

# JOURNAL OF THE HOUSE

First Regular Session, 95th GENERAL ASSEMBLY

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FIFTY-SEVENTH DAY, MONDAY, APRIL 20, 2009

The House met pursuant to adjournment.

Speaker Richard in the Chair.

Prayer by Reverend James Earl Jackson.

Loving God, Your kindness extends to all You have made. You show Your awesome love day to day as You reveal Yourself in manifold ways. Thank You for Your many promises to lead and guide us when we consult with You in humility and love.

Lord, we come before You today, as public servants, seeking the wisdom that only You can give. May we take hold of Your instructions; never letting them go, guarding them, for they are the key to life and true success. May we follow the path of decency, integrity, honesty, and dignity. As we contemplate the work ahead of us this week, help us in our deliberations to avoid any appearance of wrongdoing.

Now may You God of comfort, be our confidence and our hope as we move forward in this week.

I ask these things in the name of Your Son. Amen.

The Pledge of Allegiance to the flag was recited.

The Journal of the fifty-sixth day was approved as corrected.

## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1868 through House Resolution No. 2074

## SECOND READING OF SENATE BILLS

**SS#2 SCS SB 5, SCS SBs 207 & 245, SS SCS SB 306, SCS SB 383, SCS SBs 453 & 24, SCS SB 495, SCS SB 538 and SCS SB 542** were read the second time.

## PERFECTION OF HOUSE JOINT RESOLUTION

**HJR 11**, relating to religious freedom in public places, was taken up by Representative McGhee.

Representative Nieves assumed the Chair.

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

*House Amendment No. 1*

AMEND House Joint Resolution No. 11, Section B, Page 2, Lines 6 to 11, by deleting all of said lines and inserting in lieu thereof the following:

"Shall the Missouri Constitution be amended to ensure:  
That the right of Missouri citizens to express their religious beliefs shall not be infringed;  
That school children have the right to pray and acknowledge God voluntarily in their schools; and  
That clergypersons may be invited to offer invocations at public meetings."; and

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

Representative Roorda raised a point of order that **House Amendment No. 1** is in violation of Rule 46(d).

Representative Nieves requested a parliamentary ruling.

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

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

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

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

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

Representative Talboy offered **House Substitute Amendment No. 1 for House Amendment No. 1**.

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

AMEND House Joint Resolution No. 11, Page 2, Section B, Lines 6 - 11, by deleting all of said lines and replacing with:

"Shall the Missouri Constitution be amended to ensure:  
That the right of Missouri citizens to express their religious beliefs shall not be infringed;  
That school children have the right to pray and acknowledge God voluntarily in their schools; and  
That all public schools shall display the Bill of Rights of the United States Constitution."; and

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

Representative Jones (89) assumed the Chair.

On motion of Representative Talboy, **House Substitute Amendment No. 1 for House Amendment No. 1** was adopted by the following vote:

AYES: 153

Allen	Atkins	Aull	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 50	Brown 73
Brown 149	Bruns	Burlison	Burnett	Calloway
Carter	Casey	Chappelle-Nadal	Cooper	Cox
Cunningham	Curls	Davis	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dougherty
Dugger	Dusenberg	El-Amin	Emery	Englund
Ervin	Faith	Fallert	Fischer 107	Fisher 125
Flanigan	Flook	Frame	Franz	Funderburk
Gatschenberger	Grill	Grisamore	Guernsey	Guest
Harris	Hobbs	Hodges	Holsman	Hoskins 80
Hoskins 121	Hughes	Hummel	Icet	Jones 89
Jones 117	Kander	Keeney	Kelly	Kingery
Kirkton	Koenig	Komo	Kratky	Kraus
Kuessner	Lair	Lampe	Largent	Leara
LeBlanc	LeVota	Liese	Lipke	Loehner
Low	McClanahan	McDonald	McGhee	McNary
McNeil	Meadows	Molendorp	Morris	Munzlinger
Nance	Nasheed	Nieves	Nolte	Norr
Oxford	Pace	Parkinson	Parson	Pollock
Pratt	Quinn	Riddle	Roorda	Rucker
Ruestman	Ruzicka	Salva	Sander	Sater
Scavuzzo	Schaaf	Schad	Scharnhorst	Schieffer
Schlottach	Schoeller	Schoemehl	Self	Shively
Silvey	Skaggs	Smith 14	Smith 150	Stevenson
Still	Storch	Stream	Sutherland	Swinger
Talboy	Thomson	Tilley	Todd	Tracy
Wallace	Walton Gray	Wasson	Webb	Webber
Wells	Weter	Wildberger	Wilson 119	Wilson 130
Witte	Wood	Wright	Yaeger	Yates
Zerr	Zimmerman	Mr Speaker		

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 010

Colona	Corcoran	Day	Jones 63	Meiners
Schupp	Spreng	Viebrock	Vogt	Walsh

**HJR 11, as amended,** was laid over.

## RECESS

On motion of Representative Tilley, the House recessed until 7:15 p.m.

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

**PERFECTION OF HOUSE JOINT RESOLUTION**

**HJR 11, as amended**, relating to religious freedom in public places, was again taken up by Representative McGhee.

On motion of Representative McGhee, **HJR 11, as amended**, was ordered perfected and printed by the following vote:

AYES: 127

Allen	Aull	Biermann	Bivins	Brandom
Bringer	Brown 30	Brown 50	Brown 149	Bruns
Burlison	Calloway	Carter	Casey	Cooper
Cox	Cunningham	Curls	Davis	Day
Deeken	Denison	Dethrow	Dieckhaus	Diehl
Dixon	Dugger	Dusenberg	Emery	Englund
Ervin	Faith	Fischer 107	Fisher 125	Flanigan
Flook	Frame	Franz	Funderburk	Gatschenberger
Grill	Grisamore	Guernsey	Guest	Harris
Hobbs	Hodges	Hoskins 121	Icet	Jones 89
Jones 117	Kander	Keeney	Kingery	Koenig
Komo	Kratky	Kraus	Kuessner	Lair
Lampe	Largent	Leara	LeBlanc	Liese
Lipke	Loehner	McClanahan	McGhee	McNary
Meadows	Meiners	Molendorp	Munzlinger	Nance
Nieves	Nolte	Norr	Parkinson	Parson
Pollock	Pratt	Quinn	Riddle	Roorda
Rucker	Ruestman	Ruzicka	Salva	Sander
Sater	Scavuzzo	Schaaf	Schad	Scharnhorst
Schieffer	Schlottach	Schoeller	Self	Shively
Silvey	Smith 14	Smith 150	Stevenson	Storch
Stream	Sutherland	Swinger	Thomson	Tilley
Todd	Tracy	Wallace	Walsh	Wasson
Wells	Weter	Wildberger	Wilson 119	Wilson 130
Witte	Wood	Wright	Yaeger	Yates
Zerr	Mr Speaker			

NOES: 025

Atkins	Brown 73	Burnett	Dougherty	Hoskins 80
Hughes	Hummel	Kelly	Kirkton	LeVota
Low	McDonald	McNeil	Morris	Nasheed
Oxford	Pace	Schupp	Skaggs	Spreng
Still	Talboy	Walton Gray	Webb	Webber

PRESENT: 002

Chappelle-Nadal	El-Amin
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ABSENT WITH LEAVE: 009

Colona	Corcoran	Fallert	Holsman	Jones 63
Schoemehl	Viebrock	Vogt	Zimmerman	

**PERFECTION OF HOUSE BILL - APPROPRIATIONS**

**HB 15**, relating to appropriations, was taken up by Representative Icet.

On motion of Representative Icet, **HB 15** was ordered perfected and printed.

**PERFECTION OF HOUSE BILLS**

**HCS HB 958**, relating to taxation, was taken up by Representative Smith (14).

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

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 958, Page 8, Section 52.230, Lines 1 to 14, by deleting all of said lines and inserting in lieu thereof the following:

"52.230. Each year the collectors of revenue in all counties of the first class not having a charter form of government, and in all second, third and fourth class counties of the state, not under township organization, shall mail to all resident taxpayers[, at least thirty days prior to delinquent date,] a statement of all real and tangible personal property taxes due and assessed on the current tax books in the name of the taxpayers. **Such statements shall be mailed at least thirty days before the delinquent date in all counties of the second classification, third classification without a township form of government, and fourth classification, and at least forty-five days before the delinquent date in all counties of the first classification, unless the collector is prevented from mailing the statements as required in this section by circumstances beyond the collector's control. The collector shall report to the county commission on the reason for and circumstances of any such delay in mailing the statements.** Such statement shall also include the amount of real and tangible personal property taxes delinquent at the time of the mailing of the statement, including any interest and penalties associated with the delinquent taxes. Such statement shall declare upon its face, or by an attachment thereto, that they are delinquent at the time such statement is mailed for an amount of real or tangible personal property taxes, or both. Collectors shall also mail tax receipts for all the taxes received by mail."; and

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

Representative Bringer raised a point of order that **House Amendment No. 1** is not germane and goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

Representative Kuessner raised a point of order that the distribution of **House Amendment No. 1** was not timely.

The Chair ruled the point of order not well taken.

Representative Nieves resumed the Chair.

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

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

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 958, Section 135.704, Page 29, Line 8, by deleting all of said line and inserting in lieu thereof the following:

- "(4) **"Livestock", any swine or beef cattle;**
- (5) **"Livestock production costs", the market value of feed commodities used in the production of livestock, including but not limited to corn and soybeans, of the type and in the quantity determined by the authority needed to bring livestock to market based on the sale weight of such livestock;**
- (6) **"Market value", the market price of any feed commodity or livestock on the date of sale;**
- (7) **"Qualifying loss", an aggregate loss from the sale of milk or livestock including any federal and state payments during a twelve-month period based on the total of all sales of milk and livestock during such twelve-month period;**
- (8) **"Taxpayer", any individual, partnership, or corporation as described in";** and

Further amend said bill, section, page, Line 12, by deleting the number, "2009" and inserting in lieu thereof the number, "2010"; and

Further amend said bill, section, page, Lines 17 and 18, by deleting the words, "Food and Agricultural Policy Research Institution" and inserting in lieu thereof the word, "authority"; and

Further amend said bill, section, page, Line 22, by deleting the words, "carried forward to any of the taxpayer's three subsequent taxable years" and inserting in lieu thereof the words, "transferred, sold, assigned, or otherwise conveyed, and the new owner shall have the same rights as the original taxpayer"; and

Further amend said bill, section, page, Lines 29 to 36, by deleting all of said lines and inserting in lieu thereof the following:

**"5. If, based on the calculations made by the authority, the current livestock or milk production costs exceed the current market prices of livestock or milk, any participant in the program shall be eligible to receive a tax credit if the participant has a qualifying loss for a twelve-month period.";** and

Further amend said bill, section, page, Line 37, by deleting the number, "five" and inserting in lieu thereof the number, "twenty"; and

Further amend said bill, Section 135.706, Pages 30 to 32, Lines 1 to 77, by deleting all of said section; and

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

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

*House Amendment No. 1*

*to*

*House Amendment No. 2*

AMEND House Amendment No. 2 to House Committee Substitute for House Bill No. 958, Page 1, Line 21, by deleting all of said line; and

Further amend said Amendment No. 2 to House Committee Substitute for House Bill No. 958, Page 2, Lines 1 thru 3, by deleting all of said lines and insert in lieu thereof the following:

Further amend said bill, section, and page, Line 23, by deleting all of said line and inserting in lieu thereof the following:

**"subsequent taxable years. The tax credits authorized under this section may be transferred, sold, assigned, or otherwise conveyed, and the new owner shall have the same rights as the original taxpayer.";** and'; and

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

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

On motion of Representative Loehner, **House Amendment No. 2, as amended**, was adopted.

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

*House Amendment No. 3*

AMEND House Committee Substitute for House Bill No. 958, Page 24, Section 135.562, Line 65, by inserting after said line the following:

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

(1) **"Builder", any individual, partnership, corporation, or other entity engaged in the construction of a residential home;**

(2) **"Eligible costs", expenditures by builders or owners for new construction of or improvements to any single-family detached home or a multi-family attached home constructed or improved on or after January 1, 2010, in accordance with green build standards;**

(3) **"Green build standards", the Bronze, Silver, Gold, or Emerald levels of the green home building guidelines of the National Association of Home Builders (NAHB), or the Certified, Silver, Gold, or Platinum levels of the Leadership in Energy and Environmental Design for homes certification levels (LEED-H);**

(4) **"Tax credit", a credit against the tax otherwise due under chapter 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.265, RSMo;**

(5) **"Taxpayer", any individual, builder, or entity subject to the tax imposed in chapter 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.265, RSMo.**

**2. For all taxable years beginning on or after January 1, 2010, a taxpayer shall be allowed a tax credit for eligible costs incurred on single-family detached homes or multi-family attached homes as follows:**

(1) **Forty-five cents per square foot of such home, if such home meets at least the NAHB Bronze level or LEED-H Certified level of green build standards;**

(2) **Sixty-five cents per square foot of such home, if such home meets at least the NAHB Silver level or LEED-H Silver level of green build standards;**

(3) **Ninety cents per square foot of such home, if such home meets at least the NAHB Gold level or LEED-H Gold level of green build standards;**

(4) **One dollar and fifteen cents per square foot of such home, if such home meets at least the NAHB Emerald level or LEED-H Platinum level of green build standards.**

**3. The amount of the tax credit issued shall not exceed the amount of the taxpayer's state tax liability for the tax year for which the credit is claimed. If the amount of the tax credit issued exceeds the amount of the taxpayer's state tax liability for the tax year for which the credit is claimed, the difference shall not be refundable but may be carried back to any of the taxpayer's previous taxable years, or carried forward to any of the taxpayer's subsequent taxable years. Any tax credit granted under this section may be transferred, sold, or assigned.**

**4. No tax credit shall be issued under this section for eligible costs incurred unless such new constructions or improvements are verified to comply with NAHB Model Green Home Building Guidelines or are certified under LEED-H levels. To have new constructions or improvements verified or certified under this subsection, a taxpayer shall provide all necessary documentation to a third-party verifier as required under the NAHB or LEED-H levels of green build standards. Upon verification or certification, the taxpayer shall submit a copy of such verification or certification to the department of revenue at the same time the taxpayer claims a tax credit under this section. If such taxpayer is a builder, such taxpayer shall also submit a certificate of occupancy at the same time the taxpayer claims a tax credit under this section.**

**5. The department of revenue may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority**

delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.

6. Under section 23.253, RSMo, of the Missouri Sunset Act:

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

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset on December thirty-first twelve years after the effective date of the reauthorization of this section; and

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

Further amend said bill, Page 52, Section 148.064, Line 76, by inserting after said line the following:

"148.657. Subchapter S corporation shareholders, **limited liability company members, or limited liability partnership partners** of a credit institution required to pay franchise taxes under section 148.140 may take a tax credit against such shareholder's, **member's, or partner's** state income tax return, as provided in section 143.471, RSMo. Such tax credit shall be the taxpayer's pro rata share of the franchise tax paid by the credit institution as provided in this chapter."; and

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

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

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

*House Amendment No. 4*

AMEND House Committee Substitute for House Bill No. 958, Section 135.562, Page 24, Line 65, by inserting after all of said line the following:

"135.610. 1. For all tax years beginning on or after January 1, 2009, any taxpayer who is a volunteer firefighter with a registered fire department in this state shall be allowed a credit against the tax otherwise due under chapter 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.265, RSMo. The taxpayer may claim a credit in the amount of one hundred eighty dollars for each tax year in which the taxpayer has completed at least twelve hours of any firefighter training program approved by the office of the state fire marshal in the tax year for which the credit is claimed.

2. For all tax years beginning on or after January 1, 2011, the amount of the tax credit a taxpayer may claim under this section shall increase to three hundred sixty dollars for any tax year in which the taxpayer has completed the Basic Fire Fighter program or has been certified after completing the Fire Fighter I or Fire Fighter II program by the division of fire safety for a minimum of thirty-six hours in the tax year for which the credit is claimed.

3. The state fire marshal shall develop or approve existing training programs necessary for volunteer firefighters to claim the credit authorized in this section, shall establish procedures for providing documentation that the taxpayer is a volunteer firefighter in good standing with a registered fire department, as required in chapter 320, RSMo, and has completed the training requirements in this section, and shall promulgate rules to implement the provisions of this section.

4. The tax credit allowed by this section shall be claimed by the qualified taxpayer at the time such taxpayer files a return and shall be applied against the income tax liability imposed by chapter 143, RSMo, after all other credits provided by law have been applied. If the amount of the tax credit exceeds the taxpayer's tax liability, the difference shall not be refundable but may be carried forward to any of the taxpayer's four subsequent taxable years.

5. The director of revenue shall establish the procedure by which the tax credit in this section may be claimed, and shall promulgate rules to implement the provisions of this section.

6. 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, 2009, shall be invalid and void.

7. Under section 23.253, RSMo, of the Missouri Sunset Act:

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

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset on December thirty-first twelve years after the effective date of the reauthorization of this section; and

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

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

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

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

*House Amendment No. 5*

AMEND House Committee Substitute for House Bill No. 958, Page 1, Line 5 of the Title, by inserting after the word "provision" the words "and an emergency clause for certain sections"; and

Further amend said bill, Page 52, Section 148.064, Line 76, by inserting after all of said line the following:

"205.202. 1. The governing body of any hospital district established under sections 205.160 to 205.379 in any county of the third classification without a township form of government and with more than thirteen thousand five hundred but fewer than thirteen thousand six hundred inhabitants may, by resolution, abolish the property tax levied in such district under this chapter and impose a sales tax on all retail sales made within the district which are subject to sales tax under chapter 144, RSMo. The tax authorized in this section shall be not more than one percent, and shall be imposed solely for the purpose of funding the hospital district. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes.

2. No such resolution adopted under this section shall become effective unless the governing body of the hospital district submits to the voters residing within the district at a state general, primary, or special election a proposal to authorize the governing body of the district to impose a tax under this section. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter after the director of revenue receives notification of adoption of the local sales tax. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question.

3. All revenue collected under this section by the director of the department of revenue on behalf of the hospital district, except for one percent for the cost of collection which shall be deposited in the state's general revenue fund, shall be deposited in a special trust fund, which is hereby created and shall be known as the "Hospital District Sales Tax Fund", and shall be used solely for the designated purposes. Moneys in the fund shall not be deemed to be state funds, and shall not be commingled with any funds of the state. The director may make refunds from the amounts in the fund and credited to the district for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such district. Any funds in the

special fund which are not needed for current expenditures shall be invested in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

4. The governing body of any hospital district that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the district. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

5. Whenever the governing body of any hospital district that has adopted the sales tax authorized in this section receives a petition, signed by a number of registered voters of the district equal to at least ten percent of the number of registered voters of the district voting in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this section, the governing body shall submit to the voters of the district a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, the repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

6. If the tax is repealed or terminated by any means, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes, and the hospital district shall notify the director of the department of revenue of the action at least ninety days before the effective date of the repeal and the director may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such district, the director shall remit the balance in the account to the district and close the account of that district. The director shall notify each district of each instance of any amount refunded or any check redeemed from receipts due the district."; and

Further amend said bill, Page 54, Section 1, Line 4, by inserting after all of said line the following:

"Section B. Because immediate action is necessary to allow certain hospital districts to lower their property tax levies, the enactment of section 206.165 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 206.165 of section A of this act shall be in full force and effect upon its passage and approval."; and

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

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

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

*House Amendment No. 6*

AMEND House Committee Substitute for House Bill No. 958, Section 137.016, Page 34, Line 77, by adding 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 tax rate as revised by the taxing authority to comply with the provisions of this section or when a court has determined the tax rate; 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. 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 most recent voter-approved 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 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 a 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 had the corrected or finalized assessment been available at the time of the prior calculation.

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 February 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. 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 adjusted as provided in this section and, so adjusted, shall be the current tax rate ceiling. The increased tax rate ceiling as approved shall be adjusted such that when applied to the current total assessed valuation of the political subdivision, excluding new construction and improvements since the date of the election approving such increase, the revenue derived from the adjusted tax rate ceiling is equal to the sum of: the amount of revenue which would have been derived by applying the voter-approved increased tax rate ceiling to total assessed valuation of the political subdivision, as most recently certified by the city or county clerk on or before the date of the election in which such increase is approved, increased by the percentage increase in the consumer price index, as provided by law. Such adjusted tax rate ceiling may be applied to the total assessed valuation of the political subdivision at the setting of the next tax rate. If a ballot question presents a phased-in tax rate increase, upon voter approval, each tax rate increase shall be adjusted in the manner prescribed in this section to yield the sum of: the amount of revenue that would be derived by applying such voter-approved increased rate to the total assessed valuation, as most recently certified by the city or county clerk on or before the date of the election in which such increase was approved, increased by the percentage increase in the consumer price index, as provided by law, from the date of the election to the time of such increase and, so adjusted, shall be the current tax rate ceiling.

(3) The governing body of any political subdivision may levy a tax rate lower than its tax rate ceiling and may, in a nonreassessment year, increase that lowered tax rate to a level not exceeding the tax rate ceiling without voter approval in the manner provided under subdivision (4) of this subsection. Nothing in this section shall be construed as prohibiting a political subdivision from voluntarily levying a tax rate lower than that which is required under the provisions of this section or from seeking voter approval of a reduction to such political subdivision's tax rate ceiling.

(4) In a year of general reassessment, a governing body whose tax rate is lower than its tax rate ceiling shall revise its tax rate pursuant to the provisions of subsection 4 of this section as if its tax rate was at the tax rate ceiling. In a year following general reassessment, if such governing body intends to increase its tax rate, the governing body shall conduct a public hearing, and in a public meeting it shall adopt an ordinance, resolution, or policy statement justifying its action prior to setting and certifying its tax rate. The provisions of this subdivision shall not apply to any political subdivision which levies a tax rate lower than its tax rate ceiling solely due to a reduction required by law resulting from sales tax collections. The provisions of this subdivision shall not apply to any political subdivision which has received voter approval for an increase to its tax rate ceiling subsequent to setting its most recent tax rate.

**(5) Notwithstanding any other provision of law to the contrary, for the assessment performed in 2009, when the required majority of voters in any school district with its administrative headquarters located in a census designated place with more than twenty-eight thousand eight hundred but fewer than twenty-nine thousand inhabitants passes an increase in the school district's tax rate ceiling, the school district shall use the current rate ceiling and any increase approved by the voters in establishing the rates of levy for the tax year immediately following the election. Using the most recently approved tax rate ceiling shall be revenue neutral as required in section 22, article X, Constitution of Missouri, and to the extent that the assessed valuation of real estate in such school district is reduced in any following year, such school district may raise its tax rate ceiling so that the revenue received from its local real property tax rates equals the amount the school district would have received from such increase in the tax rate ceiling had there been no reduction in the assessed valuation of real estate in the school district.**

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, or otherwise contested. 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. 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 bill by amending the title, enacting clause, and intersectional references accordingly.

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

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

*House Amendment No. 7*

AMEND House Committee Substitute for House Bill No. 958, Section 138.431, Page 36, Line 42, by inserting after all of said section the following:

"142.800. As used in this chapter, the following words, terms and phrases have the meanings given:

(1) "Agricultural purposes", clearing, terracing or otherwise preparing the ground on a farm; preparing soil for planting and fertilizing, cultivating, raising and harvesting crops; raising and feeding livestock and poultry; building fences; pumping water for any and all uses on the farm, including irrigation; building roads upon any farm by the owner or person farming the same; operating milking machines; sawing wood for use on a farm; producing electricity for use on a farm; movement of tractors, farm implements and nonlicensed equipment from one field to another;

(2) "Alternative fuel", electricity, liquefied petroleum gas (LPG or LP gas), compressed natural gas product, or a combination of liquefied petroleum gas and a compressed natural gas or electricity product used in an internal combustion engine or motor to propel any form of vehicle, machine, or mechanical contrivance. It includes all forms of fuel commonly or commercially known or sold as butane, propane, or compressed natural gas;

(3) "Aviation fuel", any motor fuel specifically compounded for use in reciprocating aircraft engines;

(4) "Blend stock", any petroleum product component of motor fuel, such as naphtha, reformat, toluene or kerosene, that can be blended for use in a motor fuel without further processing. The term includes those petroleum products presently defined by the Internal Revenue Service in regulations pursuant to 26 U.S.C., Sections 4081 and 4082, as amended. However, the term does not include any substance that:

(a) Will be ultimately used for consumer nonmotor fuel use; and

(b) Is sold or removed in drum quantities (fifty-five gallons) or less at the time of the removal or sale;

(5) "Blended fuel", a mixture composed of motor fuel and another liquid including blend stock, other than a de minimis amount of a product such as carburetor detergent or oxidation inhibitor, that can be used as a fuel in a highway vehicle. This term includes but is not limited to gasohol, ethanol, methanol, fuel grade alcohol, diesel fuel enhancers and resulting blends;

(6) "Blender", any person that produces blended motor fuel outside the bulk transfer/terminal system;

(7) "Blending", the mixing of one or more petroleum products, with or without another product, regardless of the original character of the product blended, if the product obtained by the blending is capable of use or otherwise sold

for use in the generation of power for the propulsion of a motor vehicle, an airplane, or a motorboat. The term does not include the blending that occurs in the process of refining by the original refiner of crude petroleum or the blending of products known as lubricating oil and greases;

(8) "Bulk plant", a bulk motor fuel storage and distribution facility that is not a terminal within the bulk transfer system and from which motor fuel may be removed by truck;

(9) "Bulk transfer", any transfer of motor fuel from one location to another by pipeline tender or marine delivery within the bulk transfer/terminal system;

(10) "Bulk transfer/terminal system", the motor fuel distribution system consisting of refineries, pipelines, vessels, and terminals. Motor fuel in a refinery, pipeline, boat, barge or terminal is in the bulk transfer/terminal system. Motor fuel in the fuel supply tank of any engine, or in any tank car, rail car, trailer, truck, or other equipment suitable for ground transportation is not in the bulk transfer/terminal system;

(11) "Consumer", the user of the motor fuel;

(12) "Delivery", the placing of motor fuel or any liquid into the fuel tank of a motor vehicle or bulk storage facility;

(13) "Department", the department of revenue;

(14) "Destination state", the state, territory, or foreign country to which motor fuel is directed for delivery into a storage facility, a receptacle, a container, or a type of transportation equipment for the purpose of resale or use;

(15) "Diesel fuel", any liquid that is commonly or commercially known or sold as a fuel that is suitable for use in a diesel-powered highway vehicle. A liquid meets this requirement if, without further processing or blending, the liquid has practical and commercial fitness for use in the propulsion engine of a diesel-powered highway vehicle. "Diesel fuel" does not include jet fuel sold to a buyer who is registered with the Internal Revenue Service to purchase jet fuel and remit taxes on its sale or use to the Internal Revenue Service. **"Diesel fuel" does not include biodiesel commonly referred to as B100 and defined in ASTM D6751, B99, or B99.9 until such biodiesel is blended with other diesel fuel or sold for highway use;**

(16) "Diesel-powered highway vehicle", a motor vehicle operated on a highway that is propelled by a diesel-powered engine;

(17) "Director", the director of revenue;

(18) "Distributor", a person who either produces, refines, blends, compounds or manufactures motor fuel, imports motor fuel into a state or exports motor fuel out of a state, or who is engaged in distribution of motor fuel;

(19) "Dyed fuel", diesel fuel or kerosene that is required to be dyed pursuant to United States Environmental Protection Agency rules or is dyed pursuant to Internal Revenue Service rules or pursuant to any other requirements subsequently set by the United States Environmental Protection Agency or Internal Revenue Service including any invisible marker requirements;

(20) "Eligible purchaser", a distributor who has been authorized by the director to purchase motor fuel on a tax-deferred basis;

(21) "Export", to obtain motor fuel in this state for sale or other distribution outside of this state. In applying this definition, motor fuel delivered out of state by or for the seller constitutes an export by the seller, and motor fuel delivered out of state by or for the purchaser constitutes an export by the purchaser;

(22) "Exporter", any person, other than a supplier, who purchases motor fuel in this state for the purpose of transporting or delivering the fuel outside of this state;

(23) "Farm tractor", all tractor-type, motorized farm implements and equipment but shall not include motor vehicles of the truck-type, pickup truck-type, automobiles, and other motor vehicles required to be registered and licensed each year pursuant to the provisions of the motor vehicle license and registration laws of this state;

(24) "Fuel grade alcohol", a methanol or ethanol with a proof of not less than one hundred ninety degrees (determined without regard to denaturants) and products derived from such alcohol for blending with motor fuel;

(25) "Fuel transportation vehicle", any vehicle designed for highway use which is also designed or used to transport motor fuels and includes transport trucks and tank wagons;

(26) "Gasoline", all products commonly or commercially known or sold as gasoline that are suitable for use as a motor fuel. Gasoline does not include products that have an American Society for Testing and Materials (ASTM) octane number of less than seventy-five as determined by the "motor method";

(27) "Gross gallons", the total measured motor fuel, exclusive of any temperature or pressure adjustments, in U.S. gallons;

(28) "Heating oil", a motor fuel that is burned in a boiler, furnace, or stove for heating or industrial processing purposes;

(29) "Import", to bring motor fuel into this state by any means of conveyance other than in the fuel supply tank of a motor vehicle. In applying this definition, motor fuel delivered into this state from out-of-state by or for the seller

constitutes an import by the seller, and motor fuel delivered into this state from out-of-state by or for the purchaser constitutes an import by the purchaser;

(30) "Import verification number", the number assigned by the director with respect to a single transport truck delivery into this state from another state upon request for an assigned number by an importer or the transporter carrying motor fuel into this state for the account of an importer;

(31) "Importer" includes any person who is the importer of record, pursuant to federal customs law, with respect to motor fuel. If the importer of record is acting as an agent, the person for whom the agent is acting is the importer. If there is no importer of record of motor fuel entered into this state, the owner of the motor fuel at the time it is brought into this state is the importer;

(32) "Indian country":

(a) Land held in trust by the United States of America for the benefit of a federally recognized Indian tribe or nation;

(b) All land within the limits of any Indian reservation under the jurisdiction of the United States government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation;

(c) All dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state; and

(d) All Indian allotments, the Indian titles to which have not been extinguished, including individual allotments held in trust by the United States or allotments owned in fee by individual Indians subject to federal law restrictions regarding disposition of said allotments and including rights-of-way running through the same. The term shall also include the definition of Indian country as found in 18 U.S.C., Section 1151;

(33) "Indian tribe", "tribes", or "federally recognized Indian tribe or nation", an Indian tribal entity which is recognized by the United States Bureau of Indian Affairs as having a special relationship with the United States. The term shall also include the definition of a tribe as defined in 25 U.S.C., Section 479a;

(34) "Interstate motor fuel user", any person who operates a motor fuel-powered motor vehicle with a licensed gross weight exceeding twenty-six thousand pounds that travels from this state into another state or from another state into this state;

(35) "Invoiced gallons", the gallons actually billed on an invoice for payment to a supplier which shall be either gross or net gallons on the original manifest or bill of lading;

(36) "K-1 kerosene", a petroleum product having an A.P.I. gravity of not less than forty degrees, at a temperature of sixty degrees Fahrenheit and a minimum flash point of one hundred degrees Fahrenheit with a sulfur content not exceeding four one-hundredths percent by weight;

(37) "Kerosene", the petroleum fraction containing hydrocarbons that are slightly heavier than those found in gasoline and naphtha, with a boiling range of one hundred forty-nine to three hundred degrees Celsius;

(38) "Liquid", any substance that is liquid in excess of sixty degrees Fahrenheit and at a pressure of fourteen and seven-tenths pounds per square inch absolute;

(39) "Motor fuel", gasoline, diesel fuel, kerosene and blended fuel;

(40) "Motor vehicle", any automobile, truck, truck-tractor or any motor bus or self-propelled vehicle not exclusively operated or driven upon fixed rails or tracks. The term does not include:

(a) Farm tractors or machinery including tractors and machinery designed for off-road use but capable of movement on roads at low speeds, or

(b) A vehicle solely operated on rails;

(41) "Net gallons", the motor fuel, measured in U.S. gallons, when corrected to a temperature of sixty degrees Fahrenheit and a pressure of fourteen and seven-tenths pounds per square inch absolute (psi);

(42) "Permissive supplier", an out-of-state supplier that elects, but is not required, to have a supplier's license pursuant to this chapter;

(43) "Person", natural persons, individuals, partnerships, firms, associations, corporations, estates, trustees, business trusts, syndicates, this state, any county, city, municipality, school district or other political subdivision of the state, federally recognized Indian tribe, or any corporation or combination acting as a unit or any receiver appointed by any state or federal court;

(44) "Position holder", the person who holds the inventory position in motor fuel in a terminal, as reflected on the records of the terminal operator. A person holds the inventory position in motor fuel when that person has a contract with the terminal operator for the use of storage facilities and terminating services for motor fuel at the terminal. The term includes a terminal operator who owns motor fuel in the terminal;

(45) "Propel", the operation of a motor vehicle, whether it is in motion or at rest;

(46) "Public highway", every road, toll road, highway, street, way or place generally open to the use of the public as a matter of right for the purposes of vehicular travel, including streets and alleys of any town or city notwithstanding that the same may be temporarily closed for construction, reconstruction, maintenance or repair;

(47) "Qualified terminal", a terminal which has been assigned a terminal control number ("tcn") by the Internal Revenue Service;

(48) "Rack", a mechanism for delivering motor fuel from a refinery or terminal into a railroad tank car, a transport truck or other means of bulk transfer outside of the bulk transfer/terminal system;

(49) "Refiner", any person that owns, operates, or otherwise controls a refinery;

(50) "Refinery", a facility used to produce motor fuel from crude oil, unfinished oils, natural gas liquids, or other hydrocarbons and from which motor fuel may be removed by pipeline, by boat or barge, or at a rack;

(51) "Removal", any physical transfer of motor fuel from a terminal, manufacturing plant, customs custody, pipeline, boat or barge, refinery or any facility that stores motor fuel;

(52) "Retailer", a person that engages in the business of selling or dispensing to the consumer within this state;

(53) "Supplier", a person that is:

(a) Registered or required to be registered pursuant to 26 U.S.C., Section 4101, for transactions in motor fuels in the bulk transfer/terminal distribution system; and

(b) One or more of the following:

a. The position holder in a terminal or refinery in this state;

b. Imports motor fuel into this state from a foreign country;

c. Acquires motor fuel from a terminal or refinery in this state from a position holder pursuant to either a two-party exchange or a qualified buy-sell arrangement which is treated as an exchange and appears on the records of the terminal operator; or

d. The position holder in a terminal or refinery outside this state with respect to motor fuel which that person imports into this state. A terminal operator shall not be considered a supplier based solely on the fact that the terminal operator handles motor fuel consigned to it within a terminal. "Supplier" also means a person that produces fuel grade alcohol or alcohol-derivative substances in this state, produces fuel grade alcohol or alcohol-derivative substances for import to this state into a terminal, or acquires upon import by truck, rail car or barge into a terminal, fuel grade alcohol or alcohol-derivative substances. "Supplier" includes a permissive supplier unless specifically provided otherwise;

(54) "Tank wagon", a straight truck having multiple compartments designed or used to carry motor fuel;

(55) "Terminal", a bulk storage and distribution facility which includes:

(a) For the purposes of motor fuel, is a qualified terminal;

(b) For the purposes of fuel grade alcohol, is supplied by truck, rail car, boat, barge or pipeline and the products are removed at a rack;

(56) "Terminal bulk transfers" include but are not limited to the following:

(a) Boat or barge movement of motor fuel from a refinery or terminal to a terminal;

(b) Pipeline movements of motor fuel from a refinery or terminal to a terminal;

(c) Book transfers of product within a terminal between suppliers prior to completion of removal across the rack; and

(d) Two-party exchanges or buy-sell supply arrangements within a terminal between licensed suppliers;

(57) "Terminal operator", any person that owns, operates, or otherwise controls a terminal. A terminal operator may own the motor fuel that is transferred through or stored in the terminal;

(58) "Transmix", the buffer or interface between two different products in a pipeline shipment, or a mix of two different products within a refinery or terminal that results in an off-grade mixture;

(59) "Transport truck", a semitrailer combination rig designed or used to transport motor fuel over the highways;

(60) "Transporter", any operator of a pipeline, barge, railroad or transport truck engaged in the business of transporting motor fuels;

(61) "Two-party exchange", a transaction in which the motor fuel is transferred from one licensed supplier or licensed permissive supplier to another licensed supplier or licensed permissive supplier and:

(a) Which transaction includes a transfer from the person that holds the original inventory position for motor fuel in the terminal as reflected on the records of the terminal operator; and

(b) The exchange transaction is simultaneous with removal from the terminal by the receiving exchange partner. However, in any event, the terminal operator in its books and records treats the receiving exchange party as the supplier which removes the product across a terminal rack for purposes of reporting such events to this state;

(62) "Ultimate vendor", a person that sells motor fuel to the consumer;

(63) "Undyed diesel fuel", diesel fuel that is not subject to the United States Environmental Protection Agency dyeing requirements, or has not been dyed in accordance with Internal Revenue Service fuel dyeing provisions; and

(64) "Vehicle fuel tank", any receptacle on a motor vehicle from which fuel is supplied for the propulsion of the motor vehicle."; and

Further amend said bill, Section 1, Page 54, Line 4, by inserting after all of said section the following:

**"Section 2. Notwithstanding any rule or law to the contrary, the department of revenue shall promulgate a uniform and simplified rule for all motor fuel tax exemptions. This uniform and simplified rule shall preempt all existing similar rules, shall minimize the time between requesting a refund and receiving a refund, and shall ensure that any record, document and administration burdens be kept to a minimum and be shared equitably by the fuel wholesaler, fuel retailer and the tax exempt entity.";** and

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

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

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

*House Amendment No. 8*

AMEND House Committee Substitute for House Bill No. 958, Section 52.230, Page 8, Line 14, by inserting after all of said section and line the following:

**"Not withstanding provisions of law to the contrary, an authorization for collection of a fee for the collection of delinquent and back taxes in a county's charter, at a rate different than the rate allowed by law, shall control.";** and

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

Representative Sander raised a point of order that the distribution of **House Amendment No. 8** was not timely.

Representative Nieves requested a parliamentary ruling.

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

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

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

*House Amendment No. 9*

AMEND House Committee Substitute for House Bill No. 958, Section 1, Page 54, Line 4, by inserting immediately after said line the following:

**"Section 2. In addition to the exemptions granted under the provisions of section 144.030, there shall also be specifically exempted from the provisions of sections 66.600 to 66.635, RSMo, sections 67.500 to 67.545, RSMo, sections 92.400 to 92.420, RSMo, sections 94.500 to 94.570, RSMo, sections 94.600 to 94.655, RSMo, sections 94.700 to 94.755, RSMo, and sections 144.010 to 144.510 and 144.600 to 144.745 and from the computation of the tax levied, assessed or payable under sections 66.600 to 66.635, RSMo, sections 67.500 to 67.545, RSMo, sections 92.400 to 92.420, RSMo, sections 94.500 to 94.570, RSMo, sections 94.600 to 94.655, RSMo, sections 94.700 to 94.755, RSMo, and sections 144.010 to 144.510 and 144.600 to 144.745 all fees associated with or sales of any**

skydiving activities, which shall be defined as jumping from an aircraft and falling freely or performing maneuvers before pulling the ripcord of a parachute."; and

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

Representative Talboy offered **House Substitute Amendment No. 1 for House Amendment No. 9**.

Representative Cooper raised a point of order that **House Substitute Amendment No. 1 for House Amendment No. 9** goes beyond the scope of the underlying amendment.

Representative Nieves requested a parliamentary ruling.

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

Representative Smith (14) raised a point of order that **House Substitute Amendment No. 1 for House Amendment No. 9** is not a true substitute amendment.

Representative Nieves requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order well taken.

Representative Kraus moved that **House Amendment No. 9** be adopted.

Which motion was defeated by the following vote:

AYES: 062

Allen	Bivins	Brandom	Brown 30	Brown 50
Brown 149	Burlison	Cooper	Cox	Deeken
Denison	Dethrow	Dieckhaus	Diehl	Dugger
Dusenberg	Emery	Ervin	Faith	Fisher 125
Flanigan	Franz	Funderburk	Gatschenberger	Grisamore
Guernsey	Hoskins 121	Jones 89	Jones 117	Kander
Keeney	Kingery	Koenig	Kraus	Largent
Leara	McGhee	McNary	Molendorp	Munzlinger
Nance	Nasheed	Nieves	Nolte	Parkinson
Pratt	Ruestman	Schaaf	Scharnhorst	Self
Smith 14	Smith 150	Stream	Sutherland	Thomson
Tilley	Tracy	Weter	Wilson 119	Yates
Zerr	Mr Speaker			

NOES: 094

Atkins	Aull	Biermann	Bringer	Brown 73
Bruns	Burnett	Calloway	Carter	Casey
Chappelle-Nadal	Colona	Cunningham	Curls	Davis
Day	Dixon	Dougherty	El-Amin	Englund
Fallert	Fischer 107	Flook	Frame	Grill
Guest	Harris	Hobbs	Hodges	Holsman
Hoskins 80	Hughes	Hummel	Icet	Kelly
Kirkton	Komo	Kratky	Kuessner	Lair
Lampe	LeBlanc	LeVota	Liese	Lipke

Loehner	Low	McClanahan	McDonald	McNeil
Meadows	Meiners	Morris	Norr	Oxford
Pace	Parson	Quinn	Riddle	Roorda
Rucker	Ruzicka	Salva	Sander	Sater
Scavuzzo	Schad	Schieffer	Schlottach	Schoeller
Schupp	Shively	Silvey	Skaggs	Stevenson
Still	Storch	Swinger	Talboy	Todd
Wallace	Walsh	Walton Gray	Wasson	Webb
Webber	Wells	Wildberger	Wilson 130	Witte
Wood	Wright	Yaeger	Zimmerman	

PRESENT: 000

ABSENT WITH LEAVE: 007

Corcoran	Jones 63	Pollock	Schoemehl	Sprenig
Viebrock	Vogt			

**Representative Diehl offered House Amendment No. 10.**

*House Amendment No. 10*

AMEND House Committee Substitute for House Bill No. 958, Section 321.227, Pages 53 - 54, by deleting all of said section from the substitute; and

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

Representative Tilley moved the previous question.

Which motion was adopted by the following vote:

AYES: 086

Allen	Bivins	Brandom	Brown 30	Brown 149
Bruns	Burlison	Cooper	Cox	Cunningham
Davis	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dugger	Dusenberger
Emery	Ervin	Faith	Fisher 125	Flanigan
Flook	Franz	Funderburk	Gatschenberger	Grisamore
Guernsey	Guest	Hobbs	Hoskins 121	Icet
Jones 89	Jones 117	Keeney	Kingery	Koenig
Kraus	Lair	Largent	Leara	Lipke
Loehner	McGhee	McNary	Molendorp	Munzlinger
Nance	Nieves	Nolte	Parkinson	Parson
Pollock	Pratt	Riddle	Ruestman	Ruzicka
Sander	Sater	Schaaf	Schad	Scharnhorst
Schlottach	Schoeller	Self	Smith 14	Smith 150
Stream	Sutherland	Thomson	Tilley	Tracy
Wallace	Wasson	Wells	Weter	Wilson 119
Wilson 130	Wood	Wright	Yates	Zerr
Mr Speaker				

NOES: 068

Atkins	Aull	Biermann	Bringer	Brown 50
Brown 73	Burnett	Calloway	Carter	Casey
Chappelle-Nadal	Colona	Curls	Dougherty	El-Amin
Englund	Fallert	Fischer 107	Frame	Grill
Harris	Hodges	Holsman	Hoskins 80	Hummel
Kander	Kelly	Kirkton	Komo	Kratky
Kuessner	Lampe	LeBlanc	LeVota	Liese
Low	McClanahan	McDonald	McNeil	Meadows
Meiners	Morris	Nasheed	Norr	Oxford
Pace	Quinn	Roorda	Rucker	Salva
Scavuzzo	Schieffer	Schupp	Shively	Skaggs
Still	Storch	Swinger	Talboy	Todd
Walsh	Walton Gray	Webb	Webber	Wildberger
Witte	Yaeger	Zimmerman		

PRESENT: 000

ABSENT WITH LEAVE: 009

Corcoran	Hughes	Jones 63	Schoemehl	Silvey
Spreng	Stevenson	Viebrock	Vogt	

Representative Diehl moved that **House Amendment No. 10** be adopted.

Which motion was defeated.

Representative Tilley moved the previous question.

Which motion was adopted by the following vote:

AYES: 088

Allen	Bivins	Brandom	Brown 30	Brown 149
Bruns	Burlison	Cooper	Cox	Cunningham
Davis	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dugger	Dusenberg
Emery	Ervin	Faith	Fisher 125	Flanigan
Flook	Franz	Funderburk	Gatschenberger	Grisamore
Guernsey	Guest	Hobbs	Hoskins 121	Icet
Jones 89	Jones 117	Keeney	Kingery	Koenig
Kraus	Lair	Largent	Leara	Lipke
Loehner	McGhee	McNary	Molendorp	Munzlinger
Nance	Nieves	Nolte	Parkinson	Parson
Pollock	Pratt	Riddle	Ruestman	Ruzicka
Sander	Sater	Schaaf	Schad	Scharnhorst
Schlottach	Schoeller	Self	Silvey	Smith 14
Smith 150	Stevenson	Stream	Sutherland	Thomson
Tilley	Tracy	Wallace	Wasson	Wells
Weter	Wilson 119	Wilson 130	Wood	Wright
Yates	Zerr	Mr Speaker		

NOES: 069

Atkins	Aull	Biermann	Bringer	Brown 50
Brown 73	Burnett	Calloway	Carter	Casey
Chappelle-Nadal	Colona	Curls	Dougherty	El-Amin
Englund	Fallert	Fischer 107	Frame	Grill
Harris	Hodges	Holsman	Hoskins 80	Hughes
Hummel	Kander	Kelly	Kirkton	Komo
Kratky	Kuessner	Lampe	LeBlanc	LeVota
Liese	Low	McClanahan	McDonald	McNeil
Meadows	Meiners	Morris	Nasheed	Norr
Oxford	Pace	Quinn	Roorda	Rucker
Salva	Scavuzzo	Schieffer	Schupp	Shively
Skaggs	Still	Storch	Swinger	Talboy
Todd	Walsh	Walton Gray	Webb	Webber
Wildberger	Witte	Yaeger	Zimmerman	

PRESENT: 000

ABSENT WITH LEAVE: 006

Corcoran	Jones 63	Schoemehl	Spreng	Viebrock
Vogt				

On motion of Representative Smith (14), **HCS HB 958, as amended**, was adopted by the following vote:

AYES: 106

Atkins	Aull	Biermann	Bivins	Brandom
Brown 50	Brown 73	Brown 149	Bruns	Calloway
Carter	Casey	Chappelle-Nadal	Colona	Cooper
Cunningham	Day	Deeken	Denison	Dethrow
Dieckhaus	Dougherty	Dugger	El-Amin	Englund
Faith	Fallert	Fischer 107	Fisher 125	Franz
Funderburk	Gatschenberger	Guest	Harris	Hobbs
Hodges	Holsman	Hoskins 80	Hoskins 121	Hummel
Jones 117	Kander	Keeney	Kelly	Kingery
Kirkton	Komo	Kratky	Lair	LeBlanc
Liese	Loehner	McClanahan	McDonald	McGhee
McNeil	Meadows	Meiners	Munzlinger	Nance
Nasheed	Nieves	Nolte	Norr	Pace
Parkinson	Parson	Pratt	Quinn	Riddle
Roorda	Rucker	Ruestman	Ruzicka	Sander
Sater	Schaaf	Schad	Schieffer	Schlottach
Self	Shively	Smith 14	Still	Storch
Sutherland	Swinger	Talboy	Thomson	Tilley
Todd	Tracy	Wallace	Walsh	Walton Gray
Wasson	Webb	Weter	Wildberger	Wilson 119
Wilson 130	Witte	Wood	Yaeger	Zerr
Mr Speaker				

NOES: 051

Allen	Bringer	Brown 30	Burlison	Burnett
Cox	Curls	Davis	Diehl	Dixon
Dusenberg	Emery	Ervin	Flanigan	Flook

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Frame	Grill	Grisamore	Guernsey	Hughes
Icet	Jones 89	Koenig	Kraus	Kuessner
Lampe	Largent	Leara	LeVota	Lipke
Low	McNary	Molendorp	Morris	Oxford
Pollock	Salva	Scavuzzo	Scharnhorst	Schoeller
Schupp	Silvey	Skaggs	Smith 150	Stevenson
Stream	Webber	Wells	Wright	Yates
Zimmerman				

PRESENT: 000

ABSENT WITH LEAVE: 006

Corcoran	Jones 63	Schoemehl	Spreng	Viebrock
Vogt				

On motion of Representative Smith (14), **HCS HB 958, as amended**, was ordered perfected and printed.

**HCS HB 631, as amended**, relating to the Missouri Teaching Fellows Program, was taken up by Representative Jones (89).

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

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 631, Page 1, Section 168.700, Line 6, by inserting after the word "senior" the following:

**"or student who is completing a secondary school education in a home school setting,"**; and

Further amend said bill, page and section, Line 11, by inserting after the word "class" the following:

**"or has achieved a GED test score corresponding to an estimated national class rank in the top ten percent of graduating United States high school seniors,"**; and

Further amend said bill, page and section, Line 12, by inserting after the word "school", the words:

**"or passing the GED test"**; and

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

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

Representative Jones (89) offered **House Amendment No. 3**.

House Amendment No. 3

AMEND House Committee Substitute for House Bill No. 631, Section 168.700, Page 1, Line 8, by deleting the word “their” and inserting in lieu thereof the following:

“[their] **his or her**”; and

Further amend said bill, page, and section, Line 10, by deleting the word “their” and inserting in lieu thereof the following:

“[their] **his or her**”; and

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

On motion of Representative Jones (89), **House Amendment No. 3** was adopted.

On motion of Representative Jones (89), **HCS HB 631, as amended**, was adopted.

On motion of Representative Jones (89), **HCS HB 631, as amended**, was ordered perfected and printed.

**HB 779**, relating to the regulation of gambling devices, was taken up by Representative Parkinson.

Representative Jones (89) resumed the Chair.

Representative Parkinson moved that **HB 779** be ordered perfected and printed.

Which motion was defeated by the following vote:

AYES: 016

Allen	Burlison	Cox	Dieckhaus	Dougherty
Funderburk	Gatschenberger	Kratky	Lair	McNary
Parkinson	Salva	Schaaf	Smith 14	Tilley
Zerr				

NOES: 139

Atkins	Aull	Biermann	Bivins	Brandom
Bringer	Brown 30	Brown 50	Brown 73	Brown 149
Bruns	Burnett	Calloway	Carter	Casey
Chappelle-Nadal	Colona	Cooper	Cunningham	Curls
Davis	Day	Deeken	Denison	Dethrow
Diehl	Dixon	Dugger	Dusenberg	El-Amin
Emery	Englund	Ervin	Faith	Fallert
Fischer 107	Fisher 125	Flanigan	Flook	Frame
Franz	Grill	Grisamore	Guernsey	Guest
Harris	Hobbs	Hodges	Holsman	Hoskins 80
Hoskins 121	Hughes	Hummel	Ice	Jones 89
Jones 117	Kander	Keeney	Kelly	Kingery
Kirkton	Koenig	Komo	Kraus	Kuessner
Lampe	Largent	Leara	LeBlanc	LeVota

Liese	Lipke	Loehner	Low	McClanahan
McDonald	McGhee	McNeil	Meadows	Meiners
Molendorp	Morris	Munzlinger	Nance	Nasheed
Nieves	Nolte	Norr	Oxford	Pace
Parson	Pollock	Pratt	Quinn	Riddle
Roorda	Rucker	Ruestman	Ruzicka	Sander
Sater	Scavuzzo	Scharnhorst	Schieffer	Schoeller
Schupp	Self	Shively	Silvey	Skaggs
Smith 150	Stevenson	Still	Storch	Stream
Sutherland	Swinger	Talboy	Thomson	Todd
Tracy	Wallace	Walsh	Walton Gray	Wasson
Webb	Webber	Wells	Weter	Wildberger
Wilson 119	Wilson 130	Witte	Wood	Wright
Yaeger	Yates	Zimmerman	Mr Speaker	

PRESENT: 000

ABSENT WITH LEAVE: 008

Corcoran	Jones 63	Schad	Schlottach	Schoemehl
Spreng	Viebrock	Vogt		

Speaker Pro Tem Pratt resumed the Chair.

### **REFERRAL OF SENATE BILLS**

The following Senate Bills were referred to the Committee indicated:

**SS#2 SCS SB 5** - Ways and Means

**SS SCS SB 306** - Special Standing Committee on Health Insurance

### **COMMITTEE REPORTS**

**Committee on Budget**, Chairman Icet reporting:

Mr. Speaker: Your Committee on Budget, to which was referred **HB 18**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Budget, to which was referred **HB 19**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Budget, to which was referred **HB 20**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Budget, to which was referred **HB 21**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Insurance Policy**, Chairman Yates reporting:

Mr. Speaker: Your Committee on Insurance Policy, to which was referred **SB 464**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Job Creation and Economic Development**, Chairman Flook reporting:

Mr. Speaker: Your Committee on Job Creation and Economic Development, to which was referred **SB 377**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**SENATE CONSENT BILLS**

Pursuant to Rule 45(f), the following bills have remained on the Senate Bills for Third Reading Consent Calendar for five legislative days without any objection, and all committee substitutes and committee amendments thereto adopted by consent: **SCS SB 127** and **SCS SB 394**.

**MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HBs 93 & 216**, entitled:

An act to repeal section 304.170 and 304.260, RSMo, and to enact in lieu thereof two new sections relating to tractor parades, with an emergency clause.

With Senate Amendment No. 1.

*Senate Amendment No. 1*

AMEND Senate Committee Substitute for House Committee Substitute for House Bills Nos. 93 & 216, Page 4, Section 304.170, Line 116, by striking the following: "400.9.109" and inserting in lieu thereof the following: "**400.9-102**".

Emergency clause adopted.

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 HCS HB 111**, entitled:

An act to amend chapter 194, RSMo, by adding thereto one new section relating to the disposal of unclaimed veterans' remains.

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 HCS HB 265**, entitled:

An act to repeal sections 169.020, 169.040, 169.056, 169.070, 169.073, 169.075, 169.090, 169.130, 169.560, 169.630, 169.650, 169.660, 169.655, 169.670, and 169.690, RSMo, and to enact in lieu thereof sixteen new sections relating to teacher and school employee retirement systems, with an emergency clause for certain sections.

Emergency clause adopted.

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 **SS SCS HCS HB 359**, entitled:

An act to repeal section 227.107, RSMo, and to enact in lieu thereof one new section relating to state highways and transportation commission design-build highway project contracts, with an emergency clause.

With Senate Amendment No. 1.

*Senate Amendment No. 1*

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 359, Page 2, Section 227.107, Line 19, by inserting immediately after "county." the following:

**"The state highways and transportation commission is authorized to enter into an additional design-build contract for the design, construction, reconstruction, or improvement of State Highway 92, contained in a county of the first classification with more than one hundred eighty-four thousand but fewer than one hundred eighty-eight thousand inhabitants, from its intersection with State Highway 169, east to its intersection with State Highway E."**

Emergency clause adopted.

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 **HB 751**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 752**, entitled:

An act to repeal sections 21.795 and 226.030, RSMo, and to enact in lieu thereof two new sections relating to transportation appointees.

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 HB 861**, entitled:

An act to repeal section 41.150, RSMo, and to enact in lieu thereof one new section relating to assistant adjutants general.

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 **SS SCS SB 376**, entitled:

An act to repeal section 386.120, RSMo, and to enact in lieu thereof three new sections relating to energy efficiency investments by electric corporations, with an expiration date for a certain section and a penalty provision.

In which the concurrence of the House is respectfully requested.

The following members' presence was noted: Corcoran and Vogt.

### ADJOURNMENT

On motion of Representative Tilley, the House adjourned until 10:00 a.m., Tuesday, April 21, 2009.

### CORRECTIONS TO THE HOUSE JOURNAL

Correct House Journal, Fifty-sixth Day, Thursday, April 16, 2009, Page 1109, Lines 21-23, by deleting all of said lines.

Page 1110, Line 9, by inserting after said line the following:

"Mr. Speaker: Your Committee on Rules, to which was referred **SCS SB 355**, begs leave to report it has examined the same and recommends that it **Do Pass**."

### AFFIDAVITS

I, State Representative Rachel Bringer, District 6, hereby state and affirm that my vote as recorded on Page 1104 of the Journal of the House for Thursday, April 16, 2009 to third read and pass House Committee Substitute for House Bill No. 361 was incorrectly recorded as present. Pursuant to House Rule 89, I ask that the Journal be corrected to show that I voted aye. I further state and affirm that I was present in the House Chamber at the time this vote was taken, I did vote on this motion, and my vote was incorrectly recorded.

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 20th day of April 2009.

/s/ Rachel Bringer  
State Representative

State of Missouri )  
) ss.  
Signed in County of Cole )  
Notary Commissioned in County of Cole )



IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 20th day of April 2009.

/s/ Terry Witte  
State Representative

State of Missouri )  
) ss.  
Signed in County of Cole )  
Notary Commissioned in County of Cole )

Subscribed and sworn to before me this 20th day of April in the year 2009.

/s/ Patricia G. Pleus  
Notary Public

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I, State Representative Dennis Wood, District 62, hereby state and affirm that my vote as recorded on Page 1102 of the Journal of the House for Thursday, April 16, 2009 to third read and pass House Bill No. 734 was incorrectly recorded as absent with leave. Pursuant to House Rule 89, I ask that the Journal be corrected to show that I voted aye. I further state and affirm that I was present in the House Chamber at the time this vote was taken, I did vote on this motion, and my vote was incorrectly recorded.

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 20th day of April 2009.

/s/ Dennis Wood  
State Representative

State of Missouri )  
) ss.  
Signed in County of Cole )  
Notary Commissioned in County of Cole )

Subscribed and sworn to before me this 20th day of April in the year 2009.

/s/ Patricia Pleus  
Notary Public

## **COMMITTEE MEETINGS**

### **ADMINISTRATION AND ACCOUNTS**

Wednesday, April 22, 2009, 12:30 p.m. Hearing Room 7.

Discussion on allowable uses of members' 800 account and legislative salaries.

Executive session may follow.

Public hearing to be held on: HR 515

### **CORRECTIONS AND PUBLIC INSTITUTIONS**

Tuesday, April 21, 2009, 8:00 a.m. Hearing Room 4.

Executive session only.

### **ELECTIONS**

Tuesday, April 21, 2009, 8:00 a.m. Hearing Room 5.

Executive session may follow.

Public hearings to be held on: HB 670, HB 1039, HB 1180, SB 485

ELEMENTARY AND SECONDARY EDUCATION

Wednesday, April 22, 2009, 8:00 a.m. Hearing Room 6.

Executive session.

FISCAL REVIEW

Thursday, April 23, 2009, 8:30 a.m. House Chamber south gallery.

All bills referred to committee.

Executive session may follow.

HEALTHCARE TRANSFORMATION

Tuesday, April 21, 2009, Hearing Room 6 upon afternoon adjournment.

Executive session may follow.

Public hearing to be held on: HB 839

JOB CREATION AND ECONOMIC DEVELOPMENT

Tuesday, April 21, 2009, Hearing Room 7 upon afternoon adjournment.

Executive session may follow.

Public hearings to be held on: HB 1019, HB 1111, HB 1112, SB 215

PUBLIC SAFETY

Tuesday, April 21, 2009, 12:00 p.m. Hearing Room 6.

Executive session may follow.

Public hearings to be held on: HB 820, HB 1034

RULES

Tuesday, April 21, 2009, Hearing Room 5 upon afternoon adjournment.

Possible Executive session.

Public hearing to be held on: HB 1058

RULES - PURSUANT TO RULE 25(32)(f)

Tuesday, April 21, 2009, Hearing Room 5.

7:00 p.m. or upon afternoon adjournment, whichever is later.

Any bills referred to Rules - Pursuant to Rule 25(32)(f).

Possible Executive session. AMENDED

Public hearings to be held on: HCS HB 17, HCS HBs 323 & 528, HCS HB 591,

HCS HB 665, HCS HB 819, HCS HB 1055, SCS SB 153, HCS SB 171,

SCS SB 202, SB 217, SB 224, SCS SB 231, SCS SB 243, HCS SB 296,

HCS SS SB 307, SB 513, SB 526

RULES - PURSUANT TO RULE 25(32)(f)

Wednesday, April 22, 2009, Hearing Room 3 upon afternoon adjournment.

Any bills referred to Rules - Pursuant to Rule 25(32)(f).

Possible Executive session.

**RULES - PURSUANT TO RULE 25(32)(f)**

Thursday, April 23, 2009, 9:00 a.m. Hearing Room 3.  
Any bills referred to Rules - Pursuant to Rule 25(32)(f).  
Possible Executive session.

**RURAL COMMUNITY DEVELOPMENT**

Tuesday, April 21, 2009, 8:00 a.m. Hearing Room 7.  
Executive session may follow.  
Public hearings to be held on: HB 1181, SS SCS SB 539

**SPECIAL STANDING COMMITTEE ON CHILDREN AND FAMILIES**

Wednesday, April 22, 2009, 8:30 a.m. Hearing Room 1.  
Executive session.

**SPECIAL STANDING COMMITTEE ON GENERAL LAWS**

Tuesday, April 21, 2009, Hearing Room 4 upon morning adjournment.  
Executive session may follow.  
Public hearings to be held on: HB 399, HB 719, HB 1030, SS SB 172

**SPECIAL STANDING COMMITTEE ON HEALTH INSURANCE**

Tuesday, April 21, 2009, Hearing Room 5 upon morning recess.  
Executive session.

**SPECIAL STANDING COMMITTEE ON INFRASTRUCTURE AND TRANSPORTATION FUNDING**

Tuesday, April 21, 2009, Hearing Room 4 upon afternoon adjournment.  
Executive session only.

**SPECIAL STANDING COMMITTEE ON PROFESSIONAL REGISTRATION AND LICENSING**

Wednesday, April 22, 2009, 12:00 p.m. Hearing Room 4.  
Executive session.

**TAX REFORM**

Wednesday, April 22, 2009, 9:30 a.m. Hearing Room 5.  
Executive session may follow.  
Public hearing to be held on: SCS SB 71

**TOURISM**

Thursday, April 23, 2009, 9:00 a.m. Hearing Room 7.  
Executive session may follow.  
Public hearings to be held on: HCR 46, SCR 2

**TRANSPORTATION**

Tuesday, April 21, 2009, Hearing Room 7.  
12:00 p.m. or upon morning recess, whichever is later.  
Executive session only.

UTILITIES

Tuesday, April 21, 2009, Hearing Room 1 thirty (30) minutes after morning recess.  
Executive session will be held on: HB 898

VETERANS

Tuesday, April 21, 2009, 9:30 a.m. House Chamber south gallery.  
Executive session only.

**HOUSE CALENDAR**

FIFTY-EIGHTH DAY, TUESDAY, APRIL 21, 2009

**HOUSE JOINT RESOLUTIONS FOR PERFECTION**

- 1 HCS HJR 16 - Davis
- 2 HJR 37 - Cunningham
- 3 HCS HJR 9 - Cox
- 4 HJR 15 - Chappelle-Nadal
- 5 HJR 17 - Icet

**HOUSE BILLS FOR PERFECTION**

- 1 HCS HB 522 - Fisher (125)
- 2 HCS HB 703 - Jones (89)
- 3 HCS HB 497 - Ervin
- 4 HCS HB 414 - Low
- 5 HCS HB 967 - Hobbs
- 6 HB 746 - Bringer
- 7 HCS HB 330 - Riddle
- 8 HCS HB 577 - Yates
- 9 HCS HB 313 - Yates
- 10 HCS HBs 568 & 534 - Koenig
- 11 HCS HB 316 - Jones (89)
- 12 HCS HB 799 - Jones (89)
- 13 HCS HBs 915 & 923 - Hobbs
- 14 HCS HB 390 - Nolte
- 15 HCS HB 228 - Parson
- 16 HCS HB 384 - Keeney
- 17 HCS HB 883 - Flook
- 18 HCS HB 162 - Dusenberg
- 19 HB 321 - Emery
- 20 HCS HB 363 - Silvey
- 21 HCS HB 735 - Yates
- 22 HCS HB 387 - Cooper
- 23 HCS HB 566 - Salva
- 24 HCS HB 190 - Flook
- 25 HCS HB 1075 - Fisher (125)

- 26 HCS HB 857 - Pollock
- 27 HCS HBs 978 & 1028 - Bivins
- 28 HCS HB 657 - Cooper
- 29 HCS HB 647 - Schaaf
- 30 HCS HB 426 - Sutherland
- 31 HCS#2 HB 372 - Schaaf
- 32 HCS HB 356 - Wallace
- 33 HB 156 - Nance
- 34 HCS HB 654 - Schoeller
- 35 HCS HBs 64 & 545 - Lipke
- 36 HB 45 - Sater
- 37 HCS HB 937 - Icet

**HOUSE BILLS FOR THIRD READING - APPROPRIATIONS**

HB 15 - Icet

**HOUSE BILLS FOR THIRD READING**

HCS HB 95, (Fiscal Review 4-02-09) - Schaaf

**HOUSE BILLS FOR THIRD READING - INFORMAL**

HCS HBs 620 & 671 - Lair

**HOUSE BILLS FOR THIRD READING - CONSENT**

HCS HB 304 - Schad

**SENATE BILLS FOR SECOND READING**

SS SCS SB 376

**HOUSE CONCURRENT RESOLUTIONS**

- 1 HCR 17, (3-12-09, Pages 593-594) - Sander
- 2 HCR 19, (3-11-09, Pages 554-555) - Wright
- 3 HCR 45, (4-07-09, Page 956) - Wallace

**SENATE BILLS FOR THIRD READING - CONSENT**

- 1 SB 277 - Brandom
- 2 HCS SB 421, E.C. - Cunningham
- 3 SB 66 - Hoskins (121)
- 4 SCS SB 127 - Funderburk
- 5 SCS SB 394 - Ervin

(4/15/09)

- 1 HCS SB 147 - Zerr
- 2 HCS SB 154 - Wallace
- 3 SB 156 - Wood
- 4 SB 232 - Dixon
- 5 HCS SCS SB 338 - Lipke
- 6 HCS SCS SB 157 - Scharnhorst
- 7 HCS SCS SB 47 - Bruns
- 8 HCS SCS SB 563 - Leara
- 9 HCS SB 435 - Brown (149)
- 10 SB 398 - Loehner
- 11 HCS SB 263 - Wright
- 12 SCS SB 265 - Jones (89)
- 13 SB 161 - Viebrock
- 14 HCS SCS SB 411 - Viebrock
- 15 HCS SCS SB 152 - Loehner

(4/16/09)

HCS SB 196 - Scavuzzo

#### **SENATE BILLS FOR THIRD READING**

- 1 HCS SS SCS SB 1 - Wasson
- 2 HCS SCS SB 242, E.C. - Jones (89)
- 3 SCS SB 355 - Wasson

#### **HOUSE BILLS WITH SENATE AMENDMENTS**

- 1 SS SCS HCS HB 2 - Icet
- 2 SS SCS HCS HB 3 - Icet
- 3 SCS HCS HB 4 - Icet
- 4 SCS HCS HB 5 - Icet
- 5 SCS HCS HB 6 - Icet
- 6 SCS HCS HB 7 - Icet
- 7 SCS HCS HB 8 - Icet
- 8 SCS HCS HB 9 - Icet
- 9 SCS HCS HB 10 - Icet
- 10 SCS HCS HB 11 - Icet
- 11 SCS HCS HB 12 - Icet
- 12 SCS HB 13 - Icet
- 13 SCS HCS HBs 93 & 216, as amended, E.C. - Thomson
- 14 SCS HCS HB 111 - Day
- 15 SCS HB 861 - Day

- 16 SCS HCS HB 265, E.C. - Franz
- 17 SCS HCS HB 752 - Schieffer
- 18 SS SCS HCS HB 359, as amended, E.C. - Denison

**HOUSE CONCURRENT RESOLUTIONS - INFORMAL**

HCR 9, (2-23-09, Page 370) - Nance