brown 30	Dake	Page	Parson
Portwood	Rucker	Wallace	Walton	

Speaker Jetton declared the bill passed.

Representative Cooper (120) assumed the Chair.

HB 983, relating to display of flags, was taken up by Representative Meadows.

On motion of Representative Meadows, **HB 983** was read the third time and passed by the following vote:

AYES: 155

Aull	Baker 25	Baker 123	Bean	Bearden
Behnen	Bivins	Black	Bland	Bogetto
Bowman	Boykins	Bringer	Brooks	Brown 50
Bruns	Burnett	Casey	Chinn	Chappelle-Nadal
Cooper 120	Cooper 155	Cooper 158	Corcoran	Cunningham 145
Cunningham 86	Curls	Darrough	Daus	Davis
Day	Deeken	Dempsey	Denison	Dethrow
Dixon	Donnelly	Dougherty	Dusenberg	El-Amin
Emery	Ervin	Faith	Fares	Fisher
Flook	Frame	Franz	Fraser	George
Guest	Harris 23	Harris 110	Haywood	Henke
Hobbs	Hoskins	Hubbard	Hughes	Hunter
Icet	Jackson	Johnson 47	Johnson 61	Johnson 90
Jolly	Jones	Kelly	Kingery	Kratky
Kraus	Kuessner	Lager	Lampe	Lembke
LeVota	Liese	Lipke	Loehner	Low 39
Marsh	May	McGhee	Meadows	Meiners
Moore	Munzlinger	Muschany	Myers	Nance
Nieves	Nolte	Oxford	Parker	Parson
Pearce	Phillips	Pollock	Portwood	Pratt
Quinn	Rector	Richard	Roark	Robb
Robinson	Roorda	Ruestman	Rupp	Salva
Sander	Sater	Schaaf	Schad	Scharnhorst
Schlottach	Schneider	Schoemehl	Self	Shoemyer
Silvey	Skaggs	Smith 14	Smith 118	Smith 150
Spreng	Stevenson	St. Onge	Storch	Sutherland
Swinger	Threlkeld	Tilley	Viebrock	Villa
Vogt	Wagner	Walsh	Wasson	Wells
Weter	Whorton	Wildberger	Wilson 119	Wilson 130
Witte	Wood	Wright 137	Wright 159	Wright-Jones
Yaeger	Yates	Young	Zweifel	Mr Speaker

NOES: 000

PRESENT: 001

Lowe 44

ABSENT WITH LEAVE: 007

Avery	Brown 30	Dake	Page	Rucker
Wallace	Walton			

Representative Cooper (120) declared the bill passed.

PERFECTION OF HOUSE BILL

HCS HB 1456, relating to employment security, was taken up by Representative Roark.

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

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 1456 by amending the title, enacting clause, and intersectional references accordingly. House Committee Substitute for House Bill No. 1456, Page 1, Section A, Line 6, by inserting immediately after said line the following:

- “288.030. 1. As used in this chapter, unless the context clearly requires otherwise, the following terms mean:
- (1) "Appeals tribunal", a referee or a body consisting of three referees appointed to conduct hearings and make decisions on appeals from administrative determinations, petitions for reassessment, and claims referred pursuant to subsection 2 of section 288.070;
 - (2) "Base period", the first four of the last five completed calendar quarters immediately preceding the first day of an individual's benefit year;
 - (3) "Benefit year", the one-year period beginning with the first day of the first week with respect to which an insured worker first files an initial claim for determination of such worker's insured status, and thereafter the one-year period beginning with the first day of the first week with respect to which the individual, providing the individual is then an insured worker, next files such an initial claim after the end of the individual's last preceding benefit year;
 - (4) "Benefits", the money payments payable to an insured worker, as provided in this chapter, with respect to such insured worker's unemployment;
 - (5) "Calendar quarter", the period of three consecutive calendar months ending on March thirty-first, June thirtieth, September thirtieth, or December thirty-first;
 - (6) "Claimant", an individual who has filed an initial claim for determination of such individual's status as an insured worker, a notice of unemployment, a certification for waiting week credit, or a claim for benefits;
 - (7) "Commission", the labor and industrial relations commission of Missouri;
 - (8) "Common paymaster", two or more related corporations in which one of the corporations has been designated to disburse remuneration to concurrently employed individuals of any of the related corporations;
 - (9) "Contributions", the money payments to the unemployment compensation fund required by this chapter, exclusive of interest and penalties;
 - (10) "Decision", a ruling made by an appeals tribunal or the commission after a hearing;
 - (11) "Deputy", a representative of the division designated to make investigations and administrative determinations on claims or matters of employer liability or to perform related work;
 - (12) "Determination", any administrative ruling made by the division without a hearing;
 - (13) "Director", the administrative head of the division of employment security;
 - (14) "Division", the division of employment security which administers this chapter;
 - (15) "Employing unit", any individual, organization, partnership, corporation, common paymaster, or other legal entity, including the legal representatives thereof, which has or, subsequent to June 17, 1937, had in its employ one or more individuals performing services for it within this state. All individuals performing services within this state for any employing unit which maintains two or more separate establishments within this state shall be deemed to be employed by a single employing unit for all the purposes of this chapter. Each individual engaged to perform or to assist in performing the work of any person in the service of an employing unit shall be deemed to be engaged by such employing unit for all the purposes of this chapter, whether such individual was engaged or paid directly by such employing unit or by such person, provided the employing unit had actual or constructive knowledge of the work;
 - (16) "Employment office", a free public employment office operated by this or any other state as a part of a state controlled system of public employment offices including any location designated by the state as being a part of the one-stop career system;
 - (17) "Equipment", a motor vehicle, straight truck, tractor, semi-trailer, full trailer, any combination of these and any other type of equipment used by authorized carriers in the transportation of property for hire;
 - (18) "Fund", the unemployment compensation fund established by this chapter;

(19) "Governmental entity", the state, any political subdivision thereof, any instrumentality of any one or more of the foregoing which is wholly owned by this state and one or more other states or political subdivisions and any instrumentality of this state or any political subdivision thereof and one or more other states or political subdivisions;

(20) "Initial claim", an application, in a form prescribed by the division, made by an individual for the determination of the individual's status as an insured worker;

(21) "Insured work", employment in the service of an employer;

(22) (a) As to initial claims filed after December 31, 1990, "insured worker", a worker who has been paid wages for insured work in the amount of one thousand dollars or more in at least one calendar quarter of such worker's base period and total wages in the worker's base period equal to at least one and one-half times the insured wages in that calendar quarter of the base period in which the worker's insured wages were the highest, or in the alternative, a worker who has been paid wages in at least two calendar quarters of such worker's base period and whose total base period wages are at least one and one-half times the maximum taxable wage base, taxable to any one employer, in accordance with subsection 2 of section 288.036. For the purposes of this definition, "wages" shall be considered as wage credits with respect to any benefit year, only if such benefit year begins subsequent to the date on which the employing unit by which such wages were paid has become an employer;

(b) As to initial claims filed after December 31, 2004, wages for insured work in the amount of one thousand two hundred dollars or more, after December 31, 2005, one thousand three hundred dollars or more, after December 31, 2006, one thousand four hundred dollars or more, after December 31, 2007, one thousand five hundred dollars or more in at least one calendar quarter of such worker's base period and total wages in the worker's base period equal to at least one and one-half times the insured wages in that calendar quarter of the base period in which the worker's insured wages were the highest, or in the alternative, a worker who has been paid wages in at least two calendar quarters of such worker's base period and whose total base period wages are at least one and one-half times the maximum taxable wage base, taxable to any one employer, in accordance with subsection 2 of section 288.036;

(23) ["Lessor", in a lease, the party granting the use of equipment, with or without a driver to another;

(24)] "Misconduct", an act of wanton or willful disregard of the employer's interest, a deliberate violation of the employer's rules, a disregard of standards of behavior which the employer has the right to expect of his or her employee, or negligence in such degree or recurrence as to manifest culpability, wrongful intent or evil design, or show an intentional and substantial disregard of the employer's interest or of the employee's duties and obligations to the employer;

[(25)] (24) "Referee", a representative of the division designated to serve on an appeals tribunal;

[(26)] (25) "State" includes, in addition to the states of the United States of America, the District of Columbia, Puerto Rico, the Virgin Islands, and the Dominion of Canada;

[(27)] (26) "Temporary employee", an employee assigned to work for the clients of a temporary help firm;

[(28)] (27) "Temporary help firm", a firm that hires its own employees and assigns them to clients to support or supplement the clients' workforce in work situations such as employee absences, temporary skill shortages, seasonal workloads, and special assignments and projects;

[(29)] (28) (a) An individual shall be deemed "totally unemployed" in any week during which the individual performs no services and with respect to which no wages are payable to such individual;

(b) a. An individual shall be deemed "partially unemployed" in any week of less than full-time work if the wages payable to such individual for such week do not equal or exceed the individual's weekly benefit amount plus twenty dollars;

b. Effective for calendar year 2007 and each year thereafter, an individual shall be deemed "partially unemployed" in any week of less than full-time work if the wages payable to such individual for such week do not equal or exceed the individual's weekly benefit amount plus twenty dollars or twenty percent of his or her weekly benefit amount, whichever is greater;

(c) An individual's "week of unemployment" shall begin the first day of the calendar week in which the individual registers at an employment office except that, if for good cause the individual's registration is delayed, the week of unemployment shall begin the first day of the calendar week in which the individual would have otherwise registered. The requirement of registration may by regulation be postponed or eliminated in respect to claims for partial unemployment or may by regulation be postponed in case of a mass layoff due to a temporary cessation of work;

[(30)] (29) "Waiting week", the first week of unemployment for which a claim is allowed in a benefit year or if no waiting week has occurred in a benefit year in effect on the effective date of a shared work plan, the first week of participation in a shared work unemployment compensation program pursuant to section 288.500.

2. The Missouri average annual wage shall be computed as of June thirtieth of each year, and shall be applicable to the following calendar year. The Missouri average annual wage shall be calculated by dividing the total wages reported as paid for insured work in the preceding calendar year by the average of mid-month employment

reported by employers for the same calendar year. The Missouri average weekly wage shall be computed by dividing the Missouri average annual wage as computed in this subsection by fifty-two.

288.032. 1. After December 31, 1977, "employer" means:

(1) Any employing unit which in any calendar quarter in either the current or preceding calendar year paid for service in employment wages of one thousand five hundred dollars or more except that for the purposes of this definition, wages paid for "agricultural labor" as defined in paragraph (a) of subdivision (1) of subsection 12 of section 288.034 and for "domestic services" as defined in subdivisions (2) and (13) of subsection 12 of section 288.034 shall not be considered;

(2) Any employing unit which for some portion of a day in each of twenty different calendar weeks, whether or not such weeks were consecutive, in either the current or the preceding calendar year, had in employment at least one individual (irrespective of whether the same individual was in employment in each such day); except that for the purposes of this definition, services performed in "agricultural labor" as defined in paragraph (a) of subdivision (1) of subsection 12 of section 288.034 and in "domestic services" as defined in subdivisions (2) and (13) of subsection 12 of section 288.034 shall not be considered;

(3) Any governmental entity for which service in employment as defined in subsection 7 of section 288.034 is performed;

(4) Any employing unit for which service in employment as defined in subsection 8 of section 288.034 is performed during the current or preceding calendar year;

(5) Any employing unit for which service in employment as defined in paragraph (b) of subdivision (1) of subsection 12 of section 288.034 is performed during the current or preceding calendar year;

(6) Any employing unit for which service in employment as defined in subsection 13 of section 288.034 is performed during the current or preceding calendar year;

(7) Any individual, type of organization or employing unit which has been determined to be a successor pursuant to section 288.110;

(8) Any individual, type of organization or employing unit which has elected to become subject to this law pursuant to subdivision (1) of subsection 3 of section 288.080;

(9) Any individual, type of organization or employing unit which, having become an employer, has not pursuant to section 288.080 ceased to be an employer;

(10) Any employing unit subject to the Federal Unemployment Tax Act or which, as a condition for approval of this law for full tax credit against the tax imposed by the Federal Unemployment Tax Act, is required, pursuant to such act, to be an employer pursuant to this law.

2. (1) Notwithstanding any other provisions of this law, any employer, individual, organization, partnership, corporation, other legal entity or employing unit that meets the definition of "lessor employing unit", as defined in subdivision (5) of this subsection, shall be liable for contributions on wages paid by the lessor employing unit to individuals performing services for client lessees of the lessor employing unit. Unless the lessor employing unit has timely complied with the provisions of subdivision (3) of this subsection, any employer, individual, organization, partnership, corporation, other legal entity or employing unit which is leasing individuals from any lessor employing unit shall be jointly and severally liable for any unpaid contributions, interest and penalties due pursuant to this law from any lessor employing unit attributable to wages for services performed for the client lessee entity by individuals leased to the client lessee entity, and the lessor employing unit shall keep separate records and submit separate quarterly contribution and wage reports for each of its client lessee entities. Delinquent contributions, interest and penalties shall be collected in accordance with the provisions of this chapter.

(2) Notwithstanding the provisions of subdivision (1) of this subsection, any governmental entity or nonprofit organization that meets the definition of "lessor employing unit", as defined in subdivision (5) of this subsection, and has elected to become liable for payments in lieu of contributions as provided in subsection 3 of section 288.090, shall pay the division payments in lieu of contributions, interest, penalties and surcharges in accordance with section 288.090 on benefits paid to individuals performing services for the client lessees of the lessor employing unit. If the lessor employing unit has not timely complied with the provisions of subdivision (3) of this subsection, any client lessees with services attributable to and performed for the client lessees shall be jointly and severally liable for any unpaid payments in lieu of contributions, interest, penalties and surcharges due pursuant to this law. The lessor employing unit shall keep separate records and submit separate quarterly contribution and wage reports for each of its client lessees. Delinquent payments in lieu of contributions, interest, penalties and surcharges shall be collected in accordance with subsection 3 of section 288.090. The election to be liable for payments in lieu of contributions made by a governmental entity or nonprofit organization meeting the definition of "lessor employing unit" may be terminated by the division in accordance with subsection 3 of section 288.090.

(3) In order to relieve a client lessees from joint and several liability and the separate reporting requirements imposed pursuant to this subsection, any lessor employing unit may post and maintain a surety bond issued by a corporate surety authorized to do business in Missouri in an amount equivalent to the contributions or payments in lieu of contributions for which the lessor employing unit was liable in the last calendar year in which he or she accrued contributions or payments in lieu of contributions, or one hundred thousand dollars, whichever amount is the greater, to ensure prompt payment of contributions or payments in lieu of contributions, interest, penalties and surcharges for which the lessor employing unit may be, or becomes, liable pursuant to this law. In lieu of a surety bond, the lessor employing unit may deposit in a depository designated by the director, securities with marketable value equivalent to the amount required for a surety bond. The securities so deposited shall include authorization to the director to sell any securities in an amount sufficient to pay any contributions or payments in lieu of contributions, interest, penalties and surcharges which the lessor employing unit fails to promptly pay when due. In lieu of a surety bond or securities as described in this subdivision, any lessor employing unit may provide the director with an irrevocable letter of credit, as defined in section 409.5-103, RSMo, issued by any state or federally chartered financial institution, in an amount equivalent to the amount required for a surety bond as described in this subdivision. In lieu of a surety bond, securities or an irrevocable letter of credit, a lessor employing unit may obtain a certificate of deposit issued by any state or federally chartered financial institution, in an amount equivalent to the amount required for a surety bond as described in this subdivision. The certificate of deposit shall be pledged to the director until release by the director. As used in this subdivision, the term "certificate of deposit" means a certificate representing any deposit of funds in a state or federally chartered financial institution for a specified period of time which earns interest at a fixed or variable rate, where such funds cannot be withdrawn prior to a specified time without forfeiture of some or all of the earned interest.

(4) Any lessor employing unit which is currently engaged in the business of leasing individuals to client lessees shall comply with the provisions of subdivision (3) of this subsection by September 28, 1992. Lessor employing units not currently engaged in the business of leasing individuals to client lessees shall comply with subdivision (3) of this subsection before entering into a written lease agreement with client lessees.

(5) As used in this subsection, the term "lessor employing unit" means an independently established business entity, governmental entity as defined in subsection 1 of section 288.030 or nonprofit organization as defined in subsection 3 of section 288.090 which, pursuant to a written lease agreement between the lessor employing unit and the client lessees, engages in the business of providing individuals to any other employer, individual, organization, partnership, corporation, other legal entity or employing unit referred to in this subsection as a client lessee.

(6) The provisions of this subsection shall not be applicable to private employment agencies who provide their employees to employers on a temporary help basis provided the private employment agencies are liable as employers for the payment of contributions on wages paid to temporary workers so employed.

3. After September 30, 1986, notwithstanding any provision of section 288.034, for the purpose of this law, in no event shall a for-hire motor carrier as regulated by the Missouri division of motor carrier and railroad safety or whose operations are confined to a commercial zone be determined to be the employer of a lessor as defined in **49 CFR section 376.2(f), or of a driver receiving remuneration from a lessor as defined in 49 CFR section 376.2(f)** [section 288.030 or of a driver receiving remuneration from a lessor], provided, however, the term "for-hire motor carrier" shall in no event include an organization described in Section 501(c)(3) of the Internal Revenue Code or any governmental entity.

4. The owner or operator of a beauty salon or similar establishment shall not be determined to be the employer of a person who utilizes the facilities of the owner or operator but who receives neither salary, wages or other compensation from the owner or operator and who pays the owner or operator rent or other payments for the use of the facilities.”; and

Further amend said bill, Section 288.035, Page 1, Lines 1 thru 11, by deleting all of said lines and inserting in lieu thereof the following:

“288.035. Notwithstanding the provisions of section 288.034, RSMo, in the case of an individual who is the owner, **as defined in subsection 43 of section 301.010, RSMo**, and operator of a motor vehicle which is leased or contracted with a driver to a for-hire common or contract motor vehicle carrier operating within a commercial zone as defined in section 390.020 or 390.041, or operating under a certificate issued by **the Missouri department of transportation or by the United States Department of Transportation or any of its subagencies** [the motor carrier and railroad safety division of the department of economic development under provisions of this chapter or by the interstate commerce commission], such owner/operator shall not be deemed to be an employee, provided, however, such individual owner and operator shall be deemed to be in employment if the for-hire common or contract vehicle carrier is an organization described in section 501(c)(3) of the Internal Revenue Code or any governmental entity.”; and

Further amend said bill, Section 288.040, Page 7, Line 64, by inserting immediately after said line the following:

“The provisions of subsection 1 of this section of this act shall become effective on January 1, 2007.”; and

Further amend said bill, Section 288.045, Page 10, Line 11, by deleting the word **“department”**, and inserting in lieu thereof the word **“division”**; and

Further amend said bill, Section 288.045, Page 12, Line 89, by deleting the word **“clamant’s”**, and inserting in lieu thereof the word **“claimant’s”**; and

Further amend said bill, Section 288.050, Page 15, Lines 79 and 80, by deleting all of said lines and inserting in lieu thereof the following:

“excess of six times the claimant’s weekly benefit amount for each disqualification.”; and

Further amend said bill, Section 288.120, Page 21, Line 132, by deleting said line and inserting in lieu thereof the following:

“surcharge authorized under this subsection exceed ten and one-half percent. For purposes of this subsection, the balance in the trust fund shall be determined to be the same as the balance in the trust fund established pursuant to subdivision (2) of subsection 2 of section 288.036.”; and

Further amend said bill, Section 288.128, Page 23, Lines 42 and 43, by deleting all of said lines and inserting in lieu thereof the following:

“3. This subsection shall only be effective in any year in which the unemployment compensation trust fund does not have sufficient money to”; and

Further amend said bill, Section 288.128, Page 23, Line 44, by deleting all of said line and inserting in lieu thereof the following:

“meet the minimum level of debt service required for the following twelve months, as determined by the division, and only”; and

Further amend said bill, Section 288.128, Page 24, Line 69, by inserting immediately after the word “notified”, the following words:

“by the division”; and

Further amend said bill, Section 288.475, Page 46, Line 79, by inserting immediately after said line the following:

“Section B. Unless a different effective date is stated, the provisions of this act shall become effective on October 1, 2006.”; and

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

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

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

AMEND House Committee Substitute for House Bill No. 1456, Page 24, Section 288.128, Line 70, by inserting immediately after said line the following:

“Moneys collected from the credit instrument and financing agreement emergency repayment fee shall only be used to repay principal on loans obtained for the purpose of paying unemployment benefits. Moneys collected from credit instrument and financing agreement emergency repayment fee shall be credited to the accounts of employers remitting such fee and shall be deposited into the unemployment compensation fund.”; and

Further amend said bill, Page 26, Section 288.310, by deleting all of said section and inserting in lieu thereof the following:

“288.310. 1. There is hereby created in the state treasury a special fund to be known as the "Special Employment Security Fund". All interest and penalties collected under the provisions of this law, including moneys collected pursuant to section 288.128 for the payment of interest due on federal advances received pursuant to section 288.330, or subject to appropriation, or supplemental appropriation, by the general assembly, amounts received pursuant to **subdivision 1 of subsection 288.128** [the credit instrument and financing agreement repayment surcharge pursuant to section 288.128] related to the payment of [principal,] interest[,] and administrative expenses related to credit instruments issued under section 288.330, or the payment of the [principal,] interest[,] and administrative expenses related to financial agreements under subdivision (17) of subsection 2 of section 288.330, or the payment of the [principal,] interest[,] and administrative expenses related to a combination of credit instruments and financial agreements shall be paid into this fund. The moneys collected pursuant to **subdivision 1 of section 288.128** [shall] **may** be used for the payment of interest due on federal advances received pursuant to section 288.330. Amounts received pursuant to [the credit instrument and financing agreement repayment surcharge pursuant to] subsection [3] **1** of section 288.128 shall be used, following appropriation by the general assembly [and exclusively] for payment of [principal,] interest[,] and administrative expenses related to credit instruments issued under that section, or the payment of [principal,] interest[,] and administrative expenses related to financial agreements under subdivision (17) of subsection 2 of section 288.330, or the payment of the [principal,] interest[,] and administrative expenses related to a combination of credit instruments and financial agreements. Such moneys, except for moneys collected pursuant to section 288.128, shall not be expended or available for expenditure in any manner which would permit their substitution for, or a corresponding reduction in, federal funds which would in the absence of such money be available to finance expenditures for the administration of the employment security law, but nothing in this section shall prevent such moneys, except for moneys collected pursuant to section 288.128, from being used as a revolving fund, to cover expenditures, necessary and proper under the law, for which federal funds have been duly requested but not yet received, subject to the charging of such expenditures against such funds when received. Subject to the approval of the director of the department of labor and industrial relations, the moneys in this fund, except for moneys collected pursuant to section 288.128, shall be used by the department of labor and industrial relations for the payment of costs of administration which are found not to have been properly and validly chargeable against federal grants or other funds received for or in the unemployment compensation administration fund. Such moneys, except for moneys collected pursuant to section 288.128, shall be available either to satisfy the obligations incurred by the department of labor and industrial relations for the division directly or by requesting the board of fund commissioners to transfer the required amount from the special employment security fund to the unemployment compensation administration fund. The board of fund commissioners shall upon receipt of a written request of the department of labor and industrial relations make any such transfer. No expenditures of this fund or transfer herein provided, except for moneys collected pursuant to section 288.128, shall be made unless and until the director of the department of labor and industrial relations finds that no other funds are available or can properly be used to finance such expenditures, except that as hereinafter authorized expenditures from such fund may be made for the purpose of acquiring lands and buildings, or for the erection of buildings on lands so acquired, which are deemed necessary by the director of the department of labor and industrial relations for the proper administration of this law. The director of the department of labor and industrial relations shall order the transfer of such funds or the payment of any such obligation and such funds shall be paid by the state treasurer on requisitions drawn by the director of the department of labor and industrial relations directing the state auditor to issue his or her warrant therefor. Any such warrant shall be drawn by the state auditor based upon bills of particulars and vouchers certified by an officer or employee designated by the director of the department of labor and industrial relations. Such certification shall among

other things include a duly certified copy of the director of the department of labor and industrial relations' findings hereinbefore referred to. The moneys in this fund, except for moneys collected pursuant to section 288.128, are hereby specifically made available to replace, within a reasonable time, any moneys received by this state pursuant to section 302 of the Federal Social Security Act (42 U.S.C.A. Sec. 502), as amended, which, because of any action or contingency, have been lost or have been expended for purposes other than, or in amounts in excess of, those necessary for the proper administration of the employment security law. The moneys in this fund shall be continuously available to the director of the department of labor and industrial relations for expenditure in accordance with the provisions of this section and shall not lapse at any time or be transferred to any other fund except as herein provided.

2. The director of the department of labor and industrial relations, subject to the approval of the board of public buildings, is authorized and empowered to use all or any part of the funds in the special employment security fund, except for moneys collected pursuant to section 288.128, for the purpose of acquiring suitable office space for the division by way of purchase, lease, contract or in any other manner, including the right to use such funds or any part thereof to purchase land and erect thereon such buildings as he or she shall deem necessary or to assist in financing the construction of any building erected by the state of Missouri or any of its agencies wherein available space will be provided for the division under lease or contract between the department of labor and industrial relations and the state of Missouri or such other agency. The director of the department of labor and industrial relations may transfer from the unemployment compensation administration fund to the special employment security fund amounts not exceeding funds specifically available to the department of labor and industrial relations for that purpose, equivalent to the fair reasonable rental value of any land and buildings acquired for its use until such time as the full amount of the purchase price of such land and buildings and such cost of repair and maintenance thereof as was expended from the special employment security fund has been returned to such fund.

3. The director of the department of labor and industrial relations may also transfer from the unemployment compensation administration fund to the special employment security fund amounts not exceeding funds specifically available to the department of labor and industrial relations for that purpose, equivalent to the fair reasonable rental value of space used by the department of labor and industrial relations in any building erected by the state of Missouri or any of its agencies until such time as the department of labor and industrial relations' proportionate amount of the purchase price of such building and the department of labor and industrial relations' proportionate amount of such costs of repair and maintenance thereof as was expended from the special employment security fund has been returned to such fund.”; and

Further amend said bill, Page 28, Section 288.330, by deleting all of said section and inserting in lieu thereof the following:

“288.330. 1. Benefits shall be deemed to be due and payable only to the extent that moneys are available to the credit of the unemployment compensation fund and neither the state nor the division shall be liable for any amount in excess of such sums. The governor is authorized to apply for an advance to the state unemployment fund and to accept the responsibility for the repayment of such advance in order to secure to this state and its citizens the advantages available under the provisions of federal law.

2. (1) The purpose of this subsection is to provide a method of providing funds for the payment of unemployment benefits or maintaining an adequate fund balance in the unemployment compensation fund, and as an alternative to borrowing or obtaining advances from the federal unemployment trust fund or for refinancing those loans or advances.

(2) For the purposes of this subsection, "credit instrument" means any type of borrowing obligation issued under this section, including any bonds, commercial line of credit note, tax anticipation note or similar instrument.

(3) (a) There is hereby created for the purposes of implementing the provisions of this subsection a body corporate and politic to be known as the "Board of Unemployment Fund Financing". The powers of the board shall be vested in five board members who shall be the governor, lieutenant governor, attorney general, director of the department of labor, and the commissioner of administration. The board shall have all powers necessary to effectuate its purposes including, without limitation, the power to provide a seal, keep records of its proceedings, and provide for professional services. The governor shall serve as chair, the lieutenant governor shall serve as vice chair, and the commissioner of administration shall serve as secretary. Staff support for the board shall be provided by the commissioner of administration;

(b) Notwithstanding the provisions of any other law to the contrary:

a. No officer or employee of this state shall be deemed to have forfeited or shall forfeit his or her office or employment by reason of his or her acceptance of an appointment as a board member or for his or her service to the board;

b. Board members shall receive no compensation for the performance of their duties under this subsection, but each commissioner shall be reimbursed from the funds of the commission for his or her actual and necessary expenses incurred in carrying out his or her official duties under this subsection.

(c) In the event that any of the board members or officers of the board whose signatures or facsimile signatures appear on any credit instrument shall cease to be board members or officers before the delivery of such credit instrument, their signatures or facsimile signatures shall be valid and sufficient for all purposes as if such board members or officers had remained in office until delivery of such credit instrument.

(d) Neither the board members executing the credit instruments of the board nor any other board members shall be subject to any personal liability or accountability by reason of the issuance of the credit instruments.

(4) The board is authorized, by offering for public negotiated sale, to issue, sell, and deliver credit instruments, bearing interest at a fixed or variable rate as shall be determined by the board, which shall mature no later than [three] **ten** years after issuance, in the name of the board in an amount determined by the board not to exceed a total of four hundred fifty million dollars, less the principal amount of any financing agreement entered into under subdivision (17) of this subsection, for the purposes set forth in subdivision (1) of this subsection. Such credit instrument may only be issued upon the approval of a resolution authorizing such issuance by a simple majority of the members of the board, with no other proceedings required. [No credit instrument may be outstanding hereunder after January 15, 2008.]

(5) The board shall provide for the payment of the principal of the credit instruments, any redemption premiums, the interest on the credit instruments, and the costs attributable to the credit instruments being issued or outstanding as provided in this **chapter** [subsection and in section 288.310]. Unless the board directs otherwise, the credit instrument shall be repaid in the same time frame and in the same amounts as would be required for loans issued pursuant to 42 U.S.C. Section 1321; however, in no case shall credit instruments be outstanding for more than [three] **ten** years [and further provided that no credit instruments shall be outstanding hereunder after January 15, 2008].

(6) The board may irrevocably pledge money received from the credit instrument and financing agreement **emergency** repayment [surcharge] **fee** under subsection 3 of section 288.128, and other money legally available to it, which is deposited in an account [created] **authorized** for credit instrument repayment[in the special employment security fund], provided that the general assembly has first appropriated moneys received from such [surcharge] **fee** and other moneys deposited in such account for the payment of credit instruments.

(7) Credit instruments issued under this section shall not constitute debts of this state or of the board or any agency, political corporation, or political subdivision of this state and are not a pledge of the faith and credit of this state, the board or of any of those governmental entities and shall not constitute an indebtedness within the meaning of any constitutional or statutory limitation upon the incurring of indebtedness. The credit instruments are payable only from revenue provided for under this chapter. The credit instruments shall contain a statement to the effect that:

(a) Neither the state nor the board nor any agency, political corporation, or political subdivision of the state shall be obligated to pay the principal or interest on the credit instruments except as provided by this section; and

(b) Neither the full faith and credit nor the taxing power of the state nor the board nor any agency, political corporation, or political subdivision of the state is pledged to the payment of the principal, premium, if any, or interest on the credit instruments.

(8) The board pledges and agrees with the owners of any credit instruments issued under this section that the state will not limit or alter the rights vested in the board to fulfill the terms of any agreements made with the owners or in any way impair the rights and remedies of the owners until the credit instruments are fully discharged.

(9) The board may prescribe the form, details, and incidents of the credit instruments and make such covenants that in its judgment are advisable or necessary to properly secure the payment thereof. If such credit instruments shall be authenticated by the bank or trust company acting as registrar for such by the manual signature of a duly authorized officer or employee thereof, the duly authorized officers of the board executing and attesting such credit instruments may all do so by facsimile signature provided such signatures have been duly filed as provided in the uniform facsimile signature of public officials law, sections 105.273 to 105.278, RSMo, when duly authorized by resolution of the board, and the provisions of section 108.175, RSMo, shall not apply to such credit instruments. The board may provide for the flow of funds and the establishment and maintenance of separate accounts within the special employment security fund, including the interest and sinking account, the reserve account, and other necessary accounts, and may make additional covenants with respect to the credit instruments in the documents authorizing the issuance of credit instruments including refunding credit instruments. The resolutions authorizing the issuance of credit instruments may also prohibit the further issuance of credit instruments or other obligations payable from appropriated moneys or may reserve the right to issue additional credit instruments to be payable from appropriated moneys on a parity with or subordinate to the lien and pledge in support of the credit instruments being issued and may contain other provisions and covenants as determined by the board, provided that any terms, provisions or covenants provided in any resolution of the board shall not be inconsistent with the provisions of this section.

(10) The board may issue credit instruments to refund all or any part of the outstanding credit instruments issued under this section including matured but unpaid interest. As with other credit instruments issued under this section, such refunding credit instruments may bear interest at a fixed or variable rate as determined by the board. [No such refunding credit instruments may be outstanding for more than three years or after January 15, 2008.]

(11) The credit instruments issued by the board, any transaction relating to the credit instruments, and profits made from the sale of the credit instruments are free from taxation by the state or by any municipality, court, special district, or other political subdivision of the state.

(12) As determined necessary by the board the proceeds of the credit instruments less the cost of issuance shall be placed in the state's unemployment compensation fund and may be used for the purposes for which that fund may otherwise be used. If those net proceeds are not placed immediately in the unemployment compensation fund they shall be held in the special employment security fund in an account designated for that purpose until they are transferred to the unemployment compensation fund provided that the proceeds of refunding credit instruments may be placed in an escrow account or such other account or instrument as determined necessary by the board.

(13) The board may enter into any contract or agreement deemed necessary or desirable to effectuate cost-effective financing hereunder. Such agreements may include credit enhancement, credit support, or interest rate agreements including, but not limited to, arrangements such as municipal bond insurance; surety bonds; tax anticipation notes; liquidity facilities; forward agreements; tender agreements; remarketing agreements; option agreements; interest rate swap, exchange, cap, lock or floor agreements; letters of credit; and purchase agreements. Any fees or costs associated with such agreements shall be deemed administrative expenses [for the purposes of calculating the credit instrument and financing agreement repayment surcharge under subsection 3 of section 288.128. The board, with consideration of all other costs being equal, shall give preference to Missouri-headquartered financial institutions, or those out-of-state-based financial institutions with at least one hundred Missouri employees].

(14) To the extent this section conflicts with other laws the provisions of this section prevail. This section shall not be subject to the provisions of sections 23.250 to 23.298, RSMo.

(15) If the United States Secretary of Labor holds that a provision of this subsection or of any provision related to the levy or use of the credit instrument and financial agreement repayment surcharge does not conform with a federal statute or would result in the loss to the state of any federal funds otherwise available to it the board, in cooperation with the department of labor and industrial relations, may administer this subsection, and other provisions related to the credit instrument and financial agreement **emergency** repayment [surcharge] **fee**, to conform with the federal statute until the general assembly meets in its next regular session and has an opportunity to amend this subsection or other sections, as applicable.

(16) Nothing in this chapter shall be construed to prohibit the officials of the state from borrowing from the government of the United States in order to pay unemployment benefits under subsection 1 of this section or otherwise.

(17) (a) As used in this subdivision the term "lender" means any state or national bank.

(b) The board is authorized to enter financial agreements with any lender for the purposes set forth in subdivision (1) of this subsection, or to refinance other financial agreements in whole or in part, upon the approval of the simple majority of the members of the board of a resolution authorizing such financial agreements, with no other proceedings required. The total amount of the outstanding obligation under all such agreements shall not exceed the difference of four hundred fifty million dollars and the principal amount of credit instruments issued under this subsection. In no instance shall the outstanding obligation under any financial agreement continue for more than [three] **ten** years[, and no such financial agreement, whether entered into for refinancing purposes or otherwise, shall be outstanding after January 15, 2008]. Repayment of obligations to lenders shall be made from the special employment security fund, section 288.310, **or principal incurred due to the payment of unemployment benefits may be repaid from the unemployment compensation fund**, subject to appropriation by the general assembly.

(c) Financial agreements entered into under this subdivision shall not constitute debts of this state or of the board or any agency, political corporation, or political subdivision of this state and are not a pledge of the faith and credit of this state, the board or of any of those governmental entities and shall not constitute an indebtedness within the meaning of any constitutional or statutory limitation upon the incurring of indebtedness. The financial agreements are payable only from revenue provided for under this chapter. The financial agreements shall contain a statement to the effect that:

a. Neither the state nor the board nor any agency, political corporation, or political subdivision of the state shall be obligated to pay the principal or interest on the financial agreements except as provided by this section; and

b. Neither the full faith and credit nor the taxing power of the state nor the board nor any agency, political corporation, or political subdivision of the state is pledged to the payment of the principal, premium, if any, or interest on the financial agreements.

(d) Neither the board members executing the financial agreements nor any other board members shall be subject to any personal liability or accountability by reason of the execution of such financial agreements.

(e) The board may prescribe the form, details and incidents of the financing agreements and make such covenants that in its judgment are advisable or necessary to properly secure the payment thereof provided that any terms, provisions or covenants provided in any such financing agreement shall not be inconsistent with the provisions of this section. If such financing agreements shall be authenticated by the bank or trust company acting as registrar for such by the manual signature of a duly authorized officer or employee thereof, the duly authorized officers of the board executing and attesting such financing agreements may all do so by facsimile signature provided such signatures have been duly filed as provided in the uniform facsimile signature of public officials law, sections 105.273 to 105.278, RSMo, when duly authorized by resolution of the board and the provisions of section 108.175, RSMo, shall not apply to such financing agreements.

(18) The commission may issue credit instruments to refund all or any part of the outstanding borrowing issued under this section including matured but unpaid interest.

(19) The credit instruments issued by the commission, any transaction relating to the credit instruments, and profits made from the issuance of credit are free from taxation by the state or by any municipality, court, special district, or other political subdivision of the state.

3. In event of the suspension of this law, any unobligated funds in the unemployment compensation fund, and returned by the United States Treasurer because such Federal Social Security Act is inoperative, shall be held in custody by the treasurer and under supervision of the division until the legislature shall provide for the disposition thereof. In event no disposition is made by the legislature at the next regular meeting subsequent to suspension of said law, then all unobligated funds shall be returned ratably to those who contributed thereto.

4. For purposes of this section, as contained in senate substitute no. 2 for senate committee substitute for house substitute for house committee substitute for house bill nos. 1268 and 1211, ninety-second general assembly, second regular session, the revisor of statutes shall renumber subdivision (16) of subsection 2 of such section as subdivision (17) of such subsection and renumber subdivision (17) of subsection 2 of such section as subdivision (16) of such subsection."; and

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

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

Representative St. Onge offered **House Amendment No. 3**.

House Amendment No. 3

AMEND House Committee Substitute for House Bill No. 1456, Pages 44 through 46, Section 288.475, Lines 1 thru 79, by deleting all of said lines; and

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

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

House Amendment No. 1

to

House Amendment No. 3

AMEND House Amendment No. 3 to House Committee Substitute for House Bill No. 1456, by inserting after all of said amendment one new section to read as follows:

"288.476. No person shall be appointed to the Missouri State Unemployment Council as representative of employees if such person, in his or her profession or vocation, has responsibility to represent employers on matters relating to unemployment compensation. No person shall be appointed to the Missouri State Unemployment Council as a representative of employers if such person, in his or her profession or vocation, has a responsibility to represent employees on matters relating to unemployment compensation."; and

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

Representative Hunter moved that **House Amendment No. 1 to House Amendment No. 3** be adopted.

Which motion was defeated.

On motion of Representative St. Onge, **House Amendment No. 3** was adopted by the following vote:

AYES: 105

Aull	Baker 123	Behnen	Bivins	Black
Bland	Bogetto	Bowman	Boykins	Bringer
Brooks	Brown 50	Bruns	Burnett	Casey
Chappelle-Nadal	Cooper 155	Cooper 158	Corcoran	Curls
Darrough	Daus	Deeken	Donnelly	Dougherty
Dusenberg	El-Amin	Faith	Fares	Flook
Frame	Fraser	George	Guest	Harris 23
Harris 110	Haywood	Henke	Hobbs	Hoskins
Hubbard	Hughes	Jackson	Johnson 47	Johnson 61
Johnson 90	Jolly	Kingery	Kratky	Kraus
Kuessner	Lampe	Lembke	LeVota	Liese
Lipke	Low 39	Lowe 44	May	McGhee
Meadows	Meiners	Moore	Munzlinger	Nance
Nolte	Oxford	Page	Parker	Pearce
Pollock	Pratt	Robinson	Roorda	Rupp
Salva	Sater	Schlottach	Schneider	Schoemehl
Shoemyer	Silvey	Skaggs	Smith 14	Smith 118
Smith 150	Spreng	Stevenson	St. Onge	Storch
Sutherland	Swinger	Villa	Vogt	Wagner
Walsh	Whorton	Wildberger	Wilson 130	Witte
Wright-Jones	Yaeger	Yates	Young	Zweifel

NOES: 049

Bean	Bearden	Chinn	Cooper 120	Cunningham 145
Cunningham 86	Davis	Day	Dempsey	Denison
Dethrow	Dixon	Emery	Ervin	Fisher
Franz	Hunter	Icet	Jones	Kelly
Lager	Loehner	Marsh	Muschany	Nieves
Parson	Phillips	Portwood	Quinn	Rector
Richard	Roark	Robb	Ruestman	Sander
Schaaf	Schad	Self	Threlkeld	Tilley
Viebrock	Wasson	Wells	Weter	Wilson 119
Wood	Wright 137	Wright 159	Mr Speaker	

PRESENT: 000

ABSENT WITH LEAVE: 009

Avery	Baker 25	Brown 30	Dake	Myers
Rucker	Scharnhorst	Wallace	Walton	

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

AMEND House Committee Substitute for House Bill No. 1456, Page 44, Section 290.595, Lines 1 to 30, by deleting all of said lines; and

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

Representative Burnett moved that **House Amendment No. 4** be adopted.

Which motion was defeated by the following vote:

AYES: 075

Aull	Baker 123	Bivins	Bland	Bogetto
Bowman	Boykins	Bringer	Brooks	Brown 50
Burnett	Casey	Chappelle-Nadal	Corcoran	Curls
Darrough	Daus	Donnelly	Dougherty	El-Amin
Flook	Frame	Fraser	George	Harris 23
Harris 110	Haywood	Henke	Hoskins	Hubbard
Hughes	Johnson 47	Johnson 61	Johnson 90	Jolly
Kratky	Kraus	Kuessner	Lampe	Lembke
LeVota	Liese	Lipke	Low 39	Lowe 44
McGhee	Meadows	Meiners	Nolte	Oxford
Page	Parker	Robinson	Roorda	Salva
Schoemehl	Shoemyer	Silvey	Skaggs	Spreng
St. Onge	Storch	Swinger	Tilley	Villa
Vogt	Wagner	Walsh	Whorton	Wildberger
Witte	Wright-Jones	Yaeger	Young	Zweifel

NOES: 078

Bean	Bearden	Behnen	Black	Bruns
Chinn	Cooper 120	Cooper 155	Cooper 158	Cunningham 145
Cunningham 86	Davis	Day	Deeken	Dempsey
Denison	Dethrow	Dixon	Dusenberg	Emery
Ervin	Faith	Fares	Fisher	Franz
Guest	Hobbs	Hunter	Icet	Jackson
Jones	Kelly	Kingery	Lager	Loehner
Marsh	May	Moore	Munzlinger	Muschany
Nance	Nieves	Parson	Pearce	Phillips
Pollock	Portwood	Pratt	Quinn	Rector
Richard	Roark	Robb	Ruestman	Rupp
Sander	Sater	Schaaf	Schad	Schlottach
Self	Smith 14	Smith 118	Smith 150	Stevenson
Sutherland	Threlkeld	Viebrock	Wasson	Wells
Weter	Wilson 119	Wilson 130	Wood	Wright 137
Wright 159	Yates	Mr Speaker		

PRESENT: 000

ABSENT WITH LEAVE: 010

Avery	Baker 25	Brown 30	Dake	Myers
Rucker	Scharnhorst	Schneider	Wallace	Walton

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

House Amendment No. 5

AMEND House Committee Substitute for House Bill No. 1456, Page 13, Section 288.046, by deleting all of said section; and

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

Representative Vogt moved that **House Amendment No. 5** be adopted.

Which motion was defeated by the following vote:

AYES: 063

Aull	Bland	Bogetto	Bowman	Bringer
Brown 50	Burnett	Casey	Chappelle-Nadal	Corcoran
Curls	Darrough	Daus	Donnelly	Dougherty
El-Amin	Frame	Fraser	George	Harris 23
Harris 110	Haywood	Henke	Hoskins	Hubbard
Hughes	Johnson 61	Johnson 90	Jolly	Kratky
Kuessner	Lampe	LeVota	Liese	Low 39
Lowe 44	Meadows	Meiners	Nolte	Oxford
Page	Parker	Robinson	Roorda	Salva
Schoemehl	Shoemyer	Silvey	Skaggs	Spreng
Storch	Swinger	Villa	Vogt	Wagner
Walsh	Whorton	Wildberger	Witte	Wright-Jones
Yaeger	Young	Zweifel		

NOES: 090

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

PRESENT: 001

Brooks

ABSENT WITH LEAVE: 009

Avery	Baker 25	Boykins	Brown 30	Dake
Myers	Rucker	Wallace	Walton	

Representative Smith (118) offered **House Amendment No. 6.**

House Amendment No. 6

AMEND House Committee Substitute for House Bill No. 1456, Page 4, Section 288.036, Line 81, by deleting the opening bracket “[“ on said line; and

Further amend said section, Page 4, Lines 84-93, by deleting all of said lines and inserting in lieu thereof, the following:

“less than seven thousand dollars.”; and

Further amend said bill, Page 4, Section 288.038, Line 9, by deleting the opening bracket “[“ on said line; and

Further amend said section, Page 5, Lines 17 through 35, by deleting all of said lines and inserting in lieu thereof the following:

“year 2010, and each calendar year thereafter. If such benefit amount is not a multiple of one dollar, such amount shall be”; and

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

Representative Roark offered **House Substitute Amendment No. 1 for House Amendment No. 6.**

*House Substitute Amendment No. 1
for
House Amendment No. 6*

AMEND House Committee Substitute for House Bill No. 1456, Page 5, Section 288.038, Lines 17 through 35, by deleting all of said lines and inserting in lieu thereof the following:

“year 2010, and each calendar year thereafter]. **Beginning in calendar year 2006 and continuing each calendar year thereafter, the maximum weekly benefit amount shall not exceed two hundred seventy dollars if the balance of the unemployment compensation trust fund is less than or equal to four hundred million dollars. Beginning on January first of the year following the year in which the balance in the unemployment compensation trust fund exceeds four hundred million dollars, the maximum weekly benefit amount shall increase to two hundred eighty dollars. In each subsequent year in which the unemployment compensation trust fund balance exceeds four hundred million dollars the maximum weekly benefit amount shall increase by ten dollars, except in no case shall the weekly benefit amount increase beyond three hundred twenty dollars. For purposes of this section, the balance in the fund shall be determined to be the balance in the unemployment compensation trust fund on the preceding September thirtieth less any outstanding federal Title XII advances received under section 288.330, or if the fund is not utilizing moneys advanced by the federal government, then less the principal, interest, and administrative expenses related to credit instruments issued under section 288.330, or the principal, interest, and administrative expenses related to financial agreements under subdivision (17) of section 288.330, or the principal, interest, and administrative expenses related to a combination of Title XII advances, credit instruments, and financial agreements.** If such benefit amount is not a multiple of one dollar, such amount shall be”; and

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

Representative Roark moved that **House Substitute Amendment No. 1 for House Amendment No. 6** be adopted.

Which motion was defeated by the following vote:

AYES: 024

Bearden	Cooper 120	Cunningham 145	Cunningham 86	Davis
Day	Dethrow	Dixon	Emery	Fisher
Hunter	Jackson	Kelly	Marsh	May
Muschany	Quinn	Rector	Richard	Roark
Robb	Ruestman	Schad	Mr Speaker	

NOES: 128

Aull	Baker 123	Behnen	Bivins	Black
Bland	Bogetto	Bowman	Boykins	Bringer
Brooks	Brown 50	Bruns	Burnett	Casey
Chinn	Chappelle-Nadal	Cooper 155	Cooper 158	Corcoran
Curls	Darrough	Daus	Deeken	Dempsey
Denison	Donnelly	Dougherty	Dusenberg	El-Amin
Ervin	Faith	Fares	Flook	Frame
Franz	Fraser	George	Guest	Harris 23
Harris 110	Haywood	Henke	Hobbs	Hoskins
Hubbard	Hughes	Ice	Johnson 47	Johnson 61
Johnson 90	Jolly	Jones	Kingery	Kratky
Kraus	Kuessner	Lager	Lampe	Lembke
LeVota	Liese	Lipke	Loehner	Low 39
Lowe 44	McGhee	Meadows	Meiners	Moore
Munzlinger	Myers	Nance	Nieves	Nolte
Oxford	Page	Parker	Parson	Pearce
Phillips	Pollock	Portwood	Pratt	Robinson
Roorda	Rupp	Salva	Sander	Sater
Scharmhorst	Schlottach	Schneider	Schoemehl	Shoemyer
Silvey	Skaggs	Smith 14	Smith 118	Smith 150
Spreng	Stevenson	St. Onge	Storch	Sutherland
Swinger	Threlkeld	Tilley	Villa	Vogt
Wagner	Walsh	Wasson	Wells	Weter
Whorton	Wildberger	Wilson 119	Wilson 130	Witte
Wood	Wright 137	Wright 159	Wright-Jones	Yaeger
Yates	Young	Zweifel		

PRESENT: 000

ABSENT WITH LEAVE: 011

Avery	Baker 25	Bean	Brown 30	Dake
Rucker	Schaaf	Self	Viebrock	Wallace
Walton				

On motion of Representative Smith (118), **House Amendment No. 6** was adopted.

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

House Amendment No. 7

AMEND House Committee Substitute for House Bill No. 1456, Page 6, Section 288.040, Lines 34-35, by deleting the opening and closing brackets on said lines.

HCS HB 1456, as amended, with House Amendment No. 7, pending, was laid over.

HOUSE BILL WITH SENATE AMENDMENT

SCS HCS HB 1014, relating to appropriations, was taken up by Representative Icet.

Representative Icet moved that the House refuse to adopt **SCS HCS HB 1014** and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted by the following vote:

AYES: 086

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

NOES: 070

Aull	Bland	Bogetto	Bowman	Boykins
Bringer	Brooks	Brown 50	Burnett	Casey
Chinn	Chappelle-Nadal	Corcoran	Curls	Darrough
Daus	Donnelly	Dougherty	El-Amin	Faith
Frame	Fraser	George	Harris 23	Harris 110
Haywood	Henke	Hoskins	Hubbard	Hughes
Johnson 61	Johnson 90	Jolly	Kratky	Kraus
Kuessner	Lampe	LeVota	Liese	Low 39
Lowe 44	Meadows	Meiners	Nance	Nolte
Oxford	Page	Robinson	Roorda	Rupp
Salva	Schoemehl	Shoemyer	Silvey	Skaggs

Smith 150	Spreng	Storch	Swinger	Villa
Vogt	Wagner	Walsh	Whorton	Wildberger
Witte	Wright-Jones	Yaeger	Young	Zweifel

PRESENT: 000

ABSENT WITH LEAVE: 007

Avery	Baker 25	Brown 30	Dake	Rucker
Wallace	Walton			

REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

- HB 1077** - Ways and Means
- HB 1404** - Health Care Policy
- HB 1405** - Elections
- HB 1507** - Crime Prevention and Public Safety
- HB 1581** - Senior Citizen Advocacy
- HB 1639** - Special Committee on General Laws
- HB 1777** - Job Creation and Economic Development
- HB 1778** - Special Committee on Student Achievement and Finance
- HB 1793** - Children and Families
- HB 1814** - Special Committee on General Laws
- HB 1832** - Ways and Means
- HB 1840** - Crime Prevention and Public Safety
- HB 1841** - Agriculture Policy
- HB 1868** - Workforce Development and Workplace Safety
- HB 1869** - Elections
- HB 1870** - Job Creation and Economic Development
- HB 1878** - Crime Prevention and Public Safety
- HB 1879** - Transportation
- HB 1880** - Local Government
- HB 1881** - Crime Prevention and Public Safety
- HB 1882** - Crime Prevention and Public Safety
- HB 1883** - Judiciary
- HB 1887** - Crime Prevention and Public Safety
- HB 1888** - Ways and Means
- HB 1889** - Transportation
- HB 1898** - Corrections and Public Institutions
- HB 1899** - Transportation
- HB 1900** - Elections
- HB 1904** - Health Care Policy
- HB 1905** - Senior Citizen Advocacy
- HB 1918** - Transportation
- HB 1925** - Crime Prevention and Public Safety

COMMITTEE REPORTS

Committee on Fiscal Review, Chairman Guest reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HB 1742** (Fiscal Note), begs leave to report it has examined the same and recommends that it **Do Pass**.

Committee on Agriculture Policy, Chairman Myers reporting:

Mr. Speaker: Your Committee on Agriculture Policy, to which was referred **HB 1446**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.

Committee on Elementary and Secondary Education, Chairman Cunningham (86) reporting:

Mr. Speaker: Your Committee on Elementary and Secondary Education, to which was referred **HB 1059**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass by Consent**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Elementary and Secondary Education, to which was referred **HB 1449**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass by Consent**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.

Committee on Professional Registration and Licensing, Chairman Behnen reporting:

Mr. Speaker: Your Committee on Professional Registration and Licensing, to which was referred **HB 1339**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass by Consent**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Professional Registration and Licensing, to which was referred **HB 1392**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.

Special Committee on Student Achievement and Finance, Chairman Baker (123) reporting:

Mr. Speaker: Your Special Committee on Student Achievement and Finance, to which was referred **HB 1180**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass by Consent**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.

Committee on Rules, Chairman Cooper (120) reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **HB 998**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 1101**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1222**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1245**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 1333**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1358**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 1432**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1437**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1498**, begs leave to report it has examined the same and recommends that it **Do Pass, with a time limit of 4 hours for debate on Perfection**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1601**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 1632**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1687**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1722**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1732**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1827**, begs leave to report it has examined the same and recommends that it **Do Pass**.

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 1014** and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House: Senators Gross, Nodler, Champion, Dougherty and Green.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 561**, entitled:

An act to repeal section 313.820, RSMo, and to enact in lieu thereof one new section relating to excursion gambling boat admission fee revenue.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 751**, entitled:

An act to repeal section 177.091, RSMo, and to enact in lieu thereof one new section relating to public school property.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 766**, entitled:

An act to repeal section 143.782, RSMo, and to enact in lieu thereof one new section relating to income tax set offs.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 809**, entitled:

An act to repeal section 89.020, RSMo, and to enact in lieu thereof one new section relating to zoning ordinances.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 863**, entitled:

An act to repeal section 320.300, RSMo, and to enact in lieu thereof one new section relating to volunteer fire protection associations.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 893**, entitled:

An act to repeal section 321.554, RSMo, and to enact in lieu thereof one new section relating to a sales tax for districts that provide certain emergency services.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 919**, entitled:

An act to repeal section 77.580, RSMo, relating to concealed weapons in third class cities.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 936**, entitled:

An act to repeal section 182.105, RSMo, and to enact in lieu thereof one new section relating to county library district bonds.

In which the concurrence of the House is respectfully requested.

APPOINTMENT OF CONFERENCE COMMITTEE

The Speaker appointed the following Conference Committee to act with a like committee from the Senate on the following bill:

SCS HCS HB 1014: Representatives Icet, Robb, Sater, Shoemyer and Donnelly

INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

HB 1961, introduced by Representative Tilley, relating to highways.

HB 1962, introduced by Representative Fraser, relating to a homestead exemption for senior citizens and disabled persons.

HB 1963, introduced by Representative St. Onge, relating to certification standards for law enforcement officials who enforce commercial motor vehicle laws.

HB 1964, introduced by Representatives Low (39), Lowe (44), Hughes, Walsh, Jolly, Skaggs, Meiners, Brown (50), Chappelle-Nadal, Robinson, Curls, Sanders Brooks, Villa, Wright-Jones, Bland, Storch, Johnson (90), LeVota, Page, Kuessner, Salva, Young, El-Amin and Johnson (61), relating to a tax credit for service as a poll worker.

HB 1965, introduced by Representatives Sater, Weter, Smith (118), Threlkeld, Wasson, Chinn, Munzlinger, Pollock, Pearce, Dethrow, Scharnhorst, Hughes, Aull, Hobbs and Cunningham (86), relating to health savings accounts.

HB 1966, introduced by Representative Cooper (120), relating to net operating loss.

HB 1967, introduced by Representative Schlottach, relating to transient guest tax for funding the promotion of tourism.

HB 1968, introduced by Representative Zweifel, relating to the higher education loan authority.

HB 1969, introduced by Representatives Munzlinger, Myers and Hobbs, relating to the payments of cleanup costs for anhydrous ammonia releases.

HB 1970, introduced by Representatives Munzlinger, Myers and Hobbs, relating to liability for damage or destruction of field crop products.

HB 1971, introduced by Representatives Sutherland, Pearce, Moore, Young, McGhee, Brown (50), Wilson (119), Meadows, Corcoran, Chappelle-Nadal, Walton and Storch, relating to identity theft.

HB 1972, introduced by Representative Cooper (158), relating to the transition period for statewide elected officials.

COMMITTEE CHANGES

The Speaker submitted the following Committee changes:

Representative Behnen is no longer a member of the Elementary and Secondary Education Committee.

Representative Dake has been appointed a member of the Special Committee on Agri-Business.

Representative Denison is no longer a member of the Special Committee on Healthcare Facilities.

Representative Frame has been appointed a member of the Financial Institutions Committee.

Representative Harris (110) is no longer a member of the Special Committee on Agri-Business.

Representative Quinn has been appointed a member of the Budget Committee.

Representative Scharnhorst has been appointed a member of the Elementary and Secondary Education Committee.

Representative Self is no longer a member of the Budget Committee.

Representative Threlkeld has been appointed a member of the Special Committee on Healthcare Facilities.

Representative Vogt is no longer a member of the Financial Institutions Committee.

ADJOURNMENT

On motion of Representative Dempsey, the House adjourned until 10:00 a.m., Wednesday, March 8, 2006.

COMMITTEE MEETINGS

AGRICULTURE POLICY

Wednesday, March 8, 2006, House Gallery north side upon evening adjournment.
Executive session.

CHILDREN AND FAMILIES

Wednesday, March 8, 2006, 9:00 a.m. House Gallery south side.
Executive session only.

CONFERENCE COMMITTEE - APPROPRIATIONS

Thursday, March 9, 2006, 8:00 a.m. Hearing Room 3.
Public hearing to be held on: SCS HCS HB 1014

CONSERVATION AND NATURAL RESOURCES

Wednesday, March 8, 2006, 6:00 p.m. Hearing Room 1.
Executive session may follow.
Public hearings to be held on: HB 1617, HB 1374, HB 1790, HB 1459

CORRECTIONS AND PUBLIC INSTITUTIONS

Wednesday, March 8, 2006, 8:00 a.m. Hearing Room 6.
Public hearings to be held on: HB 1350, HB 999
Executive session will be held on: HB 1065, HB 1192

ELEMENTARY AND SECONDARY EDUCATION

Wednesday, March 8, 2006, 8:00 a.m. Hearing Room 3.
Executive session may follow.
Public hearings to be held on: HB 1750, HB 1522, HB 1218

HEALTH CARE POLICY

Thursday, March 9, 2006, 8:00 a.m. Hearing Room 7.
Executive session may follow. Hearing will continue on HB 1444.
Public hearings to be held on: HB 1444, HB 1534, HB 1477

JOB CREATION AND ECONOMIC DEVELOPMENT

Wednesday, March 8, 2006, 12:00 p.m. Hearing Room 6.

Executive session may follow.

Public hearings to be held on: HB 1859, HCR 25, HB 1787, HB 1629

JOINT COMMITTEE ON LEGISLATIVE RESEARCH

Monday, March 13, 2006, 11:00 a.m. Hearing Room 6.

Quarterly business meeting.

Some portions of the meeting may be closed pursuant to Section 610.021

JOINT COMMITTEE ON TAX POLICY

Monday, March 13, 2006, 12:30 p.m. Hearing Room 1.

Property assessments.

JUDICIARY

Thursday, March 9, 2006, Hearing Room 1 one hour after adjournment.

Executive session.

LOCAL GOVERNMENT

Thursday, March 9, 2006, 8:00 a.m. Hearing Room 6.

Executive session will follow.

Public hearings to be held on: HB 1710, HB 1711, HB 1733, HB 1426, HB 1201

PROFESSIONAL REGISTRATION AND LICENSING

Wednesday, March 8, 2006, 12:00 p.m. Hearing Room 1. AMENDED

Public hearings to be held on: HB 1269, HB 1244, HB 1551, HB 1693,

HB 1700, HB 1494, HB 1572

Executive session may be held on: HB 1260, HB 1515, HB 1517, HB 1553, HB 1759,

HB 1760, HB 1494, HB 1572, HB 1656, HB 1657, HB 1658, HB 1659, HB 1660,

HB 1661, HB 1662, HB 1665, HB 1666, HB 1667, HB 1669, HB 1670

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

Thursday, March 9, 2006, 8:30 a.m. Hearing Room 5.

Public hearings to be held on: HB 1001, HCS HB 1002, HCS HB 1003,

HCS HB 1004, HCS HB 1005, HCS HB 1006, HCS HB 1007, HB 1008,

HB 1009, HCS HB 1010, HCS HB 1011, HCS HB 1012, HB 1013,

HCS HB 1461, 1375, 1110 & 1103, HCS HB 1273 & 1136,

HCS HB 1559, HCS HB 1075, HCS HB 1339, HB 1392, HCS HB 1180

SENIOR CITIZEN ADVOCACY

Thursday, March 9, 2006, 8:15 a.m. Hearing Room 1.

Executive session may follow.

Public hearings to be held on: HB 1581, HB 1905, HB 1423, HB 1767

SPECIAL COMMITTEE ON HEALTHCARE FACILITIES

Wednesday, March 8, 2006, Side gallery upon afternoon adjournment.

Executive session will be held.

SPECIAL COMMITTEE ON URBAN ISSUES

Monday, March 13, 2006, 6:00 p.m. Hearing Room 3.
Public hearings to be held on: HB 1783, HB 1505
Executive session may be held on: HB 1487, HB 1135

TRANSPORTATION

Wednesday, March 8, 2006, 8:00 a.m. Hearing Room 1.
Executive session may follow.
Public hearings to be held on: HB 1634, HB 1158, HB 1541,
HB 1704, HB 1780, HB 1340

UTILITIES

Wednesday, March 8, 2006, 12:00 p.m. Hearing Room 5.
Possible Executive session.
If session runs long, committee will meet upon morning recess.

VETERANS

Wednesday, March 8, 2006, 8:00 a.m. Hearing Room 5.
Executive session may follow.
Public hearing to be held on: HB 1762

WAYS AND MEANS

Wednesday, March 8, 2006, 6:00 p.m. Hearing Room 5.
Possible Executive session.
Public hearings to be held on: HB 1692, HB 1429

WORKFORCE DEVELOPMENT AND WORKPLACE SAFETY

Wednesday, March 8, 2006, 12:00 p.m. Hearing Room 3.
Executive session may follow.
Public hearing to be held on: HB 1811

HOUSE CALENDAR

THIRTY-SEVENTH DAY, WEDNESDAY, MARCH 8, 2006

HOUSE BILLS FOR SECOND READING

HB 1961 through HB 1972

HOUSE JOINT RESOLUTIONS FOR PERFECTION

- 1 HJR 40 - Avery
- 2 HJR 44 - Whorton
- 3 HJR 39 - Bearden

HOUSE BILLS FOR PERFECTION

- 1 HCS HB 1456, as amended, HA 7, pending - Roark (4 hours on Perfection)
- 2 HCS HB 1145, 1359 & 1121 - Portwood
- 3 HCS HB 1078 - Cunningham (145)
- 4 HB 1310 - Lipke
- 5 HCS HB 1380 - St. Onge
- 6 HCS HB 1485 - Icet
- 7 HCS HB 1026 - Rucker
- 8 HB 1302 - Cooper (155)
- 9 HCS HB 1305 - Smith (118)
- 10 HB 994 - Dusenberg
- 11 HCS HB 1151 - Cunningham (86)
- 12 HCS HB 1317 - Lipke
- 13 HCS HB 1349 - Loehner
- 14 HCS HB 974 - Davis
- 15 HCS HB 1275 - Baker (123)
- 16 HB 1521 - Richard
- 17 HCS HB 1532 - Lembke
- 18 HB 1498, - Dethrow (4 hours on Perfection)
- 19 HCS HB 1632 - Cooper (120)
- 20 HB 1827 - Wasson

HOUSE BILL FOR PERFECTION - FEDERAL MANDATE

HB 1466 - Daus

HOUSE BILLS FOR PERFECTION - CONSENT

(3/01/06)

- 1 HCS HB 1153 - Emery
- 2 HB 1320 - Lipke
- 3 HCS HB 1343 - Munzlinger
- 4 HCS HB 1357 - Johnson (47)
- 5 HCS HB 1366 - Robinson
- 6 HCS HB 1367 - Hobbs
- 7 HB 1424 - Franz

(3/06/06)

- 1 HB 984 - Meadows
- 2 HB 1058 - Cunningham (86)
- 3 HCS HB 1306 - Smith (118)
- 4 HB 1491 - Walton

(3/08/06)

- 1 HB 998 - Smith (118)
- 2 HCS HB 1101 - Schaaf
- 3 HB 1222 - Cooper (158)
- 4 HB 1245 - Sater
- 5 HCS HB 1333 - Black
- 6 HB 1358 - Portwood
- 7 HCS HB 1432 - Moore
- 8 HB 1437 - Threlkeld
- 9 HB 1601 - Weter
- 10 HB 1687 - Wright (137)
- 11 HB 1722 - Sutherland
- 12 HB 1732 - Fraser

HOUSE BILLS FOR THIRD READING

- 1 HCS HB 1742, E.C. - Portwood
- 2 HCS HB 1070 - Johnson (47)

HOUSE BILLS FOR THIRD READING - CONSENT

- 1 HB 1427 - Johnson (90)
- 2 HB 1035 - Young
- 3 HCS HB 1138 - Johnson (47)
- 4 HCS HB 978 - Smith (14)
- 5 HB 1251 - Guest
- 6 HCS HB 1344, E.C. - Villa
- 7 HCS HB 1168 - Tilley
- 8 HB 1204 - Roorda
- 9 HCS HB 1100 - Schaaf
- 10 HCS HB 1232 - Smith (118)

SENATE BILLS FOR SECOND READING

- 1 SB 561
- 2 SCS SB 751
- 3 SB 766
- 4 SB 809
- 5 SB 863
- 6 SB 893
- 7 SB 919
- 8 SB 936

BILL IN CONFERENCE

SCS HCS HB 1014 - Icet

HOUSE CONCURRENT RESOLUTION

HCR 13, (2-15-06, Pages 255-256) - Sater