

# JOURNAL OF THE HOUSE

Second Regular Session, 94th GENERAL ASSEMBLY

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FORTY-NINTH DAY, TUESDAY, APRIL 8, 2008

The House met pursuant to adjournment.

Speaker Pro Tem Pratt in the Chair.

Prayer by Msgr. Donald W. Lammers.

We praise and thank You for creating us in Your image and likeness with great powers of intellect, judgment and decision. Inspire all the voters in our State to use these powers today by conscientiously casting their ballots. By the careful thought and good will of all, may we together advance the common good this day.

O Lord, we pray today also for our Nation, as our Congress considers the situation in Iraq. Protect our armed forces there. Receive the sacrifice of those who have died. Give clarity of mind to those who listen to the reports in Washington, D. C., that they may discern all aspects of the truth. Guide those who make final decisions regarding Iraq and all our involvements in the Middle East to make choices that are in harmony with Your divine will.

To You, our God, be glory and honor forever. 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: Harper Alexander Yates, Louis Lipari, Antony Cherian, Tanner Burns and Krissy Gooch.

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

## **SPECIAL RECOGNITION**

Missouri Department of Transportation (MoDOT) maintenance crew workers were introduced by Representatives Pearce, Loehner and Schlottach and recognized for their outstanding service to the State of Missouri.

## **BILL IN CONFERENCE**

**CCR SCS HCS HB 2014**, relating to appropriations, was taken up by Representative Icet.

On motion of Representative Icet, **CCR SCS HCS HB 2014** was adopted by the following vote:

AYES: 143

Aull	Baker 123	Bivins	Brandom	Bringer
Brown 30	Brown 50	Bruns	Casey	Chappelle-Nadal
Cooper 120	Corcoran	Cox	Cunningham 145	Cunningham 86
Curls	Darrrough	Daus	Davis	Day
Deeken	Denison	Dethrow	Dixon	Donnelly
Dougherty	Dusenberg	El-Amin	Emery	Ervin
Faith	Fallert	Fares	Fisher	Flook
Frame	Franz	Funderburk	Grill	Grisamore
Guest	Harris 110	Hobbs	Hodges	Holsman
Hoskins	Hubbard	Hughes	Hunter	Ice
Jones 89	Jones 117	Kasten	Kelly	Kingery
Komo	Kratky	Kraus	Kuessner	Lampe
Lembke	LeVota	Liese	Lipke	Loehner
Marsh	May	McClanahan	McGhee	Meiners
Moore	Munzlinger	Muschany	Nance	Nasheed
Nieves	Nolte	Norr	Onder	Page
Parkinson	Parson	Pearce	Pollock	Portwood
Pratt	Quinn 7	Quinn 9	Richard	Robb
Robinson	Roorda	Rucker	Ruestman	Ruzicka
Salva	Sander	Scavuzzo	Schaaf	Schad
Scharmhorst	Schieffer	Schlottach	Schneider	Schoeller
Schoemehl	Self	Shively	Silvey	Skaggs
Smith 14	Smith 150	Spreng	Stevenson	St. Onge
Storch	Stream	Sutherland	Swinger	Talboy
Thomson	Threlkeld	Tilley	Todd	Viebrock
Villa	Vogt	Wallace	Walsh	Wasson
Wells	Weter	Whorton	Wildberger	Wilson 119
Wilson 130	Witte	Wood	Wright 159	Yaeger
Young	Zimmerman	Mr Speaker		

NOES: 000

PRESENT: 001

Oxford

ABSENT WITH LEAVE: 017

Avery	Baker 25	Bland	Burnett	Cooper 155
George	Harris 23	Haywood	Johnson	Low 39
Lowe 44	Meadows	Sater	Walton	Wright-Jones
Yates	Zweifel			

VACANCIES: 002

On motion of Representative Icet, **CCS SCS HCS HB 2014** was read the third time and passed by the following vote:

AYES: 142

Aull	Baker 123	Bivins	Brandom	Bringer
Brown 30	Brown 50	Casey	Chappelle-Nadal	Cox
Cunningham 145	Cunningham 86	Curls	Darrough	Daus
Davis	Day	Deeken	Denison	Dethrow
Dixon	Donnelly	Dougherty	Dusenberg	El-Amin
Emery	Ervin	Faith	Fallert	Fares
Fisher	Flook	Frame	Franz	Funderburk
Grill	Grisamore	Guest	Harris 110	Hobbs
Hodges	Holsman	Hoskins	Hubbard	Hughes
Hunter	Icet	Jones 89	Jones 117	Kasten
Kelly	Kingery	Komo	Kratky	Kraus
Kuessner	Lampe	Lembke	LeVota	Liese
Lipke	Loehner	Low 39	Lowe 44	Marsh
May	McClanahan	McGhee	Meiners	Moore
Munzlinger	Muschany	Nance	Nasheed	Nieves
Nolte	Norr	Onder	Page	Parkinson
Parson	Pearce	Pollock	Portwood	Pratt
Quinn 7	Quinn 9	Richard	Robb	Robinson
Roorda	Rucker	Ruestman	Ruzicka	Salva
Sander	Scavuzzo	Schaaf	Schad	Scharnhorst
Schieffer	Schlottach	Schneider	Schoeller	Schoemehl
Self	Shively	Silvey	Skaggs	Smith 14
Smith 150	Spreng	Stevenson	St. Onge	Storch
Stream	Sutherland	Swinger	Talboy	Thomson
Threlkeld	Tilley	Todd	Viebrock	Villa
Vogt	Wallace	Walsh	Wasson	Wells
Weter	Whorton	Wildberger	Wilson 119	Wilson 130
Witte	Wood	Wright 159	Yaeger	Young
Zimmerman	Mr Speaker			

NOES: 000

PRESENT: 001

Oxford

ABSENT WITH LEAVE: 018

Avery	Baker 25	Bland	Bruns	Burnett
Cooper 120	Cooper 155	Corcoran	George	Harris 23
Haywood	Johnson	Meadows	Sater	Walton
Wright-Jones	Yates	Zweifel		

VACANCIES: 002

Speaker Pro Tem Pratt declared the bill passed.

**HOUSE CONCURRENT RESOLUTION**

**HCR 30**, relating to regulation of voice communications, was taken up by Representative Emery.

On motion of Representative Emery, **HCR 30** was adopted by the following vote:

AYES: 145

Aull	Baker 123	Bivins	Brandom	Bringer
Brown 30	Brown 50	Casey	Chappelle-Nadal	Cooper 120
Cooper 155	Cox	Cunningham 145	Cunningham 86	Curls
Darrough	Daus	Davis	Day	Deeken
Denison	Dethrow	Dixon	Donnelly	Dougherty
Dusenberg	El-Amin	Emery	Ervin	Faith
Fallert	Fares	Fisher	Flook	Franz
Funderburk	Grill	Grisamore	Guest	Harris 110
Hobbs	Hodges	Holsman	Hoskins	Hubbard
Hughes	Hunter	Icet	Jones 89	Jones 117
Kasten	Kelly	Kingery	Komo	Kratky
Kraus	Kuessner	Lampe	Lembke	LeVota
Liese	Lipke	Loehner	Low 39	Lowe 44
Marsh	May	McClanahan	McGhee	Meiners
Moore	Munzlinger	Muschany	Nance	Nasheed
Nieves	Nolte	Norr	Onder	Oxford
Page	Parkinson	Parson	Pearce	Pollock
Portwood	Pratt	Quinn 7	Quinn 9	Richard
Robb	Robinson	Roorda	Rucker	Ruestman
Ruzicka	Salva	Sander	Sater	Scavuzzo
Schaaf	Schad	Scharnhorst	Schieffer	Schlottach
Schoeller	Schoemehl	Self	Shively	Silvey
Skaggs	Smith 14	Smith 150	Spreng	Stevenson
St. Onge	Storch	Stream	Sutherland	Swinger
Talboy	Thomson	Threlkeld	Tilley	Todd
Viebrock	Villa	Vogt	Wallace	Walsh
Wasson	Wells	Weter	Whorton	Wildberger
Wilson 119	Wilson 130	Witte	Wood	Wright 159
Yaeger	Young	Zimmerman	Zweifel	Mr Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 016

Avery	Baker 25	Bland	Bruns	Burnett
Corcoran	Frame	George	Harris 23	Haywood
Johnson	Meadows	Schneider	Walton	Wright-Jones
Yates				

VACANCIES: 002

## PERFECTION OF HOUSE BILLS

**HB 1923**, relating to corporate filings, was taken up by Representative Jones (117).

On motion of Representative Jones (117), **HB 1923** was ordered perfected and printed.

**HB 1981**, relating to a tax credit for certain vehicles, was taken up by Representative Spreng.

On motion of Representative Spreng, **HB 1981** was ordered perfected and printed.

**HCS HBs 1321 & 1695**, relating to a property tax credit, was taken up by Representative Sutherland.

Representative Smith (150) assumed the Chair.

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

### *House Amendment No. 1*

AMEND House Committee Substitute for House Bill Nos. 1321 & 1695, Section 135.030, Page 5, Line 36, by inserting after all of said section and line the following:

"137.122. 1. As used in this section, the following terms mean:

(1) "Business personal property", tangible personal property which is used in a trade or business or used for production of income and which has a determinable life of longer than one year except that supplies used by a business shall also be considered business personal property, but shall not include livestock, farm machinery, grain and other agricultural crops in an unmanufactured condition, property subject to the motor vehicle registration provisions of chapter 301, RSMo, property assessed under section 137.078, the property of rural electric cooperatives under chapter 394, RSMo, or property assessed by the state tax commission under chapters 151, 153, and 155, RSMo, section 137.022, and sections 137.1000 to 137.1030;

(2) "Class life", the class life of property as set out in the federal Modified Accelerated Cost Recovery System life tables or their successors under the Internal Revenue Code as amended;

(3) "Economic or functional obsolescence", a loss in value of personal property above and beyond physical deterioration and age of the property. Such loss may be the result of economic or functional obsolescence or both;

(4) "Original cost", the price the current owner, the taxpayer, paid for the item without freight, installation, or sales or use tax. In the case of acquisition of items of personal property as part of an acquisition of an entity, the original cost shall be the historical cost of those assets remaining in place and in use and the placed in service date shall be the date of acquisition by the entity being acquired;

(5) "Placed in service", property is placed in service when it is ready and available for a specific use, whether in a business activity, an income-producing activity, a tax-exempt activity, or a personal activity. Even if the property is not being used, the property is in service when it is ready and available for its specific use;

(6) "Recovery period", the period over which the original cost of depreciable tangible personal property shall be depreciated for property tax purposes and shall be the same as the recovery period allowed for such property under the Internal Revenue Code.

2. To establish uniformity in the assessment of depreciable tangible personal property, each assessor shall use the standardized schedule of depreciation in this section to determine the assessed valuation of depreciable tangible personal property for the purpose of estimating the value of such property subject to taxation under this chapter.

3. For purposes of this section, and to estimate the value of depreciable tangible personal property for mass appraisal purposes, each assessor shall value depreciable tangible personal property by applying the class life and recovery period to the original cost of the property according to the following depreciation schedule. The percentage shown for the first year shall be the percentage of the original cost used for January first of the year following the year of acquisition of the property, and the percentage shown for each succeeding year shall be the percentage of the original cost used for January first of the respective succeeding year as follows:

Year	Recovery Period in Years					
	3	5	7	10	15	20
1	75.00	85.00	89.29	92.50	95.00	96.25
2	37.50	59.50	70.16	78.62	85.50	89.03
3	12.50	41.65	55.13	66.83	76.95	82.35
4	5.00	24.99	42.88	56.81	69.25	76.18
5		10.00	30.63	48.07	62.32	70.46
6			18.38	39.33	56.09	65.18
7			10.00	30.59	50.19	60.29
8				21.85	44.29	55.77
9				15.00	38.38	51.31
10					32.48	46.85
11					26.57	42.38
12					20.67	37.92
13					15.00	33.46
14						29.00
15						24.54
16						20.08
17						20.00

Depreciable tangible personal property in all recovery periods shall continue in subsequent years to have the depreciation factor last listed in the appropriate column so long as it is owned or held by the taxpayer. The state tax commission shall study and analyze the values established by this method of assessment and in every odd-numbered year make recommendations to the joint committee on tax policy pertaining to any changes in this methodology, if any, that are warranted.

4. Such estimate of value determined under this section shall be presumed to be correct for the purpose of determining the true value in money of the depreciable tangible personal property, but such estimation may be disproved by substantial and persuasive evidence of the true value in money under any method determined by the state tax commission to be correct, including, but not limited to, an appraisal of the tangible personal property specifically utilizing generally accepted appraisal techniques, and contained in a narrative appraisal report in accordance with the Uniform Standards of Professional Appraisal Practice or by proof of economic or functional obsolescence or evidence of excessive physical deterioration. For purposes of appeal of the provisions of this section, the salvage or scrap value of depreciable tangible personal property may only be considered if the property is not in use as of the assessment date.

5. This section shall not apply to business personal property placed in service before January 2, 2006. **Nothing in this section shall be found to create a presumption as to the proper method of determining the assessed valuation of business personal property placed in service before January 2, 2006.**

6. The provisions of this section are not intended to modify the definition of tangible personal property as defined in section 137.010."; and

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

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

Representative Cooper (120) offered **House Amendment No. 2**.

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill Nos. 1321 & 1695, Section 137.720, Page 6, Line 37, by inserting after all of said section, the following:

"143.121. 1. The Missouri adjusted gross income of a resident individual shall be the taxpayer's federal adjusted gross income subject to the modifications in this section.

2. There shall be added to the taxpayer's federal adjusted gross income:

(a) The amount of any federal income tax refund received for a prior year which resulted in a Missouri income tax benefit;

(b) Interest on certain governmental obligations excluded from federal gross income by Section 103 of the Internal Revenue Code. The previous sentence shall not apply to interest on obligations of the state of Missouri or any of its political subdivisions or authorities and shall not apply to the interest described in subdivision (a) of subsection 3 of this section. The amount added pursuant to this paragraph shall be reduced by the amounts applicable to such interest that would have been deductible in computing the taxable income of the taxpayer except only for the application of Section 265 of the Internal Revenue Code. The reduction shall only be made if it is at least five hundred dollars;

(c) The amount of any deduction that is included in the computation of federal taxable income pursuant to Section 168 of the Internal Revenue Code as amended by the Job Creation and Worker Assistance Act of 2002 to the extent the amount deducted relates to property purchased on or after July 1, 2002, but before July 1, 2003, and to the extent the amount deducted exceeds the amount that would have been deductible pursuant to Section 168 of the Internal Revenue Code of 1986 as in effect on January 1, 2002;

(d) The amount of any deduction that is included in the computation of federal taxable income for net operating loss allowed by Section 172 of the Internal Revenue Code of 1986, as amended, other than the deduction allowed by Section 172(b)(1)(G) and Section 172(i) of the Internal Revenue Code of 1986, as amended, for a net operating loss the taxpayer claims in the tax year in which the net operating loss occurred or carries forward for a period of more than twenty years and carries backward for more than two years. Any amount of net operating loss taken against federal taxable income but disallowed for Missouri income tax purposes pursuant to this paragraph after June 18, 2002, may be carried forward and taken against any income on the Missouri income tax return for a period of not more than twenty years from the year of the initial loss; and

(e) For nonresident individuals in all taxable years ending on or after December 31, 2006, the amount of any property taxes paid to another state or a political subdivision of another state for which a deduction was allowed on such nonresident's federal return in the taxable year **unless such state, political subdivision of another state, or the District of Columbia allows a subtraction from income for property taxes paid to this state for purposes of calculating income for the income tax for such state, political subdivision of another state, or the District of Columbia.**

3. There shall be subtracted from the taxpayer's federal adjusted gross income the following amounts to the extent included in federal adjusted gross income:

(a) Interest or dividends on obligations of the United States and its territories and possessions or of any authority, commission or instrumentality of the United States to the extent exempt from Missouri income taxes pursuant to the laws of the United States. The amount subtracted pursuant to this paragraph shall be reduced by any interest on indebtedness incurred to carry the described obligations or securities and by any expenses incurred in the production of interest or dividend income described in this paragraph. The reduction in the previous sentence shall only apply to the extent that such expenses including amortizable bond premiums are deducted in determining the taxpayer's federal adjusted gross income or included in the taxpayer's Missouri itemized deduction. The reduction shall only be made if the expenses total at least five hundred dollars;

(b) The portion of any gain, from the sale or other disposition of property having a higher adjusted basis to the taxpayer for Missouri income tax purposes than for federal income tax purposes on December 31, 1972, that does not exceed such difference in basis. If a gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to one-half of such portion of the gain;

(c) The amount necessary to prevent the taxation pursuant to this chapter of any annuity or other amount of income or gain which was properly included in income or gain and was taxed pursuant to the laws of Missouri for a taxable year prior to January 1, 1973, to the taxpayer, or to a decedent by reason of whose death the taxpayer acquired the right to receive the income or gain, or to a trust or estate from which the taxpayer received the income or gain;

(d) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the extent that the same are included in federal adjusted gross income;

(e) The amount of any state income tax refund for a prior year which was included in the federal adjusted gross income;

(f) The portion of capital gain specified in section 135.357, RSMo, that would otherwise be included in federal adjusted gross income;

(g) The amount that would have been deducted in the computation of federal taxable income pursuant to Section 168 of the Internal Revenue Code as in effect on January 1, 2002, to the extent that amount relates to property purchased on or after July 1, 2002, but before July 1, 2003, and to the extent that amount exceeds the amount actually deducted pursuant to Section 168 of the Internal Revenue Code as amended by the Job Creation and Worker Assistance Act of 2002;

(h) For all tax years beginning on or after January 1, 2005, the amount of any income received for military service while the taxpayer serves in a combat zone which is included in federal adjusted gross income and not otherwise excluded therefrom. As used in this section, "combat zone" means any area which the President of the United States

by Executive Order designates as an area in which armed forces of the United States are or have engaged in combat. Service is performed in a combat zone only if performed on or after the date designated by the President by Executive Order as the date of the commencing of combat activities in such zone, and on or before the date designated by the President by Executive Order as the date of the termination of combatant activities in such zone; and

(i) For all tax years ending on or after July 1, 2002, with respect to qualified property that is sold or otherwise disposed of during a taxable year by a taxpayer and for which an addition modification was made under paragraph (c) of subsection 2 of this section, the amount by which addition modification made under paragraph (c) of subsection 2 of this section on qualified property has not been recovered through the additional subtractions provided in paragraph (g) of this subsection.

4. There shall be added to or subtracted from the taxpayer's federal adjusted gross income the taxpayer's share of the Missouri fiduciary adjustment provided in section 143.351.

5. There shall be added to or subtracted from the taxpayer's federal adjusted gross income the modifications provided in section 143.411.

6. In addition to the modifications to a taxpayer's federal adjusted gross income in this section, to calculate Missouri adjusted gross income there shall be subtracted from the taxpayer's federal adjusted gross income any gain recognized pursuant to Section 1033 of the Internal Revenue Code of 1986, as amended, arising from compulsory or involuntary conversion of property as a result of condemnation or the imminence thereof.

7. (1) As used in this subsection, "qualified health insurance premium" means the amount paid during the tax year by such taxpayer for any insurance policy primarily providing health care coverage for the taxpayer, the taxpayer's spouse, or the taxpayer's dependents.

(2) In addition to the subtractions in subsection 3 of this section, one hundred percent of the amount of qualified health insurance premiums shall be subtracted from the taxpayer's federal adjusted gross income to the extent the amount paid for such premiums is included in federal taxable income. The taxpayer shall provide the department of revenue with proof of the amount of qualified health insurance premiums paid."; and

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

On motion of Representative Cooper (120), **House Amendment No. 2** was adopted.

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

Representative Zweifel raised a point of order that **House Amendment No. 3** goes beyond the scope of the bill.

Representative Smith (150) requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order well taken.

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

*House Amendment No. 4*

AMEND House Committee Substitute for House Bill Nos. 1321 & 1695, Page 1, In the Title, Line 2, by inserting after the section number "135.030," the section number "137.073"; and

Further amend said bill, Page 1, In the Title, Line 3, by deleting the word "four" and inserting in lieu thereof the word "five"; and

Further amend said bill, Page 1, Section A, Line 1, by inserting after the section number "135.030," the section number "137.073"; and

Further amend said bill, Page 1, Section A, Line 2, by deleting all of said lines and inserting in lieu thereof the following:

"five new sections enacted in lieu thereof, to be known as sections 135.010, 135.025, 135.030, 137.073,"; and

Further amend said bill, Page 5, Section 135.030, Line 36, by inserting after all of said line the following:

"137.073. 1. As used in this section, the following terms mean:

(1) "General reassessment", changes in value, entered in the assessor's books, of a substantial portion of the parcels of real property within a county resulting wholly or partly from reappraisal of value or other actions of the assessor or county equalization body or ordered by the state tax commission or any court;

(2) "Tax rate", "rate", or "rate of levy", singular or plural, includes the tax rate for each purpose of taxation of property a taxing authority is authorized to levy without a vote and any tax rate authorized by election, including bond interest and sinking fund;

(3) "Tax rate ceiling", [a] **the tax rate [as revised] used by the taxing authority [to comply with the provisions of this section or when a court has determined] in the preceding year or the tax rate determined by a court;** except that, other provisions of law to the contrary notwithstanding, a school district may levy the operating levy for school purposes required for the current year pursuant to subsection 2 of section 163.021, RSMo, less all adjustments required pursuant to article X, section 22 of the Missouri Constitution, if such tax rate does not exceed the highest tax rate in effect subsequent to the 1980 tax year, **provided that all levy assessments shall begin from the preceding year's tax rate.** This is the maximum tax rate that may be levied, unless a higher tax rate ceiling is approved by voters of the political subdivision as provided in this section;

(4) "Tax revenue", when referring to the previous year, means the actual receipts from ad valorem levies on all classes of property, including state-assessed property, in the immediately preceding fiscal year of the political subdivision, plus an allowance for taxes billed but not collected in the fiscal year and plus an additional allowance for the revenue which would have been collected from property which was annexed by such political subdivision but which was not previously used in determining tax revenue pursuant to this section. The term "tax revenue" shall not include any receipts from ad valorem levies on any property of a railroad corporation or a public utility, as these terms are defined in section 386.020, RSMo, which were assessed by the assessor of a county or city in the previous year but are assessed by the state tax commission in the current year. All school districts and those counties levying sales taxes pursuant to chapter 67, RSMo, shall include in the calculation of tax revenue an amount equivalent to that by which they reduced property tax levies as a result of sales tax pursuant to section 67.505, RSMo, and section 164.013, RSMo, or as excess home dock city or county fees as provided in subsection 4 of section 313.820, RSMo, in the immediately preceding fiscal year but not including any amount calculated to adjust for prior years. For purposes of political subdivisions which were authorized to levy a tax in the prior year but which did not levy such tax or levied a reduced rate, the term "tax revenue", as used in relation to the revision of tax levies mandated by law, shall mean the revenues equal to the amount that would have been available if the voluntary rate reduction had not been made.

2. Whenever changes in assessed valuation are entered in the assessor's books for any personal property, in the aggregate, or for any subclass of real property as such subclasses are established in section 4(b) of article X of the Missouri Constitution and defined in section 137.016, the county clerk in all counties and the assessor of St. Louis City shall notify each political subdivision wholly or partially within the county or St. Louis City of the change in valuation of each subclass of real property, individually, and personal property, in the aggregate, exclusive of new construction and improvements. All political subdivisions shall immediately revise the applicable rates of levy for each purpose for each subclass of real property, individually, and personal property, in the aggregate, for which taxes are levied to the extent necessary to produce from all taxable property, exclusive of new construction and improvements, substantially the same amount of tax revenue as was produced in the previous year for each subclass of real property, individually, and personal property, in the aggregate, except that the rate may not exceed the greater of the rate in effect in the 1984 tax year or the [most recent voter-approved] **preceding year's tax rate.** Such tax revenue shall not include any receipts from ad valorem levies on any real property which was assessed by the assessor of a county or city in such previous year but is assessed by the assessor of a county or city in the current year in a different subclass of real property. Where the taxing authority is a school district for the purposes of revising the applicable rates of levy for each subclass of real property, the tax revenues from state-assessed railroad and utility property shall be apportioned and attributed to each subclass of real property based on the percentage of the total assessed valuation of the county that each subclass of real property represents in the current taxable year. As provided in section 22 of article X of the constitution, a political subdivision may also revise each levy to allow for inflationary assessment growth occurring within the political subdivision. The inflationary growth factor for any such subclass of real property or personal property shall be limited

to the actual assessment growth in such subclass or class, exclusive of new construction and improvements, and exclusive of the assessed value on any real property which was assessed by the assessor of a county or city in the current year in a different subclass of real property, but not to exceed the consumer price index or five percent, whichever is lower. Should the tax revenue of a political subdivision from the various tax rates determined in this subsection be different than the tax revenue that would have been determined from a single tax rate as calculated pursuant to the method of calculation in this subsection prior to January 1, 2003, then the political subdivision shall revise the tax rates of those subclasses of real property, individually, and/or personal property, in the aggregate, in which there is a tax rate reduction, pursuant to the provisions of this subsection. Such revision shall yield an amount equal to such difference and shall be apportioned among such subclasses of real property, individually, and/or personal property, in the aggregate, based on the relative assessed valuation of the class or subclasses of property experiencing a tax rate reduction. Such revision in the tax rates of each class or subclass shall be made by computing the percentage of current year adjusted assessed valuation of each class or subclass with a tax rate reduction to the total current year adjusted assessed valuation of the class or subclasses with a tax rate reduction, multiplying the resulting percentages by the revenue difference between the single rate calculation and the calculations pursuant to this subsection and dividing by the respective adjusted current year assessed valuation of each class or subclass to determine the adjustment to the rate to be levied upon each class or subclass of property. The adjustment computed herein shall be multiplied by one hundred, rounded to four decimals in the manner provided in this subsection, and added to the initial rate computed for each class or subclass of property. Notwithstanding any provision of this subsection to the contrary, no revision to the rate of levy for personal property shall cause such levy to increase over the levy for personal property from the prior year.

3. (1) Where the taxing authority is a school district, it shall be required to revise the rates of levy **from the preceding year's tax rate** to the extent necessary to produce from all taxable property, including state-assessed railroad and utility property, which shall be separately estimated in addition to other data required in complying with section 164.011, RSMo, substantially the amount of tax revenue permitted in this section. In the year following tax rate reduction, the tax rate ceiling may be adjusted to offset such district's reduction in the apportionment of state school moneys due to its reduced tax rate. However, in the event any school district, in calculating a tax rate ceiling pursuant to this section, requiring the estimating of effects of state-assessed railroad and utility valuation or loss of state aid, discovers that the estimates used result in receipt of excess revenues, which would have required a lower rate if the actual information had been known, the school district shall reduce the tax rate ceiling in the following year to compensate for the excess receipts, and the recalculated rate shall become the tax rate ceiling for purposes of this section.

(2) For any political subdivision which experiences a reduction in the amount of assessed valuation relating to a prior year, due to decisions of the state tax commission or a court pursuant to sections 138.430 to 138.433, RSMo, or due to clerical errors or corrections in the calculation or recordation of any assessed valuation:

(a) Such political subdivision may revise the tax rate ceiling for each purpose it levies taxes to compensate for the reduction in assessed value occurring after the political subdivision calculated the tax rate ceiling for the particular subclass of real property or for personal property, in the aggregate, in the prior year. Such revision by the political subdivision shall be made at the time of the next calculation of the tax rate for the particular subclass of real property or for personal property, in the aggregate, after the reduction in assessed valuation has been determined and shall be calculated in a manner that results in the revised tax rate ceiling being the same as it would have been had the corrected or finalized assessment been available at the time of the prior calculation;

(b) In addition, for up to three years following the determination of the reduction in assessed valuation as a result of circumstances defined in this subdivision, such political subdivision may levy a tax rate for each purpose it levies taxes above the revised tax rate ceiling provided in paragraph (a) of this subdivision to recoup any revenues it was entitled to receive for the three-year period preceding such determination.

4. (1) In order to implement the provisions of this section and section 22 of article X of the Constitution of Missouri, the term "improvements" shall apply to both real and personal property. In order to determine the value of new construction and improvements, each county assessor shall maintain a record of real property valuations in such a manner as to identify each year the increase in valuation for each political subdivision in the county as a result of new construction and improvements. The value of new construction and improvements shall include the additional assessed value of all improvements or additions to real property which were begun after and were not part of the prior year's assessment, except that the additional assessed value of all improvements or additions to real property which had been totally or partially exempt from ad valorem taxes pursuant to sections 99.800 to 99.865, RSMo, sections 135.200 to 135.255, RSMo, and section 353.110, RSMo, shall be included in the value of new construction and improvements when the property becomes totally or partially subject to assessment and payment of all ad valorem taxes. The aggregate increase in valuation of personal property for the current year over that of the previous year is the equivalent of the new construction and improvements factor for personal property. Notwithstanding any opt-out implemented pursuant to subsection 15 of section 137.115, the assessor shall certify the amount of new construction and improvements and the

amount of assessed value on any real property which was assessed by the assessor of a county or city in such previous year but is assessed by the assessor of a county or city in the current year in a different subclass of real property separately for each of the three subclasses of real property for each political subdivision to the county clerk in order that political subdivisions shall have this information for the purpose of calculating tax rates pursuant to this section and section 22, article X, Constitution of Missouri. In addition, the state tax commission shall certify each year to each county clerk the increase in the general price level as measured by the Consumer Price Index for All Urban Consumers for the United States, or its successor publications, as defined and officially reported by the United States Department of Labor, or its successor agency. The state tax commission shall certify the increase in such index on the latest twelve-month basis available on June first of each year over the immediately preceding prior twelve-month period in order that political subdivisions shall have this information available in setting their tax rates according to law and section 22 of article X of the Constitution of Missouri. For purposes of implementing the provisions of this section and section 22 of article X of the Missouri Constitution, the term "property" means all taxable property, including state-assessed property.

(2) Each political subdivision required to revise rates of levy pursuant to this section or section 22 of article X of the Constitution of Missouri shall calculate each tax rate it is authorized to levy and, in establishing each tax rate, shall consider each provision for tax rate revision provided in this section and section 22 of article X of the Constitution of Missouri, separately and without regard to annual tax rate reductions provided in section 67.505, RSMo, and section 164.013, RSMo. Each political subdivision shall set each tax rate it is authorized to levy using the calculation that produces the lowest tax rate ceiling. It is further the intent of the general assembly, pursuant to the authority of section 10(c) of article X of the Constitution of Missouri, that the provisions of such section be applicable to tax rate revisions mandated pursuant to section 22 of article X of the Constitution of Missouri as to reestablishing tax rates as revised in subsequent years, enforcement provisions, and other provisions not in conflict with section 22 of article X of the Constitution of Missouri. Annual tax rate reductions provided in section 67.505, RSMo, and section 164.013, RSMo, shall be applied to the tax rate as established pursuant to this section and section 22 of article X of the Constitution of Missouri, unless otherwise provided by law.

5. (1) In all political subdivisions, the tax rate ceiling established pursuant to this section shall not be increased unless approved by a vote of the people. Approval of the higher tax rate shall be by at least a majority of votes cast. When a proposed higher tax rate requires approval by more than a simple majority pursuant to any provision of law or the constitution, the tax rate increase must receive approval by at least the majority required.

(2) When voters approve an increase in the tax rate, the amount of the increase shall be added to the tax rate ceiling as calculated pursuant to this section to the extent the total rate does not exceed any maximum rate prescribed by law. **The amount of revenue received from the voter-approved increase in the tax rate shall not exceed the revenue derived by applying the levy increase to the preceding year's assessed valuation as certified by the state tax commission.** If a ballot question presents a stated tax rate for approval rather than describing the amount of increase in the question, the stated tax rate approved shall be the current tax rate ceiling. The increased tax rate ceiling as approved may be applied to the total assessed valuation of the political subdivision at the setting of the next tax rate.

(3) The governing body of any political subdivision may levy a tax rate lower than its tax rate ceiling [and may increase that lowered tax rate to a level not exceeding the tax rate ceiling without voter approval].

6. (1) For the purposes of calculating state aid for public schools pursuant to section 163.031, RSMo, each taxing authority which is a school district shall determine its proposed tax rate as a blended rate of the classes or subclasses of property. Such blended rate shall be calculated by first determining the total tax revenue of the property within the jurisdiction of the taxing authority, which amount shall be equal to the sum of the products of multiplying the assessed valuation of each class and subclass of property by the corresponding tax rate for such class or subclass, then dividing the total tax revenue by the total assessed valuation of the same jurisdiction, and then multiplying the resulting quotient by a factor of one hundred. Where the taxing authority is a school district, such blended rate shall also be used by such school district for calculating revenue from state-assessed railroad and utility property as defined in chapter 151, RSMo, and for apportioning the tax rate by purpose.

(2) Each taxing authority proposing to levy a tax rate in any year shall notify the clerk of the county commission in the county or counties where the tax rate applies of its tax rate ceiling and its proposed tax rate. Each taxing authority shall express its proposed tax rate in a fraction equal to the nearest one-tenth of a cent, unless its proposed tax rate is in excess of one dollar, then one/one-hundredth of a cent. If a taxing authority shall round to one/one-hundredth of a cent, it shall round up a fraction greater than or equal to five/one-thousandth of one cent to the next higher one/one-hundredth of a cent; if a taxing authority shall round to one-tenth of a cent, it shall round up a fraction greater than or equal to five/one-hundredths of a cent to the next higher one-tenth of a cent. Any taxing authority levying a property tax rate shall provide data, in such form as shall be prescribed by the state auditor by rule, substantiating such tax rate complies with Missouri law. All forms for the calculation of rates pursuant to this section

shall be promulgated as a rule and shall not be incorporated by reference. The state auditor shall promulgate rules for any and all forms for the calculation of rates pursuant to this section which do not currently exist in rule form or that have been incorporated by reference. In addition, each taxing authority proposing to levy a tax rate for debt service shall provide data, in such form as shall be prescribed by the state auditor by rule, substantiating the tax rate for debt service complies with Missouri law. A tax rate proposed for annual debt service requirements will be prima facie valid if, after making the payment for which the tax was levied, bonds remain outstanding and the debt fund reserves do not exceed the following year's payments. The county clerk shall keep on file and available for public inspection all such information for a period of three years. The clerk shall, within three days of receipt, forward a copy of the notice of a taxing authority's tax rate ceiling and proposed tax rate and any substantiating data to the state auditor. The state auditor shall, within fifteen days of the date of receipt, examine such information and return to the county clerk his or her findings as to compliance of the tax rate ceiling with this section and as to compliance of any proposed tax rate for debt service with Missouri law. If the state auditor believes that a taxing authority's proposed tax rate does not comply with Missouri law, then the state auditor's findings shall include a recalculated tax rate, and the state auditor may request a taxing authority to submit documentation supporting such taxing authority's proposed tax rate. The county clerk shall immediately forward a copy of the auditor's findings to the taxing authority and shall file a copy of the findings with the information received from the taxing authority. The taxing authority shall have fifteen days from the date of receipt from the county clerk of the state auditor's findings and any request for supporting documentation to accept or reject in writing the rate change certified by the state auditor and to submit all requested information to the state auditor. A copy of the taxing authority's acceptance or rejection and any information submitted to the state auditor shall also be mailed to the county clerk. If a taxing authority rejects a rate change certified by the state auditor and the state auditor does not receive supporting information which justifies the taxing authority's original or any subsequent proposed tax rate, then the state auditor shall refer the perceived violations of such taxing authority to the attorney general's office and the attorney general is authorized to obtain injunctive relief to prevent the taxing authority from levying a violative tax rate.

7. No tax rate shall be extended on the tax rolls by the county clerk unless the political subdivision has complied with the foregoing provisions of this section.

8. Whenever a taxpayer has cause to believe that a taxing authority has not complied with the provisions of this section, the taxpayer may make a formal complaint with the prosecuting attorney of the county. Where the prosecuting attorney fails to bring an action within ten days of the filing of the complaint, the taxpayer may bring a civil action pursuant to this section and institute an action as representative of a class of all taxpayers within a taxing authority if the class is so numerous that joinder of all members is impracticable, if there are questions of law or fact common to the class, if the claims or defenses of the representative parties are typical of the claims or defenses of the class, and if the representative parties will fairly and adequately protect the interests of the class. In any class action maintained pursuant to this section, the court may direct to the members of the class a notice to be published at least once each week for four consecutive weeks in a newspaper of general circulation published in the county where the civil action is commenced and in other counties within the jurisdiction of a taxing authority. The notice shall advise each member that the court will exclude him or her from the class if he or she so requests by a specified date, that the judgment, whether favorable or not, will include all members who do not request exclusion, and that any member who does not request exclusion may, if he or she desires, enter an appearance. In any class action brought pursuant to this section, the court, in addition to the relief requested, shall assess against the taxing authority found to be in violation of this section the reasonable costs of bringing the action, including reasonable attorney's fees, provided no attorney's fees shall be awarded any attorney or association of attorneys who receive public funds from any source for their services. Any action brought pursuant to this section shall be set for hearing as soon as practicable after the cause is at issue.

9. If in any action, including a class action, the court issues an order requiring a taxing authority to revise the tax rates as provided in this section or enjoins a taxing authority from the collection of a tax because of its failure to revise the rate of levy as provided in this section, any taxpayer paying his or her taxes when an improper rate is applied has erroneously paid his or her taxes in part, whether or not the taxes are paid under protest as provided in section 139.031, RSMo. The part of the taxes paid erroneously is the difference in the amount produced by the original levy and the amount produced by the revised levy. The township or county collector of taxes or the collector of taxes in any city shall refund the amount of the tax erroneously paid. The taxing authority refusing to revise the rate of levy as provided in this section shall make available to the collector all funds necessary to make refunds pursuant to this subsection. No taxpayer shall receive any interest on any money erroneously paid by him or her pursuant to this subsection. Effective in the 1994 tax year, nothing in this section shall be construed to require a taxing authority to refund any tax erroneously paid prior to or during the third tax year preceding the current tax year.

10. A taxing authority, including but not limited to a township, county collector, or collector of taxes, responsible for determining and collecting the amount of residential real property tax levied in its jurisdiction, shall report such amount of tax collected by December thirty-first of each year such property is assessed to the state tax

commission. The state tax commission shall compile the tax data by county or taxing jurisdiction and submit a report to the general assembly no later than January thirty-first of the following year.

11. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void."; and

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

Representative Muschany assumed the Chair.

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

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

AMEND House Amendment No. 4 to House Committee Substitute for House Bill Nos. 1321 & 1695, Page 12, Line 17, by inserting after the word "**commission**" the following:

**"The maximum tax rate set by all political subdivisions shall be less than or equal to the rate set by such political subdivision in the year 2005.";** and

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

Representative Kuessner raised a point of order that **House Amendment No. 1 to House Amendment No. 4** is not germane to the bill.

Representative Muschany requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order not well taken.

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

**HCS HBs 1321 & 1695, as amended, with House Amendment No. 4, pending,** was laid over.

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

#### **AFTERNOON SESSION**

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

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

### SPECIAL RECOGNITION

The Neosho Area Chamber of Commerce and the Newton County Tourism Council were introduced by Representative Wilson (130) and recognized for their efforts to chronicle the life of artist Thomas Hart Benton.

Major General Steven R. McCamy was introduced by Representative Wildberger and recognized as an Outstanding Missourian.

### HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1636 through House Resolution No. 1685

### PERFECTION OF HOUSE BILL

**HCS HBs 1321 & 1695, as amended, with House Amendment No. 4, pending,** relating to a property tax credit, was again taken up by Representative Sutherland.

Representative Bringer offered **House Amendment No. 2 to House Amendment No. 4.**

*House Amendment No. 2*

*to*

*House Amendment No. 4*

AMEND House Amendment No. 4 to House Committee Substitute for House Bill Nos. 1321 & 1695, Page 12, Section 137.073, Line 17, by inserting after word "Commission" the following:

", excluding new construction and improvements since the date of the election approving such increase. Nothing in this subsection shall be construed to limit the use of the current year's assessed valuation in years subsequent to the year of the voter-approved increase beyond the requirements of 137.073.4."

Representative Bringer moved that **House Amendment No. 2 to House Amendment No. 4** be adopted.

Which motion was defeated.

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

AYES: 105

Baker 25	Baker 123	Bivins	Brandom	Brown 30
Bruns	Chappelle-Nadal	Cooper 120	Cooper 155	Corcoran
Cox	Cunningham 145	Cunningham 86	Davis	Day
Deeken	Denison	Dethrow	Dixon	Dusenberg
Emery	Ervin	Faith	Fallert	Fisher
Flook	Frame	Franz	Funderburk	Grill
Grisamore	Guest	Harris 110	Hobbs	Hoskins
Hunter	Icet	Jones 89	Jones 117	Kasten
Kelly	Kingery	Kraus	Lampe	Lembke
Lipke	Loehner	May	McGhee	Meiners

Moore	Munzlinger	Muschany	Nance	Nieves
Nolte	Norr	Onder	Page	Parkinson
Parson	Pearce	Pollock	Portwood	Pratt
Quinn 7	Richard	Robb	Ruestman	Ruzicka
Sander	Sater	Scavuzzo	Schaaf	Schad
Scharnhorst	Schieffer	Schlottach	Schoeller	Self
Silvey	Smith 14	Smith 150	Spreng	Stevenson
St. Onge	Storch	Stream	Sutherland	Swinger
Thomson	Threlkeld	Tilley	Viebrock	Villa
Walsh	Wasson	Wells	Weter	Wilson 130
Wood	Wright 159	Young	Zimmerman	Zweifel

NOES: 033

Aull	Bringer	Brown 50	Casey	Darrough
Daus	El-Amin	Fares	Haywood	Hodges
Hughes	Komo	Kratky	Kuessner	LeVota
Liese	Low 39	Lowe 44	McClanahan	Nasheed
Oxford	Quinn 9	Roorda	Schoemehl	Shively
Skaggs	Talboy	Todd	Wallace	Whorton
Wildberger	Wilson 119	Yaeger		

PRESENT: 001

Witte

ABSENT WITH LEAVE: 022

Avery	Bland	Burnett	Curls	Donnelly
Dougherty	George	Harris 23	Holsman	Hubbard
Johnson	Marsh	Meadows	Robinson	Rucker
Salva	Schneider	Vogt	Walton	Wright-Jones
Yates	Mr Speaker			

VACANCIES: 002

On motion of Representative Sutherland, **HCS HBs 1321 & 1695, as amended**, was adopted.

On motion of Representative Sutherland, **HCS HBs 1321 & 1695, as amended**, was ordered perfected and printed.

**HB 1716, with House Amendment No. 1, pending**, relating to the Federal Real ID Act of 2005, was taken up by Representative Guest.

Representative Nieves assumed the Chair.

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

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

AMEND House Amendment No. 1 to House Bill No. 1716, Page 5, Section 302.171, Line 4, by inserting before the word "birth" the following:

"United States"; and

Further amend Line 5, by inserting before each occurrence of the word "military" the following:

"United States".

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

On motion of Representative Bringer, **House Amendment No. 1, as amended**, was adopted by the following vote:

AYES: 140

Aull	Baker 25	Baker 123	Bivins	Brandom
Bringer	Brown 30	Brown 50	Bruns	Casey
Chappelle-Nadal	Cooper 120	Cooper 155	Corcoran	Cox
Cunningham 145	Cunningham 86	Darrough	Daus	Davis
Day	Deeken	Denison	Dethrow	Dixon
Dougherty	Dusenberg	El-Amin	Emery	Ervin
Faith	Fallert	Fares	Fisher	Flook
Frame	Franz	Funderburk	Grisamore	Guest
Harris 110	Haywood	Hobbs	Hodges	Hoskins
Hubbard	Hunter	Ice	Jones 89	Jones 117
Kasten	Kelly	Kingery	Komo	Kratky
Kraus	Kuessner	Lampe	Lembke	LeVota
Liese	Lipke	Loehner	Low 39	Lowe 44
May	McClanahan	McGhee	Meiners	Moore
Munzlinger	Muschany	Nance	Nasheed	Nieves
Nolte	Norr	Onder	Oxford	Page
Parkinson	Parson	Pearce	Pollock	Portwood
Pratt	Quinn 7	Quinn 9	Richard	Robb
Rucker	Ruestman	Ruzicka	Sander	Sater
Scavuzzo	Schaaf	Schad	Scharnhorst	Schieffer
Schlottach	Schneider	Schoeller	Schoemehl	Self
Shively	Silvey	Skaggs	Smith 14	Smith 150
Spreng	Stevenson	Storch	Stream	Sutherland
Swinger	Talboy	Thomson	Threlkeld	Tilley
Todd	Viebrock	Villa	Wallace	Walsh
Walton	Wasson	Wells	Weter	Whorton
Wildberger	Wilson 119	Wilson 130	Witte	Wood
Wright 159	Yaeger	Young	Zweifel	Mr Speaker

NOES: 001

St. Onge

PRESENT: 000

ABSENT WITH LEAVE: 020

Avery	Bland	Burnett	Curls	Donnelly
George	Grill	Harris 23	Holsman	Hughes
Johnson	Marsh	Meadows	Robinson	Roorda
Salva	Vogt	Wright-Jones	Yates	Zimmerman

VACANCIES: 002

On motion of Representative Guest, **HB 1716, as amended**, was ordered perfected and printed.

### PERFECTION OF HOUSE JOINT RESOLUTION

**HCS HJR 70**, relating to limits on state appropriations, was taken up by Representative Icet.

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

#### *House Amendment No. 1*

AMEND House Committee Substitute for House Joint Resolution No. 70, Page 1, Section 23(a), Line 1, by inserting after "**23(a). 1.**" the following:

**"It is the goal of the state of Missouri to fund education, public safety, and vital services to our citizens at a level below that of most other states, so that Missouri will never be among the top tier of states for public investment in education, public safety, and vital services to our citizens.";** and

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

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

Which motion was defeated.

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

#### *House Amendment No. 2*

AMEND House Committee Substitute for House Joint Resolution No. 70, Page 6, Section 27(c), Line 42, by inserting after said line the following:

**"Section B. Section A of this act shall become effective when the foundation formula is fully funded.";** and

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

Representative Funderburk raised a point of order that **House Amendment No. 2** goes beyond the scope of the bill.

Representative Nieves requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order not well taken.

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

Which motion was defeated.

On motion of Representative Icet, **HCS HJR 70** was adopted.

On motion of Representative Icet, **HCS HJR 70** was ordered perfected and printed.

### **PERFECTION OF HOUSE BILLS**

**HCS HB 1550**, relating to juvenile court jurisdiction, was taken up by Representative Stevenson.

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

#### *House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 1550, Page 1, In the Title, Line 3, by deleting the word "ten" and inserting in lieu thereof the word "eleven"; and

Further amend said bill, Page 1, Section A, Line 2, by deleting the word "ten" and inserting in lieu thereof the word "eleven"; and

Further amend said bill, Page 1, Section A, Line 4, by deleting "and 211.161" and inserting in lieu thereof "211.161, and 1"; and

Further amend said bill, Page 4, Section 211.021, Lines 27-30, by deleting all of said lines and inserting in lieu thereof the following:

**"2. The provisions of this section shall not take effect until such time as appropriations by the general assembly for additional juvenile officer full-time equivalents and deputy juvenile officer full-time equivalents shall exceed by three million eight hundred thousand dollars the amount spent by the state for such officers in fiscal year 2007."**; and

Further amend said bill, Page 6, Section 211.034, Lines 44-45, by deleting all of said lines and inserting in lieu thereof the following:

**"subsection 2 of section 211.021 take effect."**; and

Further amend said bill, Page 9, Section 211.091, Line 4, by deleting the second occurrence of the open bracket "["; and

Further amend said bill, Page 9, Section 211.091, Line 5, by deleting the closed bracket "]; and

Further amend said bill, Page 10, Section 211.091, Line 10, by deleting the open bracket "["; and

Further amend said bill, Page 10, Section 211.091, Line 11, by deleting the closed bracket "]; and

Further amend said bill, Page 10, Section 211.091, Line 14, by deleting the open bracket "[" and closed bracket "]; and

Further amend said bill, Page 10, Section 211.101, Line 3, by deleting the open bracket "[" and closed bracket "]; and

Further amend said bill, Page 10, Section 211.101, Line 4, by deleting the open bracket "[" and closed bracket "]""; and

Further amend said bill, Page 10, Section 211.101, Line 6, by deleting the open bracket "["; and

Further amend said bill, Page 10, Section 211.101, Line 7, by deleting the closed bracket "]""; and

Further amend said bill, Page 10, Section 211.101, Line 9, by deleting the open bracket "[" and closed bracket "]""; and

Further amend said bill, Page 10, Section 211.101, Line 12, by deleting the open bracket "[" and closed bracket "]""; and

Further amend said bill, Page 10, Section 211.161, Line 1, by deleting the open bracket "[" and closed bracket "]""; and

Further amend said bill, Page 10, Section 211.161, Line 3, by deleting the open bracket "[" and closed bracket "]""; and

Further amend said bill, Page 11, Section 211.161, Line 11, by deleting the open bracket "[" and closed bracket "]""; and

Further amend said bill, Page 11, Section 211.161, Line 14, by deleting the open bracket "[" and closed bracket "]""; and

Further amend said bill, Page 11, Section 211.161, Line 15, by inserting after all of said line the following:

**"Section 1. The office of state courts administrator shall conduct a study and report to the general assembly by June 30, 2009, on the impact of changing the definition of child, as used in section 211.031, RSMo, to include any person over seventeen years of age but not yet eighteen years of age alleged to have committed a status offense as defined in subdivision (2) of subsection 1 of section 211.031, RSMo. The report shall contain information regarding the impact on caseloads of juvenile officers, including the average increase in caseload per juvenile officer for each judicial circuit, and the number of children affected by the change in definition."**; and

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

Representative Skaggs raised a point of order that **House Amendment No. 1** legislates through the appropriations process.

Representative Nieves requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order not well taken.

Speaker Pro Tem Pratt resumed the Chair.

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

Representative Wilson (130) assumed the Chair.

On motion of Representative Stevenson, **HCS HB 1550, as amended**, was adopted.

On motion of Representative Stevenson, **HCS HB 1550, as amended**, was ordered perfected and printed.

**HCS HB 2328**, relating to tax incentives, was taken up by Representative Wasson.

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

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 2328, Page 4, Section 144.058, Line 8, by inserting immediately after the word "facility" the following:

**"and provided such business facility is operated by a qualified company that is engaged, or has been engaged, in a high impact project, technology business project, or small and expanding business project as defined in section 620.1878, RSMo, at the business facility. The exemption authorized in this section shall not terminate after all benefits due the qualified company under the Missouri Quality Jobs Act have been received by the qualified company"; and**

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

Speaker Pro Tem Pratt resumed the Chair.

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

Representative Smith (14) offered **House Amendment No. 2**.

Representative Flook raised a point of order that **House Amendment No. 2** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

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

Representative Flook raised a point of order that **House Amendment No. 3** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

On motion of Representative Wasson, **HCS HB 2328, as amended**, was adopted.

On motion of Representative Wasson, **HCS HB 2328, as amended**, was ordered perfected and printed.

**HCS HBs 1549, 1771, 1395 & 2366**, relating to illegal aliens, was taken up by Representative Onder.

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

Representative Jones (89) raised a point of order that **House Amendment No. 1** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

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

Representative Jones (89) raised a point of order that **House Amendment No. 2** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Chappelle-Nadal requested a division of the question on **HCS HBs 1549, 1771, 1395 & 2366**.

On motion of Representative Onder, **Part I of HCS HBs 1549, 1771, 1395 & 2366** was adopted.

Representative Jones (89) assumed the Chair.

**HCS HBs 1549, 1771, 1395 & 2366, with Part II and Part III, pending**, was laid over.

### **REFERRAL OF HOUSE BILLS**

The following House Bills were referred to the Committee indicated:

- HB 1923** - Fiscal Review (Fiscal Note)
- HB 1981** - Fiscal Review (Fiscal Note)
- HB 2016** - Budget
- HB 2023** - Budget
- HB 2494** - Special Committee on General Laws

### **COMMITTEE REPORTS**

**Committee on Health Care Policy**, Chairman Cooper (155) reporting:

Mr. Speaker: Your Committee on Health Care Policy, to which was referred **HCS HB 2106**, begs leave to report it has examined the same and recommends that the **House Committee Substitute No. 2 Do Pass**, and pursuant to Rule 25(21)(f) be referred to the Committee on Rules.

**Special Committee on General Laws**, Chairman Jones (89) reporting:

Mr. Speaker: Your Special Committee on General Laws, to which was referred **HB 2110**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**, and pursuant to Rule 25(21)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Special Committee on General Laws, to which was referred **SB 801**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(21)(f) be referred to the Committee on Rules.

**Special Committee on State Parks and Waterways**, Chairman Pollock reporting:

Mr. Speaker: Your Special Committee on State Parks and Waterways, to which was referred **HB 1438**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**, and pursuant to Rule 25(21)(f) be referred to the Committee on Rules.

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

Mr. Speaker: Your Special Committee on Urban Issues, to which was referred **HCS HB 2117**, begs leave to report it has examined the same and recommends that **HB 2117 Do Pass**, and pursuant to Rule 25(21)(f) be referred to the Committee on Rules.

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

Mr. Speaker: Your Special Committee on Workforce Development and Workplace Safety, to which was referred **HB 1851**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(21)(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 **HCS HB 1383**, begs leave to report it has examined the same and recommends that it **Do Pass**.

**MESSAGE FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SCS HCS HB 2014** and has taken up and passed **CCS SCS HCS HB 2014**.

The following member's presence was noted: Meadows.

**ADJOURNMENT**

On motion of Representative Tilley, the House adjourned until 10:00 a.m., Wednesday, April 9, 2008.

## COMMITTEE MEETINGS

### BUDGET

Wednesday, April 9, 2008, Hearing Room 3 upon morning recess.

Executive session may follow.

Public hearings to be held on: HB 2016, HB 2023

### CONSERVATION AND NATURAL RESOURCES

Wednesday, April 9, 2008, 8:00 a.m. Hearing Room 4.

Executive session may follow.

Public hearings to be held on: HB 2254, SCS SB 907

### CONSERVATION AND NATURAL RESOURCES

Thursday, April 10, 2008, 8:00 a.m. House Chamber south gallery.

Executive session will follow.

Public hearing to be held on: SB 956

### CRIME PREVENTION AND PUBLIC SAFETY

Thursday, April 10, 2008, 8:00 a.m. Hearing Room 6.

Executive session may follow.

Public hearings to be held on: SB 723, SB 733, SB 932

### ELECTIONS

Thursday, April 10, 2008, 8:00 a.m. Hearing Room 2.

Executive session may follow.

Public hearings to be held on: SB 797, SB 1288

### ELEMENTARY AND SECONDARY EDUCATION

Wednesday, April 9, 2008, Hearing Room 5 upon afternoon adjournment.

Executive session may follow.

Public hearings to be held on: HB 1891, HB 2070, SB 839, SB 925

### FISCAL REVIEW

Thursday, April 10, 2008, 8:30 a.m. House Chamber south gallery.

Any bills presented to this committee.

Note time change from upon morning adjournment to 8:30 a.m.

### HEALTH CARE POLICY

Wednesday, April 9, 2008, Hearing Room 2 upon afternoon adjournment.

Executive session.

### HIGHER EDUCATION

Wednesday, April 9, 2008, Hearing Room 1 upon morning recess.

Executive session may follow. AMENDED.

Public hearings to be held on: SCS SB 967, HB 1979, HB 2582

JOINT COMMITTEE ON CORRECTIONS

Wednesday, April 9, 2008, 8:30 a.m. Hearing Room 5.

Continuation of Department of Corrections Report.

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

JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Thursday, April 17, 2008, 8:30 a.m. Hearing Room 1.

Second quarter meeting.

JUDICIARY

Thursday, April 10, 2008, 8:00 a.m. Hearing Room 5.

Executive session may follow. AMENDED.

Public hearings to be held on: SB 976, SB 1016, SCS SB 1033,  
SB 1074, SB 1151, SCS SB 1235

LOCAL GOVERNMENT

Wednesday, April 9, 2008, Hearing Room 4 upon morning recess.

Executive session will be held. AMENDED.

Public hearings to be held on: HB 1688, HB 1789, HB 2201, SCS SB 1044, SB 1135

RULES - PURSUANT TO RULE 25(21)(f)

Wednesday, April 9, 2008, House Chamber north gallery upon morning recess.

Executive session may follow.

Public hearings to be held on: HB 2078, HCS HB 1990, HCS HB 2059,  
HCS HB 1339, HCS HB 2239, HCS HB 2260, HCS HB 1516,  
HCS#2 HB 2106, HCS SCS SB 942

SPECIAL COMMITTEE ON FAMILY SERVICES

Wednesday, April 9, 2008, 9:00 a.m. Hearing Room 1.

Executive session may follow. AMENDED.

Public hearing to be held on: HB 2440

SPECIAL COMMITTEE ON FINANCIAL INSTITUTIONS

Wednesday, April 9, 2008, 6:00 p.m. Hearing Room 6.

Executive session may follow.

Hearing will begin at 6:00 p.m. or upon afternoon adjournment. AMENDED.

Public hearings to be held on: SS SCS SB 944, SCS SB 1168, HB 1685

SPECIAL COMMITTEE ON GOVERNMENT AFFAIRS

Thursday, April 10, 2008, 9:00 a.m. Hearing Room 1.

Public hearings to be held on: HB 2289, SCS SB 1131, SCS SB 1150, SB 1140, SB 1175

**SPECIAL COMMITTEE ON HEALTHCARE TRANSFORMATION**

Wednesday, April 9, 2008, Hearing Room 6 upon morning recess.

Executive session may follow.

Committee will discuss proposed committee substitute for Insure Missouri.

If needed, committee will reconvene in HR 4 upon afternoon adjournment.

**SPECIAL COMMITTEE ON HEALTHCARE TRANSFORMATION**

Thursday, April 10, 2008, 8:00 a.m. House Chamber north gallery.

Committee will discuss a proposed House Committee Substitute for Insure Missouri.

If needed, the committee will meet in HR 6 upon afternoon adjournment.

**SPECIAL COMMITTEE ON IMMIGRATION**

Wednesday, April 9, 2008, Hearing Room 7 upon afternoon adjournment.

Executive session will be held.

**SPECIAL COMMITTEE ON JOB CREATION AND ECONOMIC DEVELOPMENT**

Wednesday, April 9, 2008, 8:00 a.m. Hearing Room 7.

Executive session may follow.

Public hearings to be held on: HB 2421, HCR 43, HCR 46, HB 2377, SB 1073

**SPECIAL COMMITTEE ON PROFESSIONAL REGISTRATION AND LICENSING**

Thursday, April 10, 2008, 8:00 a.m. Hearing Room 7.

Executive session may follow.

Public hearings to be held on: HB 1701, HB 2487, SCS SB 850,

SB 1061, SB 1177, SB 1190

**SPECIAL COMMITTEE ON RETIREMENT**

Thursday, April 10, 2008, 8:00 a.m. Hearing Room 1.

Executive session may follow.

Public hearings to be held on: HB 1902, SCS SBs 1153, 1154, 1155 & 1156, SB 980

**SPECIAL COMMITTEE ON SENIOR CITIZEN ADVOCACY**

Wednesday, April 9, 2008, 5:00 p.m. Hearing Room 1.

Executive session will follow.

Public hearings to be held on: HB 2343, HB 1871, HB 2444

**SPECIAL COMMITTEE ON SMALL BUSINESS**

Thursday, April 10, 2008, 9:30 a.m. House Chamber south gallery.

Executive session.

Public hearing to be held on: HB 2129

**SPECIAL COMMITTEE ON STATE PARKS AND WATERWAYS**

Thursday, April 10, 2008, 8:45 a.m. Hearing Room 4.

Executive session will follow.

Public hearing to be held on: SB 1187

**SPECIAL COMMITTEE ON STUDENT ACHIEVEMENT**

Wednesday, April 9, 2008, 8:00 a.m. Hearing Room 6.

Executive session may follow.

Public hearings to be held on: HB 2109, HB 2458

**SPECIAL COMMITTEE ON UTILITIES**

Wednesday, April 9, 2008, 12:00 p.m. Hearing Room 5.

Executive session may follow.

PSC presentation by Chairman Davis RE: Missouri's energy future.

Public hearing to be held on: HB 2468

**SPECIAL COMMITTEE ON UTILITIES**

Thursday, April 10, 2008, 9:00 a.m. Hearing Room 6.

Executive session may follow.

Public hearings to be held on: SB 928, SB 958, SCS SBs 1034 & 802

**SPECIAL COMMITTEE ON WORKFORCE DEVELOPMENT AND WORKPLACE SAFETY**

Wednesday, April 9, 2008, 12:00 p.m. Hearing Room 7.

Executive session.

**WAYS AND MEANS**

Thursday, April 10, 2008, 8:00 a.m. Hearing Room 3.

Possible Executive session.

Public hearings to be held on: HB 2417, SB 979

**HOUSE CALENDAR**

FIFTIETH DAY, WEDNESDAY, APRIL 9, 2008

**HOUSE JOINT RESOLUTIONS FOR PERFECTION**

- 1 HCS HJR 49 - Cox
- 2 HCS HJR 71 - Fisher

**HOUSE BILLS FOR PERFECTION**

- 1 HB 1911 - Muschany
- 2 HB 1806 - Schaaf
- 3 HCS HB 2058 - Pearce
- 4 HCS HB 1626 - Emery
- 5 HCS HB 1836 - Flook
- 6 HCS#2 HB 1886 - Scharnhorst
- 7 HCS HBs 1788 & 1882 - Day
- 8 HCS HB 1802 - Wilson (130)
- 9 HCS HB 1644 - Muschany
- 10 HCS HB 1332 - Sater
- 11 HCS HB 1813 - Dougherty

- 12 HCS HB 1649 - Franz
- 13 HCS#2 HB 1423 - St. Onge
- 14 HCS HBs 2062 & 1518 - Pearce
- 15 HCS HB 1474 - Cunningham (86)
- 16 HCS HB 2250 - Sutherland
- 17 HB 1957 - Hughes
- 18 HB 1756 - Walton
- 19 HCS HB 2060 - Deeken
- 20 HB 2144 - Whorton
- 21 HB 1535 - Deeken
- 22 HB 1517 - Cox
- 23 HCS HB 2112 - Emery
- 24 HB 1372 - McGhee
- 25 HCS HBs 1549, 1771, 1395 & 2366, Part II, Part III, pending - Onder
- 26 HCS HB 1590 - Munzlinger
- 27 HCS HB 1504 - Walton
- 28 HCS HBs 2040 & 2430 - Jetton

#### **HOUSE BILLS FOR THIRD READING**

- 1 HB 1319, (Fiscal Review 4-2-08) - Brown (50)
- 2 HCS HB 1929, (Fiscal Review 4-2-08) - Cooper (120)
- 3 HCS HB 2321 - Dixon

#### **HOUSE BILLS FOR THIRD READING - CONSENT**

- 1 HB 1490 - Deeken
- 2 HB 1572 - Franz

#### **HOUSE CONCURRENT RESOLUTIONS**

- 1 HCR 7, (2-20-08, Pages 291-292) - Pearce
- 2 HCR 8, (2-20-08, Pages 293-294) - Scavuzzo
- 3 HCR 19, (2-21-08, Pages 305-306) - Sander
- 4 HCR 11, (3-05-08, Pages 421-422) - Nolte
- 5 HCR 16, (3-05-08, Pages 422-423) - Bivins
- 6 HCR 18, (3-05-08, Pages 420-421) - Fisher
- 7 HCR 26, (3-13-08, Pages 495-496) - Dixon
- 8 HCS HCR 21, (3-13-08, Pages 497-498) - Smith (14)

#### **SENATE BILL FOR THIRD READING**

- SB 1066 - Muschany