

# JOURNAL OF THE HOUSE

Second Regular Session, 96th GENERAL ASSEMBLY

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FIFTY-SIXTH DAY, MONDAY, APRIL 16, 2012

The House met pursuant to adjournment.

Speaker Tilley in the Chair.

Prayer by Major Kendall Matthews.

Lord, we come before You this afternoon with open hearts, open minds, and open spirits. I am asking You to fill this body of lawmakers with Your goodness and grace. They need Your eternal power to make wise and crystal clear decisions that will positively impact the great Show-Me State of Missouri. Please show them Your wisdom, Your power, and Your infinite love, so that they can stand up for righteousness and all that is good. The Bible says that we can do all things through Christ who strengthens us. Strengthen these lawmakers to entrust themselves to Your power to serve this state.

These are tough economic times for many people of our state, Lord. Unemployment, homelessness, hunger and feelings of uncertainty concerning our future are on everybody's mind. Help us today, O Lord, to look to You for the reassurance that the future will improve for constituents that these lawmakers serve.

Loving God, I pray that this House of Representatives will look to You during times of trouble, knowing that their decisions have the influence and impact to make positive change happen throughout this state. Faith will be the key to keep them on the right path to help make the proper decisions to effect godly change in the Show-Me State.

So Lord, please be present with these legislators this week. Bless them, their families, their constituents, and bless our state.

In the name and Spirit of Jesus Christ, our Lord, our Master, and our Redeemer. Amen.

The Pledge of Allegiance to the flag was recited.

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

## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 2020 through House Resolution No. 2141

## PERFECTION OF HOUSE BILLS

**HCS HB 1717**, relating to withholding tax filing requirements, was taken up by Representative Kelley (126).

Representative Fisher assumed the Chair.

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

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 1717, Page 1, In the Title, Line 2, by deleting the word "section" and inserting in lieu thereof the following: "sections 143.173 and"; and

Further amend said bill, Page 1, In the Title, Line 2, by deleting the words "one new section" and inserting in lieu thereof the words "two new sections"; and

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

"Section A. Sections 143.173 and 143.221, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 143.173 and 143.221, to read as follows:

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

(1) "County average wage", the average wages in each county as determined by the department of economic development for the most recently completed full calendar year. However, if the computed county average wage is above the statewide average wage, the statewide average wage shall be deemed the county average wage for such county for the purpose of this section;

(2) "Deduction", an amount subtracted from the taxpayer's Missouri adjusted gross income to determine Missouri taxable income, or federal taxable income in the case of a corporation, for the tax year in which such deduction is claimed;

(3) "Full-time employee", a position in which the employee is considered full-time by the taxpayer and is required to work an average of at least thirty-five hours per week for a fifty-two week period;

(4) "New job", the number of full-time employees employed by the small business in Missouri on the qualifying date that exceeds the number of full-time employees employed by the small business in Missouri on the same date of the immediately preceding taxable year;

(5) "Qualifying date", any date during the tax year as chosen by the small business;

(6) "Small business", any small business, **including any sole proprietorship, partnership, S-corporation, C-corporation, limited liability company, limited liability partnership, or other business entity**, consisting of fewer than fifty full or part-time employees;

(7) "Taxpayer", any small business subject to the income tax imposed in this chapter, **including any sole proprietorship, partnership, S-corporation, C-corporation, limited liability company, limited liability partnership, or other business entity**.

2. In addition to all deductions listed in this chapter, for all taxable years beginning on or after January 1, 2011, and ending on or before December 31, 2014, a taxpayer shall be allowed a deduction for each new job created by the small business in the taxable year. **Tax deductions allowed to any partnership, limited liability company, S-corporation, or other pass-through entity may be allocated to the partners, members, or shareholders of such entity for their direct use in accordance with the provisions of any agreement among such partners, members, or shareholders.** The deduction amount shall be as follows:

(1) Ten thousand dollars for each new job created with an annual salary of at least the county average wage; or

(2) Twenty thousand dollars for each new job created with an annual salary of at least the county average wage if the small business offers health insurance and pays at least fifty percent of such insurance premiums.

3. The department of revenue shall establish the procedure by which the deduction provided in this section may be claimed, and 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, 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 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 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, 2011, shall be invalid and void.

4. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset on December thirty-first three years after August 28, 2011, 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 three 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 title, enacting clause and intersectional references accordingly.

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

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

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 1717, Page 1, In the Title, Line 2, by deleting the word, "withholding" and inserting in lieu thereof the word, "income"; and

Further amend said bill, Page 1, Section A, Line 2, by inserting after all of said section the following:

"143.171. 1. For all tax years beginning on or after January 1, 1994, **but ending on or before December 31, 2012**, an individual taxpayer shall be allowed a deduction for his federal income tax liability under Chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed, not to exceed five thousand dollars on a single taxpayer's return or ten thousand dollars on a combined return, after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by Section 31 (tax withheld on wages), Section 27 (tax of foreign country and United States possessions), and Section 34 (tax on certain uses of gasoline, special fuels, and lubricating oils).

2. For all tax years beginning on or after September 1, 1993, **but ending on or before December 31, 2012**, a corporate taxpayer shall be allowed a deduction for fifty percent of its federal income tax liability under Chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by Section 31 (tax withheld on wages), Section 27 (tax of foreign country and United States possessions), and Section 34 (tax on certain uses of gasoline, special fuels and lubricating oils).

3. If a federal income tax liability for a tax year prior to the applicability of sections 143.011 to 143.996 for which he was not previously entitled to a Missouri deduction is later paid or accrued, he may deduct the federal tax in the later year to the extent it would have been deductible if paid or accrued in the prior year."; and

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

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

Which motion was defeated by the following vote:

AYES: 037

Atkins	Carlson	Colona	Conway 27	Ellinger
Ellington	Harris	Hodges	Holsman	Hubbard
Hummel	Jones 63	Kirkton	Kratky	Lampe
May	McCann Beatty	McCreery	McDonald	McGeoghegan
McNeil	Montecillo	Morgan	Newman	Oxford
Pace	Pierson	Rizzo	Schieffer	Schupp
Smith 71	Spreng	Still	Swearingen	Talboy
Taylor	Walton Gray			

NOES: 111

Allen	Anders	Asbury	Bahr	Barnes
Bernskoetter	Berry	Black	Brandom	Brattin

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Brown 85	Brown 116	Burlison	Casey	Cauthorn
Cierpiot	Conway 14	Cookson	Cox	Crawford
Cross	Curtman	Davis	Day	Denison
Dieckhaus	Diehl	Dugger	Elmer	Entlicher
Fallert	Fisher	Fitzwater	Flanigan	Fraker
Franklin	Franz	Frederick	Fuhr	Gatschenberger
Gosen	Grisamore	Guernsey	Haefner	Hampton
Higdon	Hinson	Hoskins	Houghton	Johnson
Jones 89	Jones 117	Keeney	Kelley 126	Klippenstein
Koenig	Korman	Lair	Lant	Largent
Lasater	Lauer	Leach	Leara	Lichtenegger
Loehner	Long	Marshall	McCaherty	McGhee
McNary	Meadows	Molendorp	Nance	Nasheed
Neth	Nichols	Parkinson	Phillips	Pollock
Quinn	Redmon	Richardson	Riddle	Rowland
Ruzicka	Sater	Scharnhorst	Schatz	Schieber
Schneider	Schoeller	Shively	Shumake	Sifton
Silvey	Smith 150	Solon	Sommer	Stream
Swinger	Thomson	Torpey	Wallingford	Wells
White	Wieland	Wright	Wyatt	Zerr

Mr Speaker

PRESENT: 000

ABSENT WITH LEAVE: 015

Aull	Brown 50	Carter	Funderburk	Hough
Hughes	Kander	Kelly 24	McManus	Nolte
Reiboldt	Schad	Webb	Webber	Weter

On motion of Representative Kelley (126), **HCS HB 1717, as amended**, was adopted.

On motion of Representative Kelley (126), **HCS HB 1717, as amended**, was ordered perfected and printed.

**HB 1534**, relating to the federal health care reform law, was taken up by Representative Bahr.

Representative Jones (89) moved the previous question.

Which motion was adopted by the following vote:

AYES: 096

Allen	Bahr	Bernskoetter	Berry	Brandom
Brattin	Brown 85	Brown 116	Burlison	Cauthorn
Cierpiot	Conway 14	Cookson	Cox	Crawford
Cross	Curtman	Davis	Day	Denison
Dieckhaus	Diehl	Dugger	Elmer	Entlicher
Fisher	Fitzwater	Flanigan	Fraker	Franklin
Franz	Frederick	Fuhr	Gatschenberger	Gosen
Grisamore	Guernsey	Haefner	Hampton	Hinson
Hoskins	Hough	Houghton	Johnson	Jones 89
Jones 117	Keeney	Kelley 126	Klippenstein	Koenig
Korman	Lair	Lant	Largent	Lasater

Lauer	Leach	Leara	Lichtenegger	Loehner
Marshall	McCaherty	McGhee	McNary	Molendorp
Neth	Parkinson	Phillips	Pollock	Redmon
Reiboldt	Richardson	Riddle	Rowland	Sater
Schatz	Schieber	Schneider	Schoeller	Shumake
Silvey	Smith 150	Solon	Sommer	Stream
Thomson	Torpey	Wallingford	Wells	Weter
White	Wieland	Wright	Wyatt	Zerr
Mr Speaker				

NOES: 050

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

PRESENT: 000

ABSENT WITH LEAVE: 017

Anders	Asbury	Aull	Barnes	Brown 50
Carter	Funderburk	Higdon	Hughes	Long
McManus	Nance	Nolte	Ruzicka	Schad
Scharnhorst	Webb			

On motion of Representative Bahr, **HB 1534** was ordered perfected and printed by the following vote:

AYES: 109

Allen	Asbury	Bahr	Bernskoetter	Berry
Black	Brandom	Brattin	Brown 116	Burlison
Casey	Cauthorn	Cierpiot	Conway 14	Cookson
Cox	Crawford	Cross	Curtman	Davis
Day	Denison	Dieckhaus	Diehl	Dugger
Elmer	Entlicher	Fallert	Fisher	Fitzwater
Flanigan	Fraker	Franklin	Franz	Frederick
Fuhr	Gatschenberger	Gosen	Grisamore	Guernsey
Haefner	Hampton	Harris	Higdon	Hinson
Hodges	Hoskins	Hough	Houghton	Johnson
Jones 89	Jones 117	Keeney	Kelley 126	Klippenstein
Koenig	Korman	Lair	Lant	Largent
Lasater	Lauer	Leach	Leara	Lichtenegger
Loehner	Long	Marshall	McCaherty	McGhee
McNary	Meadows	Molendorp	Nance	Neth
Parkinson	Phillips	Pollock	Quinn	Redmon
Reiboldt	Richardson	Riddle	Rowland	Ruzicka
Sater	Schatz	Schieber	Schneider	Schoeller
Shively	Shumake	Silvey	Smith 150	Solon

Sommer	Stream	Swinger	Thomson	Torpey
Wallingford	Wells	Weter	White	Wieland
Wright	Wyatt	Zerr	Mr Speaker	

NOES: 041

Atkins	Carlson	Carter	Colona	Conway 27
Ellinger	Ellington	Holsman	Hubbard	Hummel
Jones 63	Kander	Kelly 24	Kirkton	Kratky
Lampe	May	McCann Beatty	McCreery	McDonald
McGeoghegan	McNeil	Montecillo	Morgan	Nasheed
Newman	Nichols	Oxford	Pace	Pierson
Rizzo	Schupp	Sifton	Smith 71	Spreng
Still	Swearingen	Talboy	Taylor	Walton Gray
Webber				

PRESENT: 001

Anders

ABSENT WITH LEAVE: 012

Aull	Barnes	Brown 50	Brown 85	Funderburk
Hughes	McManus	Nolte	Schad	Scharnhorst
Schieffer	Webb			

**HCS HB 1661**, relating to a tax deduction for job creation, was taken up by Representative Hoskins.

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

#### *House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 1661, Page 1, Section A, Line 2, by inserting after all of said line the following:

"143.171. 1. For all tax years beginning on or after January 1, 1994, **but ending on or before December 31, 2012**, an individual taxpayer shall be allowed a deduction for his federal income tax liability under Chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed, not to exceed five thousand dollars on a single taxpayer's return or ten thousand dollars on a combined return, after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by Section 31 (tax withheld on wages), Section 27 (tax of foreign country and United States possessions), and Section 34 (tax on certain uses of gasoline, special fuels, and lubricating oils).

2. For all tax years beginning on or after September 1, 1993, **but ending on or before December 31, 2012**, a corporate taxpayer shall be allowed a deduction for fifty percent of its federal income tax liability under Chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by Section 31 (tax withheld on wages), Section 27 (tax of foreign country and United States possessions), and Section 34 (tax on certain uses of gasoline, special fuels and lubricating oils).

3. If a federal income tax liability for a tax year prior to the applicability of sections 143.011 to 143.996 for which he was not previously entitled to a Missouri deduction is later paid or accrued, he may deduct the federal tax in the later year to the extent it would have been deductible if paid or accrued in the prior year."; and

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

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

Which motion was defeated by the following vote:

AYES: 035

Atkins	Carlson	Carter	Colona	Ellinger
Ellington	Holsman	Hummel	Jones 63	Kirkton
Lampe	May	McCann Beatty	McCreery	McDonald
McGeoghegan	McNeil	Montecillo	Morgan	Nasheed
Newman	Oxford	Pace	Pierson	Rizzo
Schieffer	Schupp	Smith 71	Spreng	Still
Swearingen	Talboy	Taylor	Walton Gray	Webber

NOES: 113

Allen	Anders	Asbury	Bahr	Barnes
Bernskoetter	Berry	Black	Brandom	Brattin
Brown 85	Brown 116	Burlison	Casey	Cauthorn
Cierpiot	Conway 14	Conway 27	Cookson	Cox
Crawford	Cross	Curtman	Davis	Dieckhaus
Dugger	Elmer	Entlicher	Fallert	Fisher
Fitzwater	Flanigan	Fraker	Franklin	Franz
Frederick	Fuhr	Gatschenberger	Gosen	Guernsey
Haefner	Hampton	Harris	Higdon	Hinson
Hodges	Hoskins	Hough	Houghton	Hubbard
Johnson	Jones 89	Jones 117	Kander	Keeney
Kelley 126	Klippenstein	Koenig	Korman	Kratky
Lair	Lant	Largent	Lasater	Lauer
Leach	Leara	Lichtenegger	Loehner	Long
Marshall	McCaherty	McGhee	McNary	Meadows
Nance	Neth	Nichols	Parkinson	Phillips
Pollock	Quinn	Redmon	Reiboldt	Richardson
Riddle	Rowland	Ruzicka	Sater	Schatz
Schieber	Schneider	Schoeller	Shively	Shumake
Sifton	Silvey	Smith 150	Solon	Sommer
Stream	Swinger	Thomson	Torpey	Wallingford
Wells	Weter	White	Wieland	Wright
Wyatt	Zerr	Mr Speaker		

PRESENT: 000

ABSENT WITH LEAVE: 015

Aull	Brown 50	Day	Denison	Diehl
Funderburk	Grisamore	Hughes	Kelly 24	McManus
Molendorp	Nolte	Schad	Scharnhorst	Webb

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

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

Representative Fisher requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order well taken.

Representative Jones (89) moved the previous question.

Which motion was adopted by the following vote:

AYES: 097

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

NOES: 049

Anders	Atkins	Black	Carlson	Carter
Casey	Conway 27	Ellinger	Ellington	Fallert
Harris	Hodges	Holsman	Hubbard	Hummel
Kander	Kirkton	Kratky	Lampe	May
McCann Beatty	McCreery	McDonald	McGeoghegan	McNeil
Meadows	Montecillo	Morgan	Nasheed	Newman
Nichols	Oxford	Pace	Pierson	Quinn
Rizzo	Schieffer	Schupp	Shively	Sifton
Smith 71	Spreng	Still	Swearingen	Swinger
Talboy	Taylor	Walton Gray	Webber	

PRESENT: 000

ABSENT WITH LEAVE: 017

Aull	Brown 50	Colona	Day	Dieckhaus
Funderburk	Gatschenberger	Hughes	Jones 63	Kelly 24
Korman	McManus	Nolte	Schad	Scharnhorst
Webb	Wyatt			

On motion of Representative Hoskins, **HCS HB 1661** was adopted.

On motion of Representative Hoskins, **HCS HB 1661** was ordered perfected and printed.

## COMMITTEE REPORTS

### **Committee on Downsizing State Government**, Chairman McNary reporting:

Mr. Speaker: Your Committee on Downsizing State Government, to which was referred **HB 1900**, 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 Downsizing State Government, to which was referred **SS SCS SB 467**, 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 General Laws**, Chairman Franz reporting:

Mr. Speaker: Your Committee on General Laws, to which was referred **HCR 43**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

#### HOUSE CONCURRENT RESOLUTION NO. 43

WHEREAS, the sport of trapshooting is one of the three major forms of competitive clay pigeon shooting and is growing in popularity throughout the United States and Missouri; and

WHEREAS, the trapshooting games were originally meant for the hunters to develop their skills, but these shooting games have obtained international recognition and are encouraged by sports associations; and

WHEREAS, trapshooting is a sport where flying clay targets are fired at with a shot gun. Trapshooting is considered to be an exciting and challenging sport with several million participants; and

WHEREAS, trapshooting has been a sport since at least 1793; and

WHEREAS, Olympic trap is one of the International Shooting Sport Federation (ISSF) shooting events, introduced to the Olympic program in 1900; and

WHEREAS, the Amateur Trapshooting Association (ATA) is the primary governing body of American trapshooting and has launched a major initiative to attract more youth shooters; and

WHEREAS, a great deal of coordination and discipline is needed for trapshooting. Trapshooting sports test a player's skill in marksmanship and improve confidence of youth, both male and female, who may not possess the physical attributes to compete in other competitive sports offered at their schools; and

WHEREAS, the goal of any program of youth trapshooting should be to provide instruction and promote firearm safety, personal responsibility, and sportsmanship among primary and secondary students; and

WHEREAS, trap shooting competitions promote tourism in the State of Missouri by bringing in participants and their families from around the country who stay in motels, eat in restaurants, and shop in retail stores, and purchase products from vendors at events; and

WHEREAS, the ATA, the Missouri Trapshooters Association, and other state shooting organizations also award scholarships to college-bound trapshooters based on citizenship, scholarship, and need. Many youth trapshooters are now attending college with the help of those scholarships; and

WHEREAS, our youth should have the opportunity and be encouraged to participate in this extracurricular activity in the same manner as other youth extracurricular activities, such as football, baseball, softball, basketball, track, or band; and

WHEREAS, the boards of education of every Missouri school district and school is encouraged to promote and include trapshooting as a high school sport:

NOW THEREFORE BE IT RESOLVED that the members of the House of Representatives of the Ninety-sixth General Assembly, Second Regular Session, the Senate concurring therein, hereby encourage the school boards of every school district and school in the State of Missouri, in conjunction with the Missouri Youth Sport Shooting Alliance, to voluntarily promote and include trapshooting as a high school sport for the youth of our state; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the Missouri Commissioner of Education, the Missouri School Activities Association, the Missouri Trapshooters Association, the Missouri Youth Sport Shooting Alliance, and each school district and school in Missouri.

Mr. Speaker: Your Committee on General Laws, to which was referred **HCR 52**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

#### HOUSE CONCURRENT RESOLUTION NO. 52

WHEREAS, in 1959, Senate Resolution No. 33 and House Resolution No. 19, recognizing the importance of the extraordinary manifestations of nature and recreational attributes of the Current and Eleven Point Riverways, requested Congress to enact legislation to preserve the natural resources and provide recreational development and other improvements for the public use; and

WHEREAS, in 1964, Congress answered Missouri's request by enacting legislation to establish the Ozark National Scenic Riverways; and

WHEREAS, the riverways within the Ozark National Scenic Riverways are, and remain, public highways of the State of Missouri, subject to concurrent jurisdiction between the State of Missouri and the United States under Missouri Senate Bill No. 362 enacted in 1971; and

WHEREAS, in 2005, the National Park Service began researching for the purpose of drafting a new general management plan for the Ozark National Scenic Riverways; and

WHEREAS, the general management plan for the Ozark National Scenic Riverways will ensure that the National Park Service managers and stakeholders share a clearly defined understanding of the resource conditions, opportunities for recreational use, and managerial methodology for access, and development designed to successfully achieve the national riverways' purpose; and

WHEREAS, in keeping with the National Parks and Recreation Act of 1978, the general management plan will serve as a guideline which will be relied upon as a basis for decisions affecting the riverways and for decisions which serve to preserve resources for the enjoyment of future generations; and

WHEREAS, every national park system unit has been asked to prepare this kind of document since 1976 when Congress passed a law to that effect. The general management plan will guide decisions related to the Ozark National Scenic Riverways for the next 15 to 20 years; and

WHEREAS, the Missouri Conservation Commission is charged with the control, management, restoration, conservation and regulation of the bird, fish, game, forestry and all wildlife resources of the state, including hatcheries, sanctuaries, refuges, reservations and all other property owned, acquired or used for such purposes; and

WHEREAS, in September of 2009, the Missouri Department of Conservation recommended that "hunting, fishing and trapping continue to be allowed throughout the ONSR except in highly developed areas where a reasonable safety zone for public protection may be required" and supported the "No-Action Alternative" released in 2009 by the National Park Service as an appropriate balance between preservation of resource conditions and opportunities for recreational use; and

WHEREAS, the recreational resources afforded by the riverways are an economic staple to the citizens of the surrounding communities with the State of Missouri; and

WHEREAS, the State of Missouri and a majority of the citizens of Missouri agree that the citizens of Missouri and those Missouri citizens most impacted in their daily lives are in the best position to formulate policy and regulations to manage and protect Missouri's natural resources as opposed to a federal agency headquartered in Washington, D.C.:

NOW THEREFORE BE IT RESOLVED that the members of the House of Representatives of the Ninety-sixth General Assembly, Second Regular Session, the Senate concurring therein, hereby strongly urge the National Park Service to draft its final General Management Plan to recognize the importance the riverways provides to the State of Missouri not only for the preservation of those extraordinary manifestations of nature, but also recreational use and enjoyment; and

BE IT FURTHER RESOLVED that the Missouri General Assembly finds that the previously announced "No Action Alternative" provides the best balance to maintain the riverways' purposes; and

BE IT FURTHER RESOLVED that the Missouri General Assembly stand prepared to utilize its concurrent jurisdiction to assure this balance is properly maintained; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for Jonathan B. Jarvis, Director of the National Park Service, and Bill Black, Interim Superintendent of Ozark National Scenic Riverways.

Mr. Speaker: Your Committee on General Laws, to which was referred **HB 1394**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on General Laws, to which was referred **HB 1690**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on General Laws, to which was referred **HB 1998**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

### **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 adopted **HCR 37**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **SS SCR 16**.

SENATE SUBSTITUTE  
FOR  
SENATE CONCURRENT RESOLUTION NO. 16

WHEREAS, in the year 2011, heavy rainfall and snowmelt along the Missouri River combined with intentional releases of impounded water by the U.S. Army Corps of Engineers caused unprecedented amounts of water flow on the river, which led to breached levees and widespread flooding for the states along the river, including Missouri; and

WHEREAS, the extensive flooding destroyed many homes, farms, and businesses, severely impacting the livelihoods of thousands of Missourians, who, in addition to suffering the emotional toll of the disaster, are also suffering a heavy economic burden to repair the devastated land and infrastructure; and

WHEREAS, the U.S. Army Corps of Engineers is charged with management of the Missouri River for eight congressionally-authorized purposes, one of which is flood control; and

WHEREAS, the Army Corps of Engineers has worked extensively for numerous years to develop the Missouri River Master Manual to guide its management of the river which seeks to balance the competing interests of the eight authorized purposes; and

WHEREAS, it is evident that due to the immediate, large-scale and potentially life-threatening impacts upon public health and safety caused by flooding, the authorized purpose of flood control must have the utmost importance in any planning activities on the part of the Army Corps; and

WHEREAS, as a result of the widespread devastation caused by the flood events of 2011, an independent technical review panel was formed to evaluate the Army Corps' river management performance and, specifically, its performance with regard to its responsibility to protect public health and safety through flood control; and

WHEREAS, the independent technical review panel issued its findings and recommendations in December 2011 and concluded that while the Army Corps may have acted in accordance with the Master Manual, the Master Manual itself may not be appropriately flexible or responsive to adequately protect the public from flooding in the case of extreme weather events such as those experienced in 2011; and

WHEREAS, the panel's report further concluded that the Army Corps' Master Manual should not regard extreme weather events such as the precipitation in 2011 as rare, isolated events, but rather as part of a potential climatic pattern for which the Army Corps must be continuously prepared to address; and

WHEREAS, understanding that the prediction of future weather patterns is not an exact science, the Army Corps must allow greater flexibility in its management activities of reservoir storage and spring rise to anticipate and respond to higher than expected snow and rainfall in the river basin so as to prevent future catastrophic flooding events like that which occurred in 2011 and to position the Army Corps to be successful in accomplishing its flood control duties and protecting the public from disasters that could have been prevented:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-sixth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby urge the Commanding General of the U.S. Army Corps of Engineers to accept the recommendations of the independent technical review panel in order to improve its flood protection operations and conduct its river management activities in proper accordance with the Corps' mandated responsibility to protect life and property through flood control actions; and

BE IT FURTHER RESOLVED that the U.S. Army Corps of Engineers be urged to continually place the utmost priority on flood control in any future annual operating plans with the goal of allowing the Army Corps to be able to successfully react and respond to unpredictable weather and extreme weather events so as to prevent future flooding disasters; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Commanding General of the U.S. Army Corps of Engineers and the members of the Missouri Congressional delegation.

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 adopted **SCR 25**.

SENATE CONCURRENT RESOLUTION NO. 25

WHEREAS, over the course of the spring and summer of 2011, unprecedented releases of water upstream by the U.S. Army Corps of Engineers have caused extensive pressure on the river levees in the state of Missouri that protect many communities, businesses, and prime agricultural lands; and

WHEREAS, in the face of this tremendous pressure some of Missouri's levees have been intentionally and unintentionally breached, resulting in widespread flooding, which has proved devastating to many Missouri homes, farms, families, and livelihoods; and

WHEREAS, last summer, the U.S. Army Corps of Engineers intentionally breached the Birds Point levee in southeast Missouri which resulted in the flooding of 130,000 acres of mostly agricultural land; and

WHEREAS, Missouri families have suffered unprecedented losses as a result of this situation and many Missouri farmers have experienced a complete and total loss of agricultural production, resulting in decimated farm incomes and ravaged local economies; and

WHEREAS, according to a June 2011 report drafted by the Food and Agricultural Policy Research Institute of the University of Missouri, the breach of the levee and subsequent flooding of crop lands in southeast Missouri has resulted in economic losses totaling \$60.6 million, a combination of forgone net returns and incurred production expenses in the affected area; and

WHEREAS, according to the University of Missouri Extension, the southeast Missouri region produced the following shares of the state's total production of specific agricultural commodities in 2010:

- 1) 100% of total cotton production in Missouri;
- 2) 99.6% of total rice production in Missouri;
- 3) 52.9% of total wheat production in Missouri;
- 4) 21.4% of total grain sorghum production in Missouri;
- 5) 18.1% of total soybean production in Missouri;
- 6) 15.4% of total corn production in Missouri; and

WHEREAS, with the agricultural production of southeast Missouri accounting for approximately one-third of the state's total economy, the catastrophic results of the flooding of agricultural land due to the intentional breach of the Birds Point levee in southeast Missouri has a significant economic impact for the entire state. This complete and total loss of agricultural production at a time when our state's economy is experiencing recession can only exacerbate the state's current economic hardships; and

WHEREAS, the flood waters have not yet receded in some parts of Missouri and continue to disrupt the lives of hard-working Missourians; and

WHEREAS, even after the flood waters recede, much work will need to be done to restore the productivity of the damaged agricultural land and repair the ruined homes and businesses; and

WHEREAS, the U.S. Army Corps of Engineers has a responsibility to the nation for flood control; and

WHEREAS, the original flood plan was authorized in 1928 in response to severe flooding of the Mississippi River in 1927. The U.S. Army Corps of Engineers is obligated to re-examine the flood plan in light of the devastating losses, both short-term and long-term, suffered in this state as a result of the unprecedented releases of water upstream and the intentional breach of the Birds Point levee by the U.S. Army Corps of Engineers during the spring and summer of 2011:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-sixth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby strongly urge the U.S. Army Corps of Engineers to:

- 1) Re-examine the flood plan for the Mississippi River; and
- 2) Conduct its river operations in such a way as to avoid the devastating flooding disasters that occurred in 2011; and
- 3) Rebuild the damaged levees to at least their previous heights as expediently as possible; and

BE IT FURTHER RESOLVED that the members of the Missouri General Assembly encourage communities, families and other stakeholders to work together to restore the prime agricultural lands that have been damaged by the recent flooding so that the productive value of these lands is not irrevocably lost; and

BE IT FURTHER RESOLVED that the members of the Missouri General Assembly strongly encourage the members of the Missouri Congressional delegation to actively support policies for the management of the Mississippi River that minimize devastating flood events such as those that have been experienced by so many Missourians last summer; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Commanding General of the U.S. Army Corps of Engineers and the members of the Missouri Congressional delegation.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 628**, entitled:

An act to repeal section 488.5026, RSMo, and to enact in lieu thereof one new section relating to a surcharge in certain criminal cases.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 668**, entitled:

An act to amend chapter 52, RSMo, by adding thereto one new section relating to property tax bills of certain counties.

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 SB 742**, entitled:

An act to amend chapter 376, RSMo, by adding thereto three new sections relating to the credentialing and payment of health care practitioners by health insurers.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 804**, entitled:

An act to repeal section 535.030, RSMo, and to enact in lieu thereof one new section relating to the failure to vacate leased premises in a rent and possession case, with penalty provisions.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 837**, entitled:

An act to repeal section 407.400, RSMo, and to enact in lieu thereof one new section relating to franchises.

In which the concurrence of the House is respectfully requested.

The following member's presence was noted: Schad.

### **ADJOURNMENT**

On motion of Representative Jones (89), the House adjourned until 10:00 a.m., Tuesday, April 17, 2012.

### **CORRECTIONS TO THE HOUSE JOURNAL**

Correct House Journal, Fifty-fifth Day, Thursday, April 12, 2012, Page 1041, Line 4, by deleting "**HR 1005**" and inserting in lieu thereof "**HR 1391**".

Line 15, by deleting all of said line.

Line 37, by deleting the words, "Elementary and Secondary Education" and inserting in lieu thereof the words, "Emerging Issues in Animal Agriculture".

Line 37, by inserting immediately after said line the following:  
"**HB 2048** - General Laws".

Line 38, by deleting the words, "Emerging Issues in Animal Agriculture" and inserting in lieu thereof the words, "Elementary and Secondary Education".

## COMMITTEE MEETINGS

### AGRICULTURE POLICY

Tuesday, April 17, 2012, 1:00 PM House Hearing Room 6.

Public hearing will be held: SCS SB 631

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

### CHILDREN AND FAMILIES

Wednesday, April 18, 2012, 8:00 AM House Hearing Room 1.

Public hearing will be held: HB 2038, HB 2076

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

### ELECTIONS

Tuesday, April 17, 2012, 8:30 AM House Hearing Room 5.

Public hearing will be held: HB 1719, HJR 86, HB 1870

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

### ELEMENTARY AND SECONDARY EDUCATION

Wednesday, April 18, 2012, 8:00 AM House Hearing Room 6.

Public hearing will be held: SB 599, HB 2050, HB 2068

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

Committee will recess at 10 AM and reconvene at Noon (12 PM) in Hearing Room 7.

### GENERAL LAWS

Tuesday, April 17, 2012, 12:00 PM House Hearing Room 4.

Public hearing will be held: SB 557, HB 2048, HB 2066

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

### HEALTH CARE POLICY

Wednesday, April 18, 2012, 12:00 PM House Hearing Room 6.

Public hearing will be held: HB 1990, HB 1910, HB 1087

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

### JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Thursday, April 19, 2012, 9:00 AM House Hearing Room 6.

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

2<sup>nd</sup> quarter meeting

### JUDICIARY

Wednesday, April 18, 2012, 12:00 PM House Hearing Room 1.

Public hearing will be held: SS SCS SJR 40, HB 1994, HB 1840

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

### LOCAL GOVERNMENT

Wednesday, April 18, 2012, 8:00 AM House Hearing Room 7.

Public hearing will be held: SCS SB 729

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

**RULES**

Tuesday, April 17, 2012, Upon Afternoon Adjournment or 5 PM, whichever is later, House Hearing Room 6.

Public hearing will be held: SCR 28

Executive session will be held: SCR 28

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

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

Tuesday, April 17, 2012, Upon Afternoon Adjournment or 5 PM, whichever is later, House Hearing Room 6.

Executive session will be held: HCS SCS SB 562, SS SCS SB 699, SB 736

Executive session may be held on any or all bills which have been referred to this committee.

**AMENDED**

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

Tuesday, April 17, 2012, 6:00 PM 516 S. Country Club Drive-Jimenez Room.

House Rules Committee dinner

**SPECIAL STANDING COMMITTEE ON JUDICIAL REFORM**

Tuesday, April 17, 2012, 5 PM or Upon Afternoon Adjournment, whichever comes first, House Hearing Room 7.

Public hearing will be held: SJR 37

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

Possible executive session

**TRANSPORTATION**

Tuesday, April 17, 2012, Upon Morning Adjournment House Hearing Room 7.

Public hearing will be held: SCS SB 648, SCS SBs 767, 653, 754, 705, 441, 528, 831, 833 & 847, HB 1242, HB 2085, HB 2084, HB 1958

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

**TRANSPORTATION FUNDING AND PUBLIC INSTITUTIONS**

Tuesday, April 17, 2012, 5 PM or Upon Afternoon Adjournment, whichever is later, House Hearing Room 5.

Executive session will be held: HB 1213

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

**UTILITIES**

Tuesday, April 17, 2012, 12:00 PM House Hearing Room 1.

Public hearing will be held: HB 1972, HB 1768

Executive session will be held: HB 2083

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

**HOUSE CALENDAR**

FIFTY-SEVENTH DAY, TUESDAY, APRIL 17, 2012

**HOUSE JOINT RESOLUTIONS FOR PERFECTION**

- 1 HJR 85 - Solon
- 2 HCS HJR 89 - Schoeller

**HOUSE BILLS FOR PERFECTION - APPROPRIATIONS**

HCS HB 2019 - Silvey

**HOUSE BILLS FOR PERFECTION**

- 1 HCS HB 1198 - Fisher
- 2 HCS HB 1275 - Koenig
- 3 HCS HB 1211 - Dieckhaus
- 4 HCS HB 1364 - Schieffer
- 5 HB 1540 - Jones (89)
- 6 HCS HBs 1574 & 1097 - Meadows
- 7 HCS HB 1826 - Fitzwater
- 8 HCS HB 1860 - Guernsey
- 9 HB 1455 - Gatschenberger
- 10 HCS HB 1274 - Koenig
- 11 HCS#2 HB 1323 - Black
- 12 HCS HB 1342 - Smith (150)
- 13 HB 1359 - Smith (150)
- 14 HCS HB 1367 - Fitzwater
- 15 HCS HB 1476 - Leara
- 16 HCS HB 1521 - Sommer
- 17 HCS HB 1869 - Dugger
- 18 HCS HB 1890 - Molendorp
- 19 HCS HB 1117 - Brown (50)
- 20 HCS#2 HB 1475 - Cross
- 21 HB 1592 - Jones (89)
- 22 HCS HB 1637 - Curtman
- 23 HB 1718, (2 hours debate on Perfection) - Scharnhorst
- 24 HCS HB 1865 - Barnes
- 25 HCS HBs 1934 & 1654 - Torpey
- 26 HCS HB 1049 - Allen
- 27 HCS HB 1210 - Gatschenberger
- 28 HCS HB 1280 - Korman
- 29 HCS HB 1758 - Long
- 30 HCS HB 1795 - Ruzicka

- 31 HCS HB 1803 - Korman
- 32 HCS HB 1818 - Schad
- 33 HCS HB 1966 - Burlison

**HOUSE CONCURRENT RESOLUTIONS FOR THIRD READING**

HCS HCR 33, E.C. - Bernskoetter

**HOUSE JOINT RESOLUTIONS FOR THIRD READING**

HCS HJR 61 - Loehner

**HOUSE BILLS FOR THIRD READING**

- 1 HB 1277 - Long
- 2 HCS HBs 1298 & 1180 - Parkinson
- 3 HB 1431 - Hoskins
- 4 HB 1066 - McGhee

**SENATE BILLS FOR SECOND READING**

- 1 SB 628
- 2 SB 668
- 3 SS SB 742
- 4 SB 804
- 5 SCS SB 837

**HOUSE CONCURRENT RESOLUTIONS**

- 1 HCR 6 - Rowland
- 2 HCR 46 - Franklin
- 3 HCR 49 - Fallert

**HOUSE BILLS VETOED FROM SECOND REGULAR SESSION**

HB 1219 - Elmer

**SENATE BILLS VETOED FROM SECOND REGULAR SESSION**

SS SCS SB 572 - Richardson