

# JOURNAL OF THE HOUSE

Second Regular Session, 94th GENERAL ASSEMBLY

FIFTY-SECOND DAY, MONDAY, APRIL 14, 2008

The House met pursuant to adjournment.

Speaker Pro Tem Pratt in the Chair.

Prayer by Reverend James Earl Jackson.

Lord God, You are gracious and merciful, compassionate and self-sufficient. You are able to handle any situation that threatens our well being. You care for us.

We are instructed in Your Word that if we lack wisdom, to ask of You and You would give it generously and graciously. So we ask. May, throughout this week, wisdom be as a close relative and common sense our closest companion. Help us to hear good instruction and, in wisdom, not refuse or neglect it.

Secure our paths, as we walk in integrity before all and may our ways not be misrepresented.

Now, Lord God, may You Lord show us kindness as we show kindness to others. May You grant that each of us find rest in our decisions and trust that our decisions will help provide rest to those we serve. May Your grace abide with us all.

In the name of Your Son, we pray. Amen.

The Pledge of Allegiance to the flag was recited.

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

## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1749 through House Resolution No. 1806

## SECOND READING OF SENATE BILLS

**SB 748, SS SCS SB 768, SS SCS SB 846 and SS SB 1159** were read the second time.

## SUPPLEMENTAL CALENDAR

APRIL 14, 2008

## HOUSE BILL FOR PERFECTION

HCS HB 2393 - Richard

## PERFECTION OF HOUSE BILL

**HCS HB 2058**, relating to business development tax incentives, was taken up by Representative Pearce.

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

### *House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 2058, Page 1, In the Title, Line 2, by inserting after the number "135.967," the following:

"137.115, 137.1018,"; and

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

Further amend said bill, Page 1, Section A, Lines 1 and 3, by inserting after the number "135.967," on each of said lines the following:

"137.115, 137.1018,"; and

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

Further amend said bill, Page 10, Section 135.967, Line 111, by inserting after said line the following:

"137.115. 1. All other laws to the contrary notwithstanding, the assessor or the assessor's deputies in all counties of this state including the city of St. Louis shall annually make a list of all real and tangible personal property taxable in the assessor's city, county, town or district. Except as otherwise provided in subsection 3 of this section and section 137.078, the assessor shall annually assess all personal property at thirty-three and one-third percent of its true value in money as of January first of each calendar year. The assessor shall annually assess all real property, including any new construction and improvements to real property, and possessor interests in real property at the percent of its true value in money set in subsection 5 of this section. **The true value in money of any possessor interest in real property in subclass (3), where such real property is on or adjacent to a commercial airport having a FAR Part 139 certification and owned by a political subdivision, shall be the otherwise applicable true value in money of any such possessor interest in real property, less the total dollar amount of costs paid by a party, other than the political subdivision, towards any new construction or improvements on such real property and which are included in the above-mentioned possessor interest, regardless of the year in which such costs were incurred or whether such costs were considered in any prior year.** The assessor shall annually assess all real property in the following manner: new assessed values shall be determined as of January first of each odd-numbered year and shall be entered in the assessor's books; those same assessed values shall apply in the following even-numbered year, except for new construction and property improvements which shall be valued as though they had been completed as of January first of the preceding odd-numbered year. The assessor may call at the office, place of doing business, or residence of each person required by this chapter to list property, and require the person to make a correct statement of all taxable tangible personal property owned by the person or under his or her care, charge or management, taxable in the county. On or before January first of each even-numbered year, the assessor shall prepare and submit a two-year assessment maintenance plan to the county governing body and the state tax commission for their respective approval or modification. The county governing body shall approve and forward such plan or its alternative to the plan to the state tax commission by February first. If the county governing body fails to forward the plan or its alternative to the plan to the state tax commission by February first, the assessor's plan shall be considered approved by the county governing body. If the state tax commission fails to approve a plan and if the state tax commission and the assessor and the governing body of the county involved are unable to resolve the differences, in order to receive state cost-share funds outlined in section 137.750, the county or the assessor shall petition the administrative hearing commission, by May first, to decide all matters in dispute regarding the assessment maintenance plan. Upon agreement of the parties, the matter

may be stayed while the parties proceed with mediation or arbitration upon terms agreed to by the parties. The final decision of the administrative hearing commission shall be subject to judicial review in the circuit court of the county involved. In the event a valuation of subclass (1) real property within any county with a charter form of government, or within a city not within a county, is made by a computer, computer-assisted method or a computer program, the burden of proof, supported by clear, convincing and cogent evidence to sustain such valuation, shall be on the assessor at any hearing or appeal. In any such county, unless the assessor proves otherwise, there shall be a presumption that the assessment was made by a computer, computer-assisted method or a computer program. Such evidence shall include, but shall not be limited to, the following:

(1) The findings of the assessor based on an appraisal of the property by generally accepted appraisal techniques; and

(2) The purchase prices from sales of at least three comparable properties and the address or location thereof. As used in this [paragraph] **subdivision**, the word "comparable" means that:

(a) Such sale was closed at a date relevant to the property valuation; and

(b) Such properties are not more than one mile from the site of the disputed property, except where no similar properties exist within one mile of the disputed property, the nearest comparable property shall be used. Such property shall be within five hundred square feet in size of the disputed property, and resemble the disputed property in age, floor plan, number of rooms, and other relevant characteristics.

2. Assessors in each county of this state and the city of St. Louis may send personal property assessment forms through the mail.

3. The following items of personal property shall each constitute separate subclasses of tangible personal property and shall be assessed and valued for the purposes of taxation at the following percentages of their true value in money:

(1) Grain and other agricultural crops in an unmanufactured condition, one-half of one percent;

(2) Livestock, twelve percent;

(3) Farm machinery, twelve percent;

(4) Motor vehicles which are eligible for registration as and are registered as historic motor vehicles pursuant to section 301.131, RSMo, and aircraft which are at least twenty-five years old and which are used solely for noncommercial purposes and are operated less than fifty hours per year or aircraft that are home built from a kit, five percent;

(5) Poultry, twelve percent; and

(6) Tools and equipment used for pollution control and tools and equipment used in retooling for the purpose of introducing new product lines or used for making improvements to existing products by any company which is located in a state enterprise zone and which is identified by any standard industrial classification number cited in subdivision (6) of section 135.200, RSMo, twenty-five percent.

4. The person listing the property shall enter a true and correct statement of the property, in a printed blank prepared for that purpose. The statement, after being filled out, shall be signed and either affirmed or sworn to as provided in section 137.155. The list shall then be delivered to the assessor.

5. All subclasses 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, shall be assessed at the following percentages of true value:

(1) For real property in subclass (1), nineteen percent;

(2) For real property in subclass (2), twelve percent; and

(3) For real property in subclass (3), thirty-two percent.

6. Manufactured homes, as defined in section 700.010, RSMo, which are actually used as dwelling units shall be assessed at the same percentage of true value as residential real property for the purpose of taxation. The percentage of assessment of true value for such manufactured homes shall be the same as for residential real property. If the county collector cannot identify or find the manufactured home when attempting to attach the manufactured home for payment of taxes owed by the manufactured home owner, the county collector may request the county commission to have the manufactured home removed from the tax books, and such request shall be granted within thirty days after the request is made; however, the removal from the tax books does not remove the tax lien on the manufactured home if it is later identified or found. A manufactured home located in a manufactured home rental park, rental community or on real estate not owned by the manufactured home owner shall be considered personal property. A manufactured home located on real estate owned by the manufactured home owner may be considered real property.

7. Each manufactured home assessed shall be considered a parcel for the purpose of reimbursement pursuant to section 137.750, unless the manufactured home has been converted to real property in compliance with section 700.111, RSMo, and assessed as a realty improvement to the existing real estate parcel.

8. Any amount of tax due and owing based on the assessment of a manufactured home shall be included on the personal property tax statement of the manufactured home owner unless the manufactured home has been converted to real property in compliance with section 700.111, RSMo, in which case the amount of tax due and owing on the assessment of the manufactured home as a realty improvement to the existing real estate parcel shall be included on the real property tax statement of the real estate owner.

9. The assessor of each county and each city not within a county shall use the trade-in value published in the October issue of the National Automobile Dealers' Association Official Used Car Guide, or its successor publication, as the recommended guide of information for determining the true value of motor vehicles described in such publication. In the absence of a listing for a particular motor vehicle in such publication, the assessor shall use such information or publications which in the assessor's judgment will fairly estimate the true value in money of the motor vehicle.

10. Before the assessor may increase the assessed valuation of any parcel of subclass (1) real property by more than fifteen percent since the last assessment, excluding increases due to new construction or improvements, the assessor shall conduct a physical inspection of such property.

11. If a physical inspection is required, pursuant to subsection 10 of this section, the assessor shall notify the property owner of that fact in writing and shall provide the owner clear written notice of the owner's rights relating to the physical inspection. If a physical inspection is required, the property owner may request that an interior inspection be performed during the physical inspection. The owner shall have no less than thirty days to notify the assessor of a request for an interior physical inspection.

12. A physical inspection, as required by subsection 10 of this section, shall include, but not be limited to, an on-site personal observation and review of all exterior portions of the land and any buildings and improvements to which the inspector has or may reasonably and lawfully gain external access, and shall include an observation and review of the interior of any buildings or improvements on the property upon the timely request of the owner pursuant to subsection 11 of this section. Mere observation of the property via a "drive-by inspection" or the like shall not be considered sufficient to constitute a physical inspection as required by this section.

13. The provisions of subsections 11 and 12 of this section shall only apply in any county with a charter form of government with more than one million inhabitants.

14. A county or city collector may accept credit cards as proper form of payment of outstanding property tax or license due. No county or city collector may charge surcharge for payment by credit card which exceeds the fee or surcharge charged by the credit card bank, processor, or issuer for its service. A county or city collector may accept payment by electronic transfers of funds in payment of any tax or license and charge the person making such payment a fee equal to the fee charged the county by the bank, processor, or issuer of such electronic payment.

15. Any county or city not within a county in this state may, by an affirmative vote of the governing body of such county, opt out of the provisions of this section and sections 137.073, 138.060, and 138.100, RSMo, as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session and section 137.073 as modified by [this act] **house committee substitute for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general assembly, second regular session**, for the next year of the general reassessment, prior to January first of any year. No county or city not within a county shall exercise this opt-out provision after implementing the provisions of this section and sections 137.073, 138.060, and 138.100, RSMo, as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session and section 137.073 as modified by [this act] **house committee substitute for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general assembly, second regular session**, in a year of general reassessment. For the purposes of applying the provisions of this subsection, a political subdivision contained within two or more counties where at least one of such counties has opted out and at least one of such counties has not opted out shall calculate a single tax rate as in effect prior to the enactment of house bill no. 1150 of the ninety-first general assembly, second regular session. A governing body of a city not within a county or a county that has opted out under the provisions of this subsection may choose to implement the provisions of this section and sections 137.073, 138.060, and 138.100, RSMo, as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session, and section 137.073 as modified by [this act] **house committee substitute for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general assembly, second regular session**, for the next year of general reassessment, by an affirmative vote of the governing body prior to December thirty-first of any year.

16. The governing body of any city of the third classification with more than twenty-six thousand three hundred but fewer than twenty-six thousand seven hundred inhabitants located in any county that has exercised its authority to opt out under subsection 15 of this section may levy separate and differing tax rates for real and personal property only if such city bills and collects its own property taxes or satisfies the entire cost of the billing and collection of such separate and differing tax rates. Such separate and differing rates shall not exceed such city's tax rate ceiling.

137.1018. 1. The commission shall ascertain the statewide average rate of property taxes levied the preceding year, based upon the total assessed valuation of the railroad and street railway companies and the total property taxes levied upon the railroad and street railway companies. It shall determine total property taxes levied from reports prescribed by the commission from the railroad and street railway companies. Total taxes levied shall not include revenues from the surtax on subclass three real property.

2. The commission shall report its determination of average property tax rate for the preceding year, together with the taxable distributable assessed valuation of each freight line company for the current year to the director no later than October first of each year.

3. Taxes on property of such freight line companies shall be collected at the state level by the director on behalf of the counties and other local public taxing entities and shall be distributed in accordance with sections 137.1021 and 137.1024. The director shall tax such property based upon the distributable assessed valuation attributable to Missouri of each freight line company, using the average tax rate for the preceding year of the railroad and street railway companies certified by the commission. Such tax shall be due and payable on or before December thirty-first of the year levied and, if it becomes delinquent, shall be subject to a penalty equal to that specified in section 140.100, RSMo.

**4. (1) As used in this subsection, the following terms mean:**

**(a) "Eligible expenses", expenses incurred in this state to manufacture, maintain, or improve a freight line company's qualified rolling stock;**

**(b) "Qualified rolling stock", any freight, stock, refrigerator, or other railcars subject to the tax levied under this section.**

**(2) For all taxable years beginning on or after January 1, 2009, a freight line company shall be allowed a credit against the tax levied under this section for the applicable tax year. The tax credit amount shall be equal to the amount of eligible expenses incurred during the calendar year immediately preceding the tax year for which the credit under this section is claimed. The amount of the tax credit issued shall not exceed the freight line company's liability for the tax levied under this section for the tax year for which the credit is claimed.**

**(3) A freight line company may apply for the credit by submitting to the commission an application in the form prescribed by the state tax commission.**

**(4) The state shall reimburse, on an annual basis, any political subdivision of this state for any decrease in revenue due to the provisions of this section."; and**

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

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

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

AMEND House Committee Substitute for House Bill No. 2058, Page 1, In the Title, Line 2, by inserting after the number "135.967," the following:

"137.115, 137.1018,"; and

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

Further amend said bill, Page 1, Section A, Lines 1 and 3, by inserting after the number "135.967," on each of said lines the following:

"137.115, 137.1018,"; and

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

Further amend said bill, Page 10, Section 135.967, Line 111, by inserting after said line the following:

"137.115. 1. All other laws to the contrary notwithstanding, the assessor or the assessor's deputies in all counties of this state including the city of St. Louis shall annually make a list of all real and tangible personal property taxable in the assessor's city, county, town or district. Except as otherwise provided in subsection 3 of this section and section 137.078, the assessor shall annually assess all personal property at thirty-three and one-third percent of its true value in money as of January first of each calendar year. The assessor shall annually assess all real property, including any new construction and improvements to real property, and possessor interests in real property at the percent of its true value in money set in subsection 5 of this section. **The true value in money of any possessor interest in real property in subclass (3), where such real property is on or lies within the ultimate airport boundary as shown by a federal airport layout plan, as defined by 14 CFR 151.5 of a commercial airport having a FAR Part 139 certification and owned by a political subdivision, shall be the otherwise applicable true value in money of any such possessor interest in real property, less the total dollar amount of costs paid by a party, other than the political subdivision, towards any new construction or improvements on such real property and which are included in the above-mentioned possessor interest, regardless of the year in which such costs were incurred or whether such costs were considered in any prior year.** The assessor shall annually assess all real property in the following manner: new assessed values shall be determined as of January first of each odd-numbered year and shall be entered in the assessor's books; those same assessed values shall apply in the following even-numbered year, except for new construction and property improvements which shall be valued as though they had been completed as of January first of the preceding odd-numbered year. The assessor may call at the office, place of doing business, or residence of each person required by this chapter to list property, and require the person to make a correct statement of all taxable tangible personal property owned by the person or under his or her care, charge or management, taxable in the county. On or before January first of each even-numbered year, the assessor shall prepare and submit a two-year assessment maintenance plan to the county governing body and the state tax commission for their respective approval or modification. The county governing body shall approve and forward such plan or its alternative to the plan to the state tax commission by February first. If the county governing body fails to forward the plan or its alternative to the plan to the state tax commission by February first, the assessor's plan shall be considered approved by the county governing body. If the state tax commission fails to approve a plan and if the state tax commission and the assessor and the governing body of the county involved are unable to resolve the differences, in order to receive state cost-share funds outlined in section 137.750, the county or the assessor shall petition the administrative hearing commission, by May first, to decide all matters in dispute regarding the assessment maintenance plan. Upon agreement of the parties, the matter may be stayed while the parties proceed with mediation or arbitration upon terms agreed to by the parties. The final decision of the administrative hearing commission shall be subject to judicial review in the circuit court of the county involved. In the event a valuation of subclass (1) real property within any county with a charter form of government, or within a city not within a county, is made by a computer, computer-assisted method or a computer program, the burden of proof, supported by clear, convincing and cogent evidence to sustain such valuation, shall be on the assessor at any hearing or appeal. In any such county, unless the assessor proves otherwise, there shall be a presumption that the assessment was made by a computer, computer-assisted method or a computer program. Such evidence shall include, but shall not be limited to, the following:

(1) The findings of the assessor based on an appraisal of the property by generally accepted appraisal techniques; and

(2) The purchase prices from sales of at least three comparable properties and the address or location thereof. As used in this [paragraph] **subdivision**, the word "comparable" means that:

(a) Such sale was closed at a date relevant to the property valuation; and

(b) Such properties are not more than one mile from the site of the disputed property, except where no similar properties exist within one mile of the disputed property, the nearest comparable property shall be used. Such property shall be within five hundred square feet in size of the disputed property, and resemble the disputed property in age, floor plan, number of rooms, and other relevant characteristics.

2. Assessors in each county of this state and the city of St. Louis may send personal property assessment forms through the mail.

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(2) Livestock, twelve percent;

(3) Farm machinery, twelve percent;

(4) Motor vehicles which are eligible for registration as and are registered as historic motor vehicles pursuant to section 301.131, RSMo, and aircraft which are at least twenty-five years old and which are used solely for

noncommercial purposes and are operated less than fifty hours per year or aircraft that are home built from a kit, five percent;

(5) Poultry, twelve percent; and

(6) Tools and equipment used for pollution control and tools and equipment used in retooling for the purpose of introducing new product lines or used for making improvements to existing products by any company which is located in a state enterprise zone and which is identified by any standard industrial classification number cited in subdivision (6) of section 135.200, RSMo, twenty-five percent.

4. The person listing the property shall enter a true and correct statement of the property, in a printed blank prepared for that purpose. The statement, after being filled out, shall be signed and either affirmed or sworn to as provided in section 137.155. The list shall then be delivered to the assessor.

5. All subclasses 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, shall be assessed at the following percentages of true value:

(1) For real property in subclass (1), nineteen percent;

(2) For real property in subclass (2), twelve percent; and

(3) For real property in subclass (3), thirty-two percent.

6. Manufactured homes, as defined in section 700.010, RSMo, which are actually used as dwelling units shall be assessed at the same percentage of true value as residential real property for the purpose of taxation. The percentage of assessment of true value for such manufactured homes shall be the same as for residential real property. If the county collector cannot identify or find the manufactured home when attempting to attach the manufactured home for payment of taxes owed by the manufactured home owner, the county collector may request the county commission to have the manufactured home removed from the tax books, and such request shall be granted within thirty days after the request is made; however, the removal from the tax books does not remove the tax lien on the manufactured home if it is later identified or found. A manufactured home located in a manufactured home rental park, rental community or on real estate not owned by the manufactured home owner shall be considered personal property. A manufactured home located on real estate owned by the manufactured home owner may be considered real property.

7. Each manufactured home assessed shall be considered a parcel for the purpose of reimbursement pursuant to section 137.750, unless the manufactured home has been converted to real property in compliance with section 700.111, RSMo, and assessed as a realty improvement to the existing real estate parcel.

8. Any amount of tax due and owing based on the assessment of a manufactured home shall be included on the personal property tax statement of the manufactured home owner unless the manufactured home has been converted to real property in compliance with section 700.111, RSMo, in which case the amount of tax due and owing on the assessment of the manufactured home as a realty improvement to the existing real estate parcel shall be included on the real property tax statement of the real estate owner.

9. The assessor of each county and each city not within a county shall use the trade-in value published in the October issue of the National Automobile Dealers' Association Official Used Car Guide, or its successor publication, as the recommended guide of information for determining the true value of motor vehicles described in such publication. In the absence of a listing for a particular motor vehicle in such publication, the assessor shall use such information or publications which in the assessor's judgment will fairly estimate the true value in money of the motor vehicle.

10. Before the assessor may increase the assessed valuation of any parcel of subclass (1) real property by more than fifteen percent since the last assessment, excluding increases due to new construction or improvements, the assessor shall conduct a physical inspection of such property.

11. If a physical inspection is required, pursuant to subsection 10 of this section, the assessor shall notify the property owner of that fact in writing and shall provide the owner clear written notice of the owner's rights relating to the physical inspection. If a physical inspection is required, the property owner may request that an interior inspection be performed during the physical inspection. The owner shall have no less than thirty days to notify the assessor of a request for an interior physical inspection.

12. A physical inspection, as required by subsection 10 of this section, shall include, but not be limited to, an on-site personal observation and review of all exterior portions of the land and any buildings and improvements to which the inspector has or may reasonably and lawfully gain external access, and shall include an observation and review of the interior of any buildings or improvements on the property upon the timely request of the owner pursuant to subsection 11 of this section. Mere observation of the property via a "drive-by inspection" or the like shall not be considered sufficient to constitute a physical inspection as required by this section.

13. The provisions of subsections 11 and 12 of this section shall only apply in any county with a charter form of government with more than one million inhabitants.

14. A county or city collector may accept credit cards as proper form of payment of outstanding property tax or license due. No county or city collector may charge surcharge for payment by credit card which exceeds the fee or

surcharge charged by the credit card bank, processor, or issuer for its service. A county or city collector may accept payment by electronic transfers of funds in payment of any tax or license and charge the person making such payment a fee equal to the fee charged the county by the bank, processor, or issuer of such electronic payment.

15. Any county or city not within a county in this state may, by an affirmative vote of the governing body of such county, opt out of the provisions of this section and sections 137.073, 138.060, and 138.100, RSMo, as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session and section 137.073 as modified by [this act] **house committee substitute for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general assembly, second regular session**, for the next year of the general reassessment, prior to January first of any year. No county or city not within a county shall exercise this opt-out provision after implementing the provisions of this section and sections 137.073, 138.060, and 138.100, RSMo, as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session and section 137.073 as modified by [this act] **house committee substitute for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general assembly, second regular session**, in a year of general reassessment. For the purposes of applying the provisions of this subsection, a political subdivision contained within two or more counties where at least one of such counties has opted out and at least one of such counties has not opted out shall calculate a single tax rate as in effect prior to the enactment of house bill no. 1150 of the ninety-first general assembly, second regular session. A governing body of a city not within a county or a county that has opted out under the provisions of this subsection may choose to implement the provisions of this section and sections 137.073, 138.060, and 138.100, RSMo, as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session, and section 137.073 as modified by [this act] **house committee substitute for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general assembly, second regular session**, for the next year of general reassessment, by an affirmative vote of the governing body prior to December thirty-first of any year.

16. The governing body of any city of the third classification with more than twenty-six thousand three hundred but fewer than twenty-six thousand seven hundred inhabitants located in any county that has exercised its authority to opt out under subsection 15 of this section may levy separate and differing tax rates for real and personal property only if such city bills and collects its own property taxes or satisfies the entire cost of the billing and collection of such separate and differing tax rates. Such separate and differing rates shall not exceed such city's tax rate ceiling.

137.1018. 1. The commission shall ascertain the statewide average rate of property taxes levied the preceding year, based upon the total assessed valuation of the railroad and street railway companies and the total property taxes levied upon the railroad and street railway companies. It shall determine total property taxes levied from reports prescribed by the commission from the railroad and street railway companies. Total taxes levied shall not include revenues from the surtax on subclass three real property.

2. The commission shall report its determination of average property tax rate for the preceding year, together with the taxable distributable assessed valuation of each freight line company for the current year to the director no later than October first of each year.

3. Taxes on property of such freight line companies shall be collected at the state level by the director on behalf of the counties and other local public taxing entities and shall be distributed in accordance with sections 137.1021 and 137.1024. The director shall tax such property based upon the distributable assessed valuation attributable to Missouri of each freight line company, using the average tax rate for the preceding year of the railroad and street railway companies certified by the commission. Such tax shall be due and payable on or before December thirty-first of the year levied and, if it becomes delinquent, shall be subject to a penalty equal to that specified in section 140.100, RSMo.

4. (1) **As used in this subsection, the following terms mean:**

(a) **"Eligible expenses", expenses incurred in this state to manufacture, maintain, or improve a freight line company's qualified rolling stock;**

(b) **"Qualified rolling stock", any freight, stock, refrigerator, or other railcars subject to the tax levied under this section.**

(2) **For all taxable years beginning on or after January 1, 2009, a freight line company shall be allowed a credit against the tax levied under this section for the applicable tax year. The tax credit amount shall be equal to the amount of eligible expenses incurred during the calendar year immediately preceding the tax year for which the credit under this section is claimed. The amount of the tax credit issued shall not exceed the freight line company's liability for the tax levied under this section for the tax year for which the credit is claimed.**

(3) **A freight line company may apply for the credit by submitting to the commission an application in the form prescribed by the state tax commission.**

(4) **The state shall reimburse, on an annual basis, any political subdivision of this state for any decrease in revenue due to the provisions of this section."; and**

Further amend said bill, Section 348.273, Page 11, Line 1, by inserting after all of said line the following:

**"(1) "Department", the Missouri department of economic development;"** and renumber subsequent subsections accordingly; and

Further amend said page, Line 12, by deleting the words **"Missouri technology"** and inserting in lieu thereof the following:

**"department;"**; and

Further amend said page, Line 13, by deleting all of said line; and

Further amend said page, Line 28, by deleting the words **"Missouri technology corporation"** and inserting in lieu thereof the word:

**"department"**; and

Further amend said bill, Section 348.274, Page 12, Line 1, by deleting the words **"Missouri technology corporation"** and inserting in lieu thereof the word:

**"department"**; and

Further amend said page, Line 3, by deleting the words **"Missouri technology"** and inserting in lieu thereof the word **"department"**; and

Further amend said page, Line 4, by deleting the word **"corporation"**; and

Further amend said page, Line 14, by deleting the word **"Missouri"** and inserting in lieu thereof the word **"department"**; and

Further amend said page, Line 15, by deleting the words **"technology corporation"**; and

Further amend said page, Line 17, by deleting the words **"Missouri technology corporation"** and inserting in lieu thereof the words **"the department"**; and

Further amend said page, Line 18, by deleting the word **"Missouri"** and inserting in lieu thereof the word **"department"**; and

Further amend said page, Line 19, by deleting the words **"technology corporation"**; and

Further amend said section, Page 13, Line 33, by deleting the words **"Missouri technology corporation"** and inserting in lieu thereof the word **"department"**; and

Further amend said section, Page 14, Line 63, by deleting the word **"Missouri"** and inserting in lieu thereof the word **"department"**; and

Further amend said page, Line 64, by deleting the words **"technology corporation"**; and

Further amend said page, Line 65, by deleting the word **"executive"**; and

Further amend said line, by deleting the words **"Missouri technology"** and inserting in lieu thereof the word **"department"**; and

Further amend said page, Line 66, by deleting the word **"corporation"**; and

Further amend said page, Line 74, by deleting the words "**Missouri technology corporation**" and inserting in lieu thereof the word "**department**"; and

Further amend said page, Line 75, by deleting the words "**Missouri technology corporation**" and inserting in lieu thereof the word "**department**"; and

Further amend said page, Line 79, by deleting the words "**Missouri technology corporation**" and inserting in lieu thereof the word "**department**"; and

Further amend said page, Line 80, by deleting the words "**Missouri technology corporation**" and inserting in lieu thereof the word "**department**"; and

Further amend said page, Line 82, by deleting the words "**Missouri technology corporation**" and inserting in lieu thereof the word "**department**"; and

Further amend said section, Page 15, Line 95, by deleting the word "**Missouri**" and inserting in lieu thereof the word "**department**"; and

Further amend said page, Line 96, by deleting the words "**technology corporation**"; and

Further amend said page, Line 97, by deleting all of said line and inserting in lieu thereof the words "**for an annual report, or, if required by the department,**"; and

Further amend said page, Line 98, by deleting the word "**corporation,**"; and

Further amend said page, Line 99, by deleting the word "**Missouri**" and inserting in lieu thereof the word "**department**"; and

Further amend said page, Line 100, by deleting the words "**technology corporation**"; and

Further amend said page, Line 103, by deleting the words "**Missouri technology corporation**" and inserting in lieu thereof the word "**department**"; and

Further amend said page, Line 117, by deleting the word "**Missouri**" and inserting in lieu thereof the word "**department**"; and

Further amend said page, Line 118, by deleting the words "**technology corporation**"; and

Further amend said page, Line 124, by deleting the words "**Missouri technology corporation**" and inserting in lieu thereof the word "**department**"; and

Further amend said page, Line 125, by deleting the words "**Missouri technology corporation**" and inserting in lieu thereof the word "**department**"; and

Further amend said page, Line 126, by deleting all of said line and inserting in lieu thereof the following:

**"the department shall also provide in its";** and

Further amend said bill, Section 620.1881, Page 37, Line 204, by inserting immediately before the first occurrence of the word "The" on said line an open bracket "["; and

Further amend said page, Line 205, by deleting all of said line and inserting in lieu thereof the following:

"exceed forty million dollars.] Notwithstanding any provision of law to the contrary, the"; and

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

Representative Brown (30) offered **House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 1.**

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

AMEND House Substitute Amendment No. 1 for House Amendment No. 1 to House Committee Substitute for House Bill No. 2058, Section 137.115, Page 2, Line 4 of said amendment, by inserting immediately after the word "**property**" the following:

**"completed after January 1, 2008,"**; and

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

Representative Muschany assumed the Chair.

On motion of Representative Brown (30), **House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 1** was adopted.

Speaker Pro Tem Pratt resumed the Chair.

Representative Tilley moved the previous question.

Which motion was adopted by the following vote:

AYES: 085

Avery	Baker 123	Bivins	Brandom	Brown 30
Bruns	Cooper 120	Cooper 155	Cox	Cunningham 145
Cunningham 86	Davis	Day	Deeken	Denison
Dethrow	Dixon	Dusenberg	Emery	Ervin
Faith	Fares	Fisher	Flook	Franz
Funderburk	Grisamore	Guest	Icet	Jones 89
Jones 117	Kasten	Kelly	Kingery	Lembke
Lipke	Loehner	Marsh	May	McGhee
Munzlinger	Muschany	Nance	Nieves	Nolte
Onder	Parkinson	Parson	Pearce	Pollock
Portwood	Pratt	Quinn 7	Richard	Robb
Ruestman	Ruzicka	Sander	Sater	Schaaf
Schad	Scharnhorst	Schlottach	Schneider	Schoeller
Self	Silvey	Smith 14	Smith 150	Stevenson
St. Onge	Stream	Sutherland	Thomson	Threlkeld
Tilley	Wallace	Wasson	Wells	Weter
Wilson 119	Wilson 130	Wood	Wright 159	Mr Speaker

NOES: 057

Aull	Bringer	Brown 50	Burnett	Casey
Chappelle-Nadal	Corcoran	Curls	Darrough	Daus
Donnelly	Dougherty	El-Amin	Fallert	George
Grill	Harris 110	Haywood	Hodges	Holsman

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Hoskins	Hughes	Johnson	Komo	Kratky
Kuessner	Lampe	LeVota	Liese	Low 39
Lowe 44	Meiners	Nasheed	Norr	Oxford
Page	Quinn 9	Robinson	Salva	Scavuzzo
Schieffer	Schoemehl	Shively	Skaggs	Storch
Swinger	Talboy	Todd	Villa	Vogt
Walsh	Walton	Whorton	Wildberger	Witte
Yaeger	Zimmerman			

PRESENT: 000

ABSENT WITH LEAVE: 019

Baker 25	Bland	Frame	Harris 23	Hobbs
Hubbard	Hunter	Kraus	McClanahan	Meadows
Moore	Roorda	Rucker	Spreng	Viebrock
Wright-Jones	Yates	Young	Zweifel	

VACANCIES: 002

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

AYES: 122

Aull	Avery	Baker 123	Bivins	Brandom
Brown 30	Brown 50	Bruns	Burnett	Casey
Chappelle-Nadal	Cooper 120	Cooper 155	Corcoran	Cox
Cunningham 145	Cunningham 86	Curls	Darrough	Davis
Day	Deeken	Denison	Dethrow	Dixon
Donnelly	Dougherty	Dusenberg	Emery	Ervin
Faith	Fallert	Fares	Fisher	Flook
Franz	Funderburk	George	Grisamore	Guest
Haywood	Hughes	Ice	Johnson	Jones 89
Jones 117	Kasten	Kelly	Kingery	Komo
Kratky	Lembke	LeVota	Liese	Lipke
Loehner	Marsh	May	McGhee	Meiners
Munzlinger	Muschany	Nance	Nasheed	Nieves
Nolte	Norr	Onder	Page	Parkinson
Parson	Pearce	Pollock	Portwood	Pratt
Quinn 7	Richard	Robb	Ruestman	Ruzicka
Salva	Sander	Scavuzzo	Schaaf	Schad
Schamhorst	Schieffer	Schlottach	Schneider	Schoeller
Schoemehl	Self	Shively	Silvey	Skaggs
Smith 14	Smith 150	Stevenson	St. Onge	Storch
Stream	Sutherland	Talboy	Thomson	Threlkeld
Tilley	Villa	Wallace	Walsh	Walton
Wasson	Wells	Weter	Whorton	Wildberger
Wilson 119	Wilson 130	Wood	Wright 159	Yaeger
Zimmerman	Mr Speaker			

NOES: 018

Bringer	Daus	Grill	Harris 110	Hodges
Holsman	Hoskins	Kuessner	Lampe	Low 39

Lowe 44                      Oxford                      Quinn 9                      Robinson                      Swinger  
Todd                              Vogt                              Witte

PRESENT: 000

ABSENT WITH LEAVE: 021

Baker 25                      Bland                      El-Amin                      Frame                      Harris 23  
Hobbs                              Hubbard                              Hunter                              Kraus                              McClanahan  
Meadows                              Moore                              Roorda                              Rucker                              Sater  
Spreng                              Viebrock                              Wright-Jones                              Yates                              Young  
Zweifel

VACANCIES: 002

On motion of Representative Pearce, **HCS HB 2058, as amended**, was adopted.

On motion of Representative Pearce, **HCS HB 2058, as amended**, was ordered perfected and printed.

### PERFECTION OF HOUSE JOINT RESOLUTION

**HCS HJR 49**, relating to the appellate judicial commission, was taken up by Representative Cox.

Representative Baker (123) offered **House Amendment No. 1**.

#### *House Amendment No. 1*

AMEND House Committee Substitute for House Joint Resolution No. 49, Page 2, Section 25(d), Line 10, by deleting the word "**seven**" and inserting in lieu thereof the word "**eight**"; and

Further amend said bill, Page 2, Section 25(d), Line 15, by inserting after the word "**state**" the following:

**"and one member of the supreme court"**; and

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

Representative Nieves assumed the Chair.

Representative Baker (123) moved that **House Amendment No. 1** be adopted.

Which motion was defeated.

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

#### *House Amendment No. 2*

AMEND House Committee Substitute for House Joint Resolution No. 49, Page 1, Section 25(a), Line 3, by inserting after "County":

"and any other judicial circuit outside of the city of St. Louis and Jackson County which has, in accordance with the provisions of Section 25(b) of this Article, elected to have their circuit and associate circuit judges appointed by the governor in the manner provided in Section 25(a) of this Article"; and

Further amend said resolution, Page 2, Section 25(d), Line 14, by deleting after "additional citizen,":

"not a member of the bar,"; and

Further amend said resolution, Page 2, Section 25(d), Line 24, by deleting "not members of the bar," and inserting on Line 25, after "said judicial circuit,":

", two of whom shall not be members of the bar,".

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

Speaker Pro Tem Pratt resumed the Chair.

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

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

The Chair ruled the point of order well taken.

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

Representative Stevenson raised a point of order that **House Amendment No. 4** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Kingery assumed the Chair.

Representative Tilley moved the previous question.

Which motion was adopted by the following vote:

AYES: 086

Avery	Baker 123	Bivins	Brandom	Brown 30
Bruns	Cooper 120	Cooper 155	Cox	Cunningham 145
Cunningham 86	Davis	Day	Deeken	Denison
Dethrow	Dixon	Dusenberg	Emery	Ervin
Faith	Fares	Fisher	Flook	Franz
Funderburk	Grisamore	Guest	Hobbs	Hunter
Iceet	Jones 89	Jones 117	Kasten	Kelly
Kingery	Lembke	Lipke	Loehner	May
McGhee	Moore	Munzlinger	Muschany	Nance
Nieves	Nolte	Onder	Parkinson	Parson
Pearce	Pollock	Portwood	Pratt	Quinn 7
Richard	Robb	Ruestman	Ruzicka	Sander
Sater	Schaaf	Schad	Scharnhorst	Schlottach

Schoeller	Self	Silvey	Smith 14	Smith 150
Stevenson	St. Onge	Stream	Thomson	Threlkeld
Tilley	Viebrock	Wallace	Wasson	Wells
Weter	Wilson 119	Wilson 130	Wood	Wright 159
Mr Speaker				

NOES: 055

Aull	Bringer	Brown 50	Burnett	Casey
Chappelle-Nadal	Corcoran	Darrough	Daus	Dougherty
El-Amin	Fallert	George	Grill	Harris 23
Harris 110	Haywood	Hodges	Holsman	Hoskins
Hubbard	Johnson	Komo	Kratky	Kuessner
Lampe	LeVota	Liese	Low 39	Lowe 44
McClanahan	Meiners	Nasheed	Norr	Oxford
Page	Quinn 9	Salva	Scavuzzo	Schieffer
Schoemehl	Shively	Skaggs	Storch	Swinger
Talboy	Todd	Villa	Vogt	Walsh
Walton	Wildberger	Witte	Yaeger	Zimmerman

PRESENT: 000

ABSENT WITH LEAVE: 020

Baker 25	Bland	Curls	Donnelly	Frame
Hughes	Kraus	Marsh	Meadows	Robinson
Roorda	Rucker	Schneider	Spreng	Sutherland
Whorton	Wright-Jones	Yates	Young	Zweifel

VACANCIES: 002

Speaker Pro Tem Pratt resumed the Chair.

On motion of Representative Cox, **HCS HJR 49, as amended**, was adopted.

On motion of Representative Cox, **HCS HJR 49, as amended**, was ordered perfected and printed by the following vote:

AYES: 080

Avery	Baker 123	Bivins	Brown 30	Bruns
Cooper 120	Cooper 155	Cox	Cunningham 145	Cunningham 86
Davis	Day	Deeken	Denison	Dethrow
Dixon	Dougherty	Dusenberg	Emery	Ervin
Faith	Fares	Fisher	Franz	Funderburk
Haywood	Hobbs	Hoskins	Hunter	Icet
Jones 89	Jones 117	Kasten	Kelly	Kingery
Lembke	Loehner	May	McGhee	Moore
Munzlinger	Muschany	Nieves	Onder	Parkinson
Parson	Pollock	Portwood	Quinn 7	Richard
Robb	Ruestman	Ruzicka	Sander	Sater
Schaaf	Schad	Scharnhorst	Schlottach	Schneider
Schoeller	Self	Smith 14	Smith 150	Stevenson
Stream	Thomson	Threlkeld	Tilley	Viebrock

Wallace	Walton	Wasson	Wells	Weter
Wilson 119	Wilson 130	Wood	Wright 159	Mr Speaker

NOES: 063

Aull	Brandom	Bringer	Brown 50	Burnett
Casey	Corcoran	Darrough	Daus	Donnelly
El-Amin	Fallert	Flook	George	Grill
Grisamore	Guest	Harris 23	Harris 110	Hodges
Holsman	Hubbard	Hughes	Johnson	Komo
Kratky	Kuessner	Lampe	LeVota	Liese
Lipke	Low 39	Lowe 44	McClanahan	Meiners
Nance	Nasheed	Nolte	Norr	Oxford
Page	Pearce	Pratt	Quinn 9	Salva
Scavuzzo	Schieffer	Schoemehl	Shively	Silvey
Skaggs	St. Onge	Storch	Swinger	Talboy
Todd	Villa	Vogt	Walsh	Wildberger
Witte	Yaeger	Zimmerman		

PRESENT: 000

ABSENT WITH LEAVE: 018

Baker 25	Bland	Chappelle-Nadal	Curls	Frame
Kraus	Marsh	Meadows	Robinson	Roorda
Rucker	Spreng	Sutherland	Whorton	Wright-Jones
Yates	Young	Zweifel		

VACANCIES: 002

### REFERRAL OF HOUSE BILL

The following House Bill was referred to the Committee indicated:

**HB 2508** - Special Committee on Family Services

### COMMITTEE REPORTS

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

Mr. Speaker: Your Committee on Elementary and Secondary Education, to which was referred **HB 1745**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**, and pursuant to Rule 25(21)(f) be referred to the Committee on Rules.

**Special Committee on Government Affairs**, Chairman Deeken reporting:

Mr. Speaker: Your Special Committee on Government Affairs, to which was returned **HCS HB 1723**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**, and pursuant to Rule 25(21)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Special Committee on Government Affairs, to which was referred **HB 1794**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**, and pursuant to Rule 25(21)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Special Committee on Government Affairs, to which was referred **HB 1954**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(21)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Special Committee on Government Affairs, to which was referred **SCS SB 806**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(21)(f) be referred to the Committee on Rules.

**Special Committee on Professional Registration and Licensing**, Chairman Wasson reporting:

Mr. Speaker: Your Special Committee on Professional Registration and Licensing, to which was referred **HB 1700**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**, and pursuant to Rule 25(21)(f) be referred to the Committee on Rules.

**Special Committee on Utilities**, Chairman Emery reporting:

Mr. Speaker: Your Special Committee on Utilities, to which was referred **HB 1582** and **HB 1963**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**, and pursuant to Rule 25(21)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Special Committee on Utilities, to which was referred **HB 2279**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**, and pursuant to Rule 25(21)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Special Committee on Utilities, to which was referred **SB 958**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**, and pursuant to Rule 25(21)(f) be referred to the Committee on Rules.

**Committee on Rules**, Chairman Cooper (120) reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 1933**, begs leave to report it has examined the same and recommends that it **Be Returned to Committee of Origin**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 2016**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 2023**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SB 723**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SB 733**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SB 820**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **SB 839**, begs leave to report it has examined the same and recommends that it **Do Pass - NOT CONSENT**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SB 841**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SB 856**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **SB 896**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **SB 928**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SB 932**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SB 936**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SB 943**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **SS SCS SB 944**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SB 955**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SB 956**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **SCS SB 967**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SB 979**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **SB 980**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SB 1002**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SCS SB 1008**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SB 1010**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SCS SB 1044**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **SB 1061**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SCS SB 1131**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SB 1135**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **SCS SB 1150**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SCS SBs 1153, 1154, 1155 & 1156**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **SCS SB 1168**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **SB 1177**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **SB 1187**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Rules, to which was referred **SB 1190**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

#### **MESSAGE FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **SCR 40**.

SENATE CONCURRENT RESOLUTION NO. 40

WHEREAS, the U.S. Consumer Product Safety Commission (CPSC) is charged with protecting the public from unreasonable risks of serious injury or death from more than 15,000 types of consumer products under the agency's jurisdiction. The CPSC has rated furniture tip-overs as number 3 of the top 5 hidden home hazards; and

WHEREAS, according to the CPSC, each year an estimated 3,000 children ages 5 and younger nationwide go to the emergency room with injuries caused by television sets falling or tipping over, and at least 100 people - mostly young children - have been killed since 2000 by falling televisions or other furniture; and

WHEREAS, in September of 2006, the CPSC warned parents and caregivers about the dangers of television sets and heavy furniture tipping over and killing young children. From 2000 to 2005, CPSC had reports of 36 television tip-over deaths and 65 furniture tip-over deaths. More than 80% of all these deaths involved young children; and

WHEREAS, the number of deaths due to furniture tip-overs is on the rise. In 2006, the CPSC reported 31 deaths from improperly secured furniture and televisions, with tip-overs resulting in an average of 22 deaths per year; and

WHEREAS, very heavy furniture items can potentially cause crush injuries, but more commonly when a large dresser, shelf, or home entertainment center tips, the resulting injury is often suffocation. Children become pinned between the tipping furniture and the bed or floor, unable to breathe or call for help, making it a nearly silent event; and

WHEREAS, the danger of tipping comes when a child tries to climb the front of a furniture piece. In these accidents, the child attempts to reach the top of the furniture piece by using a bottom drawer or shelf like a step. The weight of the furniture and the child pulling down in the front causes the whole piece to tilt forward. Heavy items on top of the furniture can fall on the child or the furniture piece itself can fall forward onto the child; and

WHEREAS, the committee of the American Society for Testing and Materials (ASTM) met in March 2007 to discuss and revise a proposed standard for testing tipping on dressers, armoires, and drawer chests. However, the ASTM can only establish voluntary standards and the proposed revised standard does not include other types of furniture such as entertainment centers, television stands, or any piece of furniture 30 inches in height or less; and

WHEREAS, while the ASTM, furniture executives, and consumer safety advocates are working together to form voluntary safety standards to address this issue, the increase in tipping furniture deaths and injuries to children demands mandatory regulation regarding labeling, furniture standards, and the use of anchoring devices:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Fourth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby urge the United States Congress and the Consumer Product Safety Commission to immediately enact regulations that:

- (1) Strengthen incentives for use of the ASTM International's voluntary furniture safety standard for furniture tip-over hazards;
- (2) Strengthen incentives for use of warning labels on tip-over risks to be posted on all assembled and ready-to-assemble furniture and major appliances;
- (3) Strengthen incentives for all furniture and major appliances with a tip-over risk to come with anchoring devices that can be used to safely secure them to walls; and
- (4) Promote the dissemination of educational material and information to the public regarding furniture tip-over dangers and ease of prevention through the use of safety devices; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for Nancy A. Nord, the Acting Chairman of the Consumer Product Safety Commission and each member of Missouri's Congressional delegation.

In which the concurrence of the House is respectfully requested.

The following member's presence was noted: Bland.

## **ADJOURNMENT**

On motion of Representative Tilley, the House adjourned until 10:00 a.m., Tuesday, April 15, 2008.

## **CORRECTION TO THE HOUSE JOURNAL**

Correct House Journal, Fifty-first Day, Thursday, April 10, 2008, Page 881, Line 20, by deleting all of said line.

## **COMMITTEE MEETINGS**

### **BUDGET**

Wednesday, April 16, 2008, 8:00 a.m. Hearing Room 3.  
Executive session may follow.  
Tax Credit Review.

### **CONSERVATION AND NATURAL RESOURCES**

Wednesday, April 16, 2008, 8:00 a.m. Hearing Room 4.  
Executive session only.

### **CRIME PREVENTION AND PUBLIC SAFETY**

Tuesday, April 15, 2008, 12:00 p.m. Hearing Room 6.  
Executive session may follow.  
Public hearings to be held on: HB 1708, HB 1795

### **ELECTIONS**

Tuesday, April 15, 2008, 8:15 a.m. Hearing Room 5.  
Executive session may follow.  
Public hearing to be held on: HB 2592

### **ELEMENTARY AND SECONDARY EDUCATION**

Wednesday, April 16, 2008, Hearing Room 5 upon afternoon adjournment.  
Executive session may follow.  
Public hearings to be held on: HB 1683, HB 2281, HB 2489, HB 2537, HB 2547

### **HEALTH CARE POLICY**

Tuesday, April 15, 2008, 12:00 p.m. Hearing Room 7.  
Executive session may follow.  
Public hearings to be held on: HB 2265, HB 2351

### **JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT**

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

**JUDICIARY**

Tuesday, April 15, 2008, Hearing Room 1 upon morning recess.

Judicial Transfer Work Group presentation.

No public testimony.

**LOCAL GOVERNMENT**

Wednesday, April 16, 2008, Hearing Room 4 upon morning recess.

Executive session may follow.

Public hearings to be held on: HB 2347, HB 2550, HB 2367,

HB 2396, HB 2474, HB 2026

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

Tuesday, April 15, 2008, Hearing Room 3 upon afternoon adjournment.

Executive session may follow.

Public hearings to be held on: HCS HB 1700, HB 1764, HCS HB 2279, HCS SB 797,

SB 1016, SB 1068, HCS SB 978, HCS SCS SB 1033, SCS SB 1235, HCS SB 1074,

HCS SB 958, SCS SB 806

**SPECIAL COMMITTEE ON AGRI-BUSINESS**

Tuesday, April 15, 2008, 8:00 a.m. Hearing Room 4.

Executive session may follow.

Public hearing to be held on: SS SCS SB 931

**SPECIAL COMMITTEE ON ENERGY AND ENVIRONMENT**

Tuesday, April 15, 2008, Hearing Room 3 upon morning recess.

Presentation - Energy Supply for Missouri's Future.

Frank Clemente - Peabody Consultant. AMENDED.

Public hearings to be held on: HB 2442, SB 1116

**SPECIAL COMMITTEE ON FAMILY SERVICES**

Wednesday, April 16, 2008, 9:00 a.m. Hearing Room 1.

Executive session may follow.

Public hearing to be held on: HB 2508

**SPECIAL COMMITTEE ON GENERAL LAWS**

Tuesday, April 15, 2008, 8:00 a.m. Hearing Room 6.

Executive session may follow.

Public hearings to be held on: HB 2420, HB 2494, HB 2529, SCS SB 939

**SPECIAL COMMITTEE ON HEALTHCARE TRANSFORMATION**

Wednesday, April 16, 2008, 8:00 a.m. Hearing Room 5.

Executive session may follow.

**SPECIAL COMMITTEE ON HOMELAND SECURITY**

Wednesday, April 16, 2008, 12:00 p.m. Hearing Room 6.

Executive session may follow.

Public hearings to be held on: HB 2235, HB 2455

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

Wednesday, April 16, 2008, 8:00 a.m. Hearing Room 7.

Executive session may follow.

Public hearings to be held on: HB 1699, HB 2215

**SPECIAL COMMITTEE ON RURAL COMMUNITY DEVELOPMENT**

Tuesday, April 15, 2008, 8:00 a.m. Hearing Room 7.

Executive session may follow.

Public hearing to be held on: HB 2514

**SPECIAL COMMITTEE ON STUDENT ACHIEVEMENT**

Wednesday, April 16, 2008, 8:30 a.m. Hearing Room 6.

Executive session may follow.

Public hearing to be held on: SB 863

**SPECIAL COMMITTEE ON TAX REFORM**

Tuesday, April 15, 2008, Hearing Room 4 upon morning recess.

Executive session may follow.

Public hearing to be held on: SCS SB 1105

**SPECIAL COMMITTEE ON TOURISM**

Wednesday, April 16, 2008, Hearing Room 1 upon morning recess.

Executive session may follow.

Public hearings to be held on: HCR 34, HCR 35, HB 1673

**SPECIAL COMMITTEE ON URBAN ISSUES**

Tuesday, April 15, 2008, Hearing Room 7 upon afternoon adjournment.

Executive session may follow.

Public hearings to be held on: HB 2322, HB 2535

**SPECIAL COMMITTEE ON UTILITIES**

Wednesday, April 16, 2008, 12:00 p.m. Hearing Room 5.

Executive session may follow. AMENDED.

Public hearings to be held on: HB 1606, SCS SBs 1034 & 802

**TRANSPORTATION**

Tuesday, April 15, 2008, 8:00 a.m. Hearing Room 1.

Executive session may follow.

Public hearings to be held on: HB 2093, HB 1999, HB 1905,  
HB 1665, SS SCS SBs 761 & 774, SCS SBs 930 & 947

**WAYS AND MEANS**

Tuesday, April 15, 2008, 9:00 a.m. Hearing Room 3.

Executive session.

## HOUSE CALENDAR

FIFTY-THIRD DAY, TUESDAY, APRIL 15, 2008

### HOUSE JOINT RESOLUTION FOR PERFECTION

HCS HJR 71 - Fisher

### HOUSE BILLS FOR PERFECTION

- 1 HB 1911 - Muschany
- 2 HB 1806 - Schaaf
- 3 HCS HB 1626 - Emery
- 4 HCS HB 1836 - Flook
- 5 HCS#2 HB 1886 - Scharnhorst
- 6 HCS HBs 1788 & 1882 - Day
- 7 HCS HB 1802 - Wilson (130)
- 8 HCS HB 1644 - Muschany
- 9 HCS HB 1813 - Dougherty
- 10 HCS HB 1649 - Franz
- 11 HCS#2 HB 1423 - St. Onge
- 12 HCS HBs 2062 & 1518 - Pearce
- 13 HCS HB 1474 - Cunningham (86)
- 14 HCS HB 2250 - Sutherland
- 15 HB 1957 - Hughes
- 16 HB 1756 - Walton
- 17 HCS HB 2060 - Deeken
- 18 HB 2144 - Whorton
- 19 HB 1535 - Deeken
- 20 HB 1517 - Cox
- 21 HCS HB 2112 - Emery
- 22 HB 1372 - McGhee
- 23 HCS HB 1590 - Munzlinger
- 24 HCS HB 1504 - Walton
- 25 HCS HBs 2040 & 2430, as amended - Jetton
- 26 HB 2191 - Nasheed
- 27 HCS HB 2156 - Grill
- 28 HCS HB 2159 - Grill
- 29 HCS HBs 1831 & 1472, (2 1/2 hours debate on Perfection) - Onder
- 30 HB 1562 - LeVota
- 31 HCS HB 1383 - Cox
- 32 HCS HB 2239 - Stevenson
- 33 HCS HB 2393 - Richard

**HOUSE BILLS FOR THIRD READING**

- 1 HCS HB 1929 - Cooper (120)
- 2 HCS HB 1550 - Stevenson
- 3 HCS HB 2328 - Wasson

**HOUSE BILLS FOR THIRD READING - CONSENT**

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

**HOUSE CONCURRENT RESOLUTIONS**

- 1 HCR 7, (2-20-08, Pages 291-292) - Pearce
- 2 HCR 8, (2-20-08, Pages 293-294) - Scavuzzo
- 3 HCR 19, (2-21-08, Pages 305-306) - Sander
- 4 HCR 11, (3-05-08, Pages 421-422) - Nolte
- 5 HCR 16, (3-05-08, Pages 422-423) - Bivins
- 6 HCR 18, (3-05-08, Pages 420-421) - Fisher
- 7 HCR 26, (3-13-08, Pages 495-496) - Dixon
- 8 HCS HCR 21, (3-13-08, Pages 497-498) - Smith (14)
- 9 HCR 25, (4-02-08, Pages 748-749) - Pratt
- 10 HCR 5, (4-02-08, Pages 750-751) - Smith (14)

**SENATE BILL FOR THIRD READING - CONSENT**

(4/14/08)

HCS SCS SBs 753, 728, 906 & 1026 - Swinger

**SENATE BILLS FOR THIRD READING**

- 1 SB 1066 - Muschany
- 2 HCS SCS SB 942, (Fiscal Review 4-10-08) - Quinn (7)