

JOURNAL OF THE HOUSE

First Extraordinary Session, 99th GENERAL ASSEMBLY

THIRD DAY, WEDNESDAY, MAY 24, 2017

The House met pursuant to adjournment.

Speaker Pro Tem Haahr in the Chair.

Prayer by Reverend Monsignor Robert A. Kurwicki, Chaplain.

The Lord will give strength unto His people; the Lord will bless His people with Peace. (Psalm 29:11)

O God, whose mercy is everlasting and whose truth endures forever, direct us, as we face the duties of another day. Grant unto us the wisdom of Your thoughts and the confidence of Your creative mind that we may eagerly seek the best and the most honorable in all things concerning our good people. Help us to be courageous when courage is needed, strong when strength is demanded, patient when patience is necessary, and kind when kindness is essential.

Bless our Governor, our Speaker, Members of this House of Representatives, our Senate, and all who work with them. May they be strengthened by the assurance that Your hand supports them as they endeavor to lead our State in the paths of righteousness, peace and hope.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

The Journal of the first day was approved as printed by the following vote:

AYES: 135

Adams	Alferman	Anderson	Andrews	Arthur
Austin	Bahr	Baringer	Barnes 28	Basye
Beard	Beck	Bernskoetter	Berry	Black
Bondon	Brown 27	Brown 57	Brown 94	Burnett
Burns	Butler	Carpenter	Chipman	Christofanelli
Cierpiot	Conway 10	Conway 104	Cookson	Corlew
Cornejo	Crawford	Cross	Curtman	Davis
DeGroot	Dogan	Dohrman	Eggleston	Ellebracht
Engler	Evans	Fitzpatrick	Fitzwater 144	Fitzwater 49
Fraker	Frederick	Green	Gregory	Grier
Haahr	Haefner	Hannegan	Hansen	Harris
Helms	Henderson	Higdon	Hill	Houghton
Houx	Hubrecht	Hurst	Justus	Kelley 127
Kelly 141	Kendrick	Kidd	Kolkmeyer	Korman
Lant	Lauer	Lavender	Lichtenegger	Love
Lynch	Marshall	Mathews	Matthiesen	McCann Beatty
McCreery	McDaniel	McGaugh	McGee	Merideth 80
Messenger	Miller	Mitten	Moon	Morgan
Mosley	Neely	Newman	Nichols	Pfautsch
Pierson Jr	Pike	Plocher	Pogue	Quade

Razer	Redmon	Rehder	Reiboldt	Reisch
Remole	Rhoads	Roberts	Roden	Rone
Ross	Rowland 155	Runions	Ruth	Schroer
Shaul 113	Shull 16	Shumake	Smith 163	Sommer
Spencer	Stephens 128	Stevens 46	Tate	Taylor
Trent	Vescovo	Walker 3	Walker 74	Wessels
White	Wiemann	Wilson	Wood	Mr. Speaker

NOES: 002

Curtis Franks Jr

PRESENT: 001

Unsicker

ABSENT WITH LEAVE: 024

Anders	Bangert	Barnes 60	Brattin	Dunn
Ellington	Francis	Franklin	Gannon	Gray
Johnson	May	McCaherty	Meredith 71	Morris
Muntzel	Peters	Phillips	Pietzman	Roeber
Rowland 29	Smith 85	Stacy	Swan	

VACANCIES: 001

The Journal of the second day was approved as printed.

SECOND READING OF HOUSE BILLS

The following House Bill was read the second time:

HB 6, relating to MO HealthNet services.

HOUSE RESOLUTIONS

Representative Cierpiot offered **House Resolution No. 1**, which was read.

HOUSE RESOLUTION NO. 1

BE IT RESOLVED, that the Chief Clerk of the House of Representatives of the Ninety-ninth General Assembly, First Regular Session, inform the Senate that the House duly convened in the First Extraordinary Session of the First Regular Session on Monday, May 22, 2017, and is convened in full session and ready for consideration of its business.

On motion of Representative Cierpiot, **House Resolution No. 1** was adopted.

MOTION

Representative Cierpiot moved that Rule 44 be suspended.

Which motion was adopted by the following vote:

AYES: 119

Alferman	Anderson	Andrews	Arthur	Austin
Bahr	Baringer	Basye	Beard	Bernskoetter
Berry	Black	Bondon	Brown 57	Brown 94
Burnett	Burns	Butler	Carpenter	Chipman
Christofanelli	Cierpiot	Conway 10	Conway 104	Cookson
Corlew	Cornejo	Crawford	Cross	Curtman
Davis	DeGroot	Dogan	Dohrman	Eggleston
Engler	Evans	Fitzpatrick	Fitzwater 144	Fitzwater 49
Fraker	Frederick	Green	Grier	Haahr
Haefner	Hannegan	Hansen	Harris	Helms
Henderson	Higdon	Hill	Houghton	Houx
Hubrecht	Justus	Kelley 127	Kelly 141	Kendrick
Kidd	Kolkmeyer	Korman	Lant	Lauer
Lichtenegger	Love	Lynch	Mathews	Matthiesen
McCann Beatty	McDaniel	McGaugh	McGee	Merideth 80
Messenger	Miller	Morgan	Neely	Nichols
Peters	Pfautsch	Pierson Jr	Pike	Plocher
Razer	Redmon	Rehder	Reiboldt	Reisch
Remole	Rhoads	Roeber	Rone	Ross
Rowland 155	Runions	Ruth	Schroer	Shaul 113
Shull 16	Shumake	Smith 163	Sommer	Spencer
Stephens 128	Stevens 46	Tate	Taylor	Trent
Vescovo	Walker 3	Walker 74	Wessels	White
Wiemann	Wilson	Wood	Mr. Speaker	

NOES: 019

Adams	Barnes 28	Beck	Brown 27	Curtis
Ellington	Franks Jr	Hurst	Lavender	Marshall
McCreery	Moon	Mosley	Newman	Pogue
Quade	Roberts	Roden	Unsicker	

PRESENT: 002

Ellebracht	Mitten
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ABSENT WITH LEAVE: 022

Anders	Bangert	Barnes 60	Brattin	Dunn
Francis	Franklin	Gannon	Gray	Gregory
Johnson	May	McCaherty	Meredith 71	Morris
Muntzel	Phillips	Pietzman	Rowland 29	Smith 85
Stacy	Swan			

VACANCIES: 001

PERFECTION OF HOUSE BILLS

HCS HB 1, relating to ratemaking for public utilities, was taken up by Representative Rone.

HCS HB 1 was laid over.

RECESS

On motion of Representative Cierpiot, the House recessed until 12:00 p.m.

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

PERFECTION OF HOUSE BILLS

HCS HB 1, relating to ratemaking for public utilities, was again taken up by Representative Rone.

Representative Barnes (60) offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 1, Page 1, Section 393.355, Lines 2-8, by deleting all of said lines and inserting in lieu thereof the following:

"(1) "Electrical corporation", the same meaning given to the term in section 386.020, but shall not include an electrical corporation as described in subsection 2 of section 393.110;
(2) "Facility", a:
(a) Facility whose primary industry is the smelting of aluminum and primary metals, Standard Industrial Classification Code 3334;
(b) Facility whose primary industry is the production or fabrication of steel, North American Industrial Classification System 331110; or
(c) Facility with a new or incremental increase in load equal to or in excess of a monthly demand of fifty megawatts."; and

Further amend said bill, page and section, Line 12, by deleting all of said line and inserting in lieu thereof the phrase **"a facility if:"**; and

Further amend said bill, page, and section, Line 13, by deleting the phrase **"commission determines"** and inserting in lieu thereof the phrase **"commission determines, but for the authorization of the special rate the facility would not commence operations,"**; and

Further amend said bill and section, Page 2, Lines 25-35, by deleting all of said lines and inserting in lieu thereof the following:

"(3) The commission approves a tracking mechanism meeting the requirements of subsection 3 of this section.

3. Any commission order approving a special rate authorized by this section to provide service to a facility in the manner specified under subsection 4 of this section shall establish, as part of the commission's approval of a special rate, a tracking mechanism to track changes in the net margin experienced by the electrical corporation serving the facility with the tracker to apply retroactively to the date the electrical corporation's base rates were last set in its last general rate proceeding concluded prior to the effective date of this section. The commission shall ensure that the changes in net margin experienced by the electrical corporation between the general rate proceedings as a result of serving the facility are calculated in such a manner that the electrical corporation's net income is neither increased nor decreased. The changes in net margin shall be deferred to a regulatory liability or regulatory asset, as applicable, with the balance of such regulatory asset or liability to be included in the revenue requirement of the electrical corporation in each of its general rate proceedings through an amortization of the balance over a reasonable period until fully returned to or collected from the electrical corporation's customers.

4. Notwithstanding the provisions of section 393.170, an electrical corporation is authorized to provide electric service to a facility at a special rate for the new or incremental load authorized by the commission:"; and

Further amend said bill, page and section, Lines 39-43, by deleting all of said lines and inserting in lieu thereof the following:

"territory, the facility shall be treated as if it is in the electrical corporation's certified service territory subject to a commission-approved rate schedule incorporating the special rate under the contract."; and

Further amend said bill, page and section, Line 45, by deleting the word "territory" and inserting in lieu thereof the word "territory,"; and

Further amend said bill, page and section, Line 52, by inserting immediately after all of said line the following:

"6. Any entity which has been granted a special rate under this section may reapply to the commission for a special rate under this section."; and

Further amend said bill, Page 3, Section 393.356, Lines 2-3, by deleting all of said lines and inserting in lieu thereof the following:

"commission shall lack the authority to modify or eliminate any such rate during the specified term subject to conditions established under section 393.355."; and

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

Representative Merideth (80) offered **House Amendment No. 1 to House Amendment No. 1.**

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

AMEND House Amendment No. 1 to House Committee Substitute for House Bill No. 1, Page 1, Line 19, by inserting after all of said line the following:

"Further amend said bill, page and section, Line 15, by deleting all of said line and inserting in lieu thereof the following:

"serving the facility, considering the incremental cost of serving the facility to receive the special rate, and the interests of the citizens of the state generally in promoting"; and"; and

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

On motion of Representative Merideth (80), **House Amendment No. 1 to House Amendment No. 1** was adopted.

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

House Amendment No. 2
to
House Amendment No. 1

AMEND House Amendment No. 1 to House Committee Substitute for House Bill No. 1, Page 2, Line 6, by inserting a comma, ",", immediately after the second occurrence of the word, "territory"; and

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

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

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

House Amendment No. 3
to
House Amendment No. 1

AMEND House Amendment No. 1 to House Committee Substitute for House Bill No. 1, Page 2, Line 11, by inserting immediately after all of said line the following:

"Further amend said bill, page and section, Line 51, by deleting the phrase "**such conditions**" and inserting in lieu thereof following:

"such conditions, including but not limited to any conditions in a memorandum of understanding between the facility and the electrical corporation,"; and"; and

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

On motion of Representative McCreery, **House Amendment No. 3 to House Amendment No. 1** was adopted.

On motion of Representative Barnes (60), **House Amendment No. 1, as amended**, was adopted.

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

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 1, Page 2, Section 393.355, Line 52, by inserting immediately after said line the following:

"6. Any facility receiving a special rate under this section shall maintain a daycare facility to provide child care at a reduced cost for the facility's full and part time employees. The daycare facility shall meet the requirements under chapter 210."; and

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

Representative Evans raised points of order that **House Amendment No. 2** goes beyond the scope of the bill and goes beyond the scope of the Governor's call.

The Chair took the points of order under advisement.

The Chair ruled the points of order well taken.

Speaker Pro Tem Haahr resumed the Chair.

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

House Amendment No. 3

AMEND House Committee Substitute for House Bill No. 1, Page 2, Section 393.355, Lines 22-24, by deleting all of said lines and inserting in lieu thereof the following:

"facility would have paid without the special rate an appropriation of monies from the "New Madrid Energy Taxing District"; and"; and

Further amend said bill, Page 3, Section 393.356, Line 3, by inserting immediately after all of said section and line the following:

"Section 1. 1. There is hereby created the "New Madrid Energy Taxing District", which shall comprise areas in any county of the third classification without a township form of government and with more than eighteen thousand but fewer than twenty thousand inhabitants and with a city of the fourth classification with more than three thousand but fewer than three thousand seven hundred inhabitants as the county seat. The district shall be a political subdivision of the state.

2. The New Madrid Energy Taxing District shall be governed by a board. The board shall comprise three members from any county in the district. The governing body of each county shall decide the method of selection and term of office of its board members.

3. If approved by a majority of the qualified voters voting on the question in the New Madrid Energy Taxing District, the district may charge and collect a tax or fee in the district to provide matching funds for reduced revenues lost under a special rate authorized under section 393.355.

4. The ballot of submission shall be substantially in the following form:

Shall the New Madrid Energy Taxing District be authorized to impose a (tax/fee) on (insert a description of the tax or fee) at a rate of (insert rate percentage or fee amount) for the purpose of providing revenue for the reduced revenues lost (a project/projects) in the district (insert general description of the project or projects if necessary)?

- YES
- NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".; and

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

Representative Corlew raised points of order that **House Amendment No. 3** goes beyond the scope of the bill and goes beyond the scope of the Governor's call.

The Chair took the points of order under advisement.

Speaker Richardson resumed the Chair.

The Chair ruled the first point of order well taken.

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

House Amendment No. 4

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

"386.264. 1. If the commission, during any general rate proceeding for a gas corporation, electrical corporation, water corporation, or sewer corporation, makes a determination that the total annual earnings for any single utility corporation are more likely than not to increase by one hundred million dollars or more as a direct result of an increase in rates authorized at such general rate proceeding, then the commission shall have authority to set a separate, lower fixed charge or customer charge for low-income customers and senior customers of such gas corporation, electrical corporation, water corporation, or sewer corporation.

2. For purposes of this section, "low-income customer" means a residential customer whose income for the prior calendar year does not exceed two hundred and fifty percent of the current federal poverty level.

3. For purposes of this section, "senior customer" means a residential customer who is over the age of fifty-six.

4. The commission 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 pursuant to 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 the effective date of this section, shall be invalid and void.

386.715. 1. The public counsel shall, prior to the beginning of each fiscal year, make available to the commission an estimate of the expenses to be incurred by the public counsel during such fiscal year, reasonably attributable to his or her responsibilities under sections 386.700 and 386.710, and shall also separately estimate the amount of such expenses directly attributable to such responsibilities with respect to each of the following groups of public utilities: electrical corporations, gas corporations, water corporations, heating companies, telephone corporations, telegraph corporations, sewer corporations, and any other public utility as defined in section 386.020, as well as the amount of such expenses not directly attributable to any such group.

2. The public counsel shall allocate to each such group of public utilities the estimated expenses directly attributable to his or her responsibilities under sections 386.700 and 386.710 with respect to such group and an amount equal to such proportion of the estimated expenses not directly attributable to any group as the gross intrastate operating revenues of such group during the three preceding calendar years bears to the total gross intrastate operating revenues of all public utilities subject to the jurisdiction of the commission during such calendar years. The commission shall then assess, on behalf of the public counsel, the amount so allocated to each group of public utilities, subject to reduction as provided in this section, to the public utilities in such group in proportion to its respective gross intrastate operating revenues during the preceding calendar year. The amount assessed shall not exceed one-eighth of one percent. Nothing in this section shall authorize the commission to determine how the public counsel allocates the estimated expenses directly attributable to his or her responsibilities under sections 386.700 and 386.710 or how the assessment imposed under this section is spent by the public counsel.

3. On behalf of the public counsel, the commission shall render a statement of such assessment to each such public utility on or before July first and the amount so assessed to each such public utility shall be paid by it to the director of revenue in full on or before July fifteenth next following the rendition of such statement, except that any such public utility may at its election pay such assessment in four equal installments not later than the following dates next following the rendition of such statement, to wit: July fifteenth, October fifteenth, January fifteenth, and April fifteenth. The director of revenue shall remit such payments to the state treasurer.

4. The state treasurer shall credit such payments to a special fund, which is hereby created, to be known as "The Public Counsel Fund", which fund shall be devoted solely to the payment of expenditures actually incurred by the public counsel and attributable to his or her responsibilities under sections 386.700 and 386.710. Any amount remaining in such special fund at the end of any fiscal year shall not revert to the general revenue fund, but shall be applicable to the payment of such expenditures of the public counsel in the succeeding fiscal year and shall be applied by the public counsel to the reduction of the amount to be assessed to such public utilities in such succeeding fiscal year, such reduction to be allocated to each group of public utilities in proportion to the respective gross intrastate operating revenues of the respective groups during the preceding calendar year.

5. In order to enable the public counsel to make the allocations and assessments provided for in this section, each public utility subject to the jurisdiction of the commission shall file with the commission on or before March thirty-first of each year, a statement under oath showing its gross intrastate operating revenues for the preceding calendar year, and if any public utility shall fail to file such statement within the time established in this subsection, the commission shall estimate such revenue. Such estimate shall be binding on such public utility for the purpose of this section.

6. (1) The commission, on behalf of the public counsel, may adopt rules establishing charges for copies of papers and records, official documents, and orders filed; certified copies of evidence and proceedings taken before the commission; and the transmission by electronic transmittal of papers, records, evidence and transcripts, diskettes, and other documents or papers for which requests for copies are received. Fees charged for copies of papers and records shall comply with the provisions of section 610.026;

(2) No fees shall be charged or collected for copies of papers, records, or official documents furnished to public officers for use in their official capacity;

(3) All fees collected under subdivision (1) of this subsection shall be deposited to the credit of the public counsel fund from which the expenses of furnishing the copies listed in subdivision (1) of this subsection are paid and shall be used by the public counsel to offset such expenses.

7. Beginning with the effective date of this section, the commission shall charge an annual fee comprised of five percent of the total increase in authorized earnings allowed by the commission and attributed by the commission to any increase in utility rates previously authorized by the commission. The fee shall be deposited in the fund created under subsection 8 of this section.

8. (1) There is hereby created in the state treasury the "Rate Payer Defense Fund", which shall consist of fees imposed under subsection 7 of this section. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be used solely for authorized expenditures, such as litigation expenses, by the public counsel as described under sections 386.700 and 386.710;

(2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund;

(3) The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund."; and

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

Representative Corlew raised points of order that **House Amendment No. 4** goes beyond the scope of the bill and goes beyond the scope of the Governor's call.

Representative Engler raised a point of order that a member was in violation of Rule 85.

The Chair ruled the point of order not well taken.

The Chair ruled the preceding points of order not well taken.

Speaker Pro Tem Haahr resumed the Chair.

Speaker Richardson resumed the Chair.

Speaker Pro Tem Haahr resumed the Chair.

Speaker Richardson resumed the Chair.

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

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

AMEND House Amendment No. 4 to House Committee Substitute for House Bill No. 1, Page 1, Lines 4-16, by deleting all of said lines and inserting in lieu thereof the following:

""386.264. 1. If the commission, during any general rate proceeding for a gas corporation, electrical corporation, water corporation, or sewer corporation, makes a determination that the total annual earnings for any single utility corporation are more likely than not to increase by one hundred million dollars or more as a direct result of an increase in rates authorized at such general rate proceeding, then the commission shall have authority to set a separate, lower fixed charge or customer charge for low-income customers of such gas corporation, electrical corporation, water corporation, or sewer corporation.

2. For purposes of this section, "low-income customer" means a residential customer whose income for the prior calendar year does not exceed two hundred and fifty percent of the current federal poverty level.

3. The commission may promulgate rules to implement the provisions of this section. Any"; and

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

Representative Ellington moved that **House Amendment No. 1 to House Amendment No. 4** be adopted.

Which motion was defeated.

House Amendment No. 4 was withdrawn.

Representative Barnes (60) offered **House Amendment No. 5.**

House Amendment No. 5

AMEND House Committee Substitute for House Bill No. 1, Page 3, Section 393.356, Line 3, by inserting immediately after said section and line the following:

"393.1410. 1. It shall be the policy of the state of Missouri for the commission to regulate electrical corporations in a manner to best ensure safe, reliable, and affordable energy for ratepayers through just and reasonable rates. To comply with this policy, the commission may support expenditures by electrical corporations that maintain or improve the reliability, safety, security, or automation of electric infrastructure, including the use of the latest technologies to meet the needs and expectations of customers if the commission determines that doing so is in the best interests of ratepayers by ensuring that energy is safe, reliable, and affordable in Missouri.

2. As used in this section, the following terms shall mean:

(1) "Decisional pre-approval with a post-construction review of construction projects", a process in which the electrical corporation may request commission pre-approval of a decision to undertake major construction projects, whereby, if pre-approval is granted, the electrical corporation shall remain subject to a

post-construction review of the prudence and reasonableness of the incurred costs of the projects prior to inclusion of the costs in customer rates;

(2) "Grid modernization incentive mechanisms", special ratemaking treatments granted to an electrical corporation to provide an incentive to engage in investments that modernize transmission, distribution, or metering system components installed pursuant to a commission-approved grid modernization plan, and which may include allowing the utility to defer depreciation, expense, and carrying costs on qualifying plant additions until the point that such investments are included in the electrical corporation's rate base for ratemaking purposes;

(3) "Partially forecasted test years", a test year consisting of twelve consecutive months of financial information utilized in a rate proceeding as a starting point to determine an electrical corporation's authorized revenue requirement that includes no more than six months of forecasted data;

(4) "Performance-based ratemaking", rates subject to the upward or downward periodic adjustment outside of a general rate case based on a utility's ability to meet certain preset financial or operating criteria established by the commission;

(5) "Revenue decoupling with regular adjustments", a mechanism to adjust rates prospectively to account for deviations in usage, demand, and customer count such that an electrical corporation's revenues for a given time period, as adjusted by costs previously determined in a general rate case, match that utility's commission-approved revenues.

3. Subject to the prohibitions of section 393.135, the commission may utilize partially forecasted test years, grid modernization incentive mechanisms, performance-based ratemaking, revenue decoupling with regular adjustments, or decisional pre-approval with post-construction review of construction projects. To the extent the commission's approval of a rate adjustment mechanism or other mechanism provided for by this section specifies a term over which the approval is to continue, the commission shall lack the authority to arbitrarily modify or eliminate the electrical corporation's use of the mechanism or tool during the specified term.

4. The commission may only utilize any of the ratemaking mechanisms specified in this section upon the electricity corporation establishing and the commission determining that use of the mechanism in the particular instance would result in an overall benefit to ratepayers considering its impact on rates, reliability, safety, security, and customer service.

5. Nothing in this section shall be construed to limit the commission's authority to make determinations regarding prudence or to set rates that are just and reasonable."; and

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

House Amendment No. 5 was withdrawn.

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

House Amendment No. 6

AMEND House Committee Substitute for House Bill No. 1, Page 3, Section 393.356, Line 3, by inserting after all of said section the following:

"Section 1. 1. As used in this section, the term "utility customer" means any residential or commercial user of an electric utility that has its rates adjusted under sections 393.355 to 393.356.

2. "Tax credit", a credit against the tax otherwise due under chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265, or otherwise due under chapter 148;

3. "Taxpayer", any individual, partnership, or corporation as described in section 143.441, 143.471, or section 148.370 that is subject to the tax imposed in chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265, or the tax imposed in chapter 148 or any charitable organization which is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under chapter 143.

4. For all tax years beginning on or after January 1, 2017, any utility customer shall be allowed to claim a tax credit equal to one hundred percent of the actual amount of the utility customer's increased utility expense based on the rate increase as calculated by the Missouri public service commission under subsection 2 of section 393.355. The credit shall not be refundable but can be carried forward up to three tax periods. No credit shall be sold, assigned, or transferred.

5. The department of revenue may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, 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, 2016, shall be invalid and void.

6. 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 six years after the effective date of this section unless reauthorized by an act of the general assembly; and

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

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset. The termination of the program as described in this subsection shall not be construed to preclude any taxpayer who claims any benefit under any program that is sunset under this subsection from claiming such benefit for all allowable activities related to such claim that were completed before the program was sunset, or to eliminate any responsibility of the administering agency to verify the continued eligibility of projects receiving tax credits and to enforce other requirements of law that applied before the program was sunset."; and

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

Representative Barnes (60) assumed the Chair.

Speaker Richardson resumed the Chair.

Representative Cierpiot moved the previous question.

Which motion was adopted by the following vote:

AYES: 093

Alferman	Anderson	Andrews	Austin	Bahr
Barnes 60	Basye	Bernskoetter	Berry	Black
Bondon	Brown 94	Christofanelli	Cierpiot	Conway 104
Cookson	Corlew	Cornejo	Crawford	Cross
Curtman	Davis	DeGroot	Dogan	Dohrman
Eggleston	Engler	Evans	Fitzpatrick	Fitzwater 144
Fraker	Frederick	Gregory	Grier	Haahr
Haefner	Hannegan	Hansen	Helms	Henderson
Houghton	Houx	Hubrecht	Justus	Kelley 127
Kelly 141	Kolkmeyer	Korman	Lant	Lauer
Lichtenegger	Love	Lynch	Marshall	Mathews
Matthiesen	McDaniel	McGaugh	Messenger	Miller
Neely	Pfausch	Pike	Plocher	Redmon
Reiboldt	Reisch	Remole	Rhoads	Roden
Roeber	Rone	Ross	Rowland 155	Ruth
Schroer	Shaul 113	Shull 16	Shumake	Smith 163
Sommer	Spencer	Stephens 128	Tate	Taylor

Trent	Vescovo	Walker 3	White	Wiemann
Wilson	Wood	Mr. Speaker		

NOES: 040

Adams	Arthur	Baringer	Barnes 28	Beck
Brown 27	Burnett	Burns	Butler	Carpenter
Conway 10	Curtis	Ellebracht	Franks Jr	Green
Harris	Hurst	Kendrick	Lavender	McCann Beatty
McCreery	McGee	Merideth 80	Mitten	Moon
Morgan	Mosley	Newman	Nichols	Peters
Pierson Jr	Pogue	Quade	Razer	Roberts
Runions	Stevens 46	Unsicker	Walker 74	Wessels

PRESENT: 001

Kidd

ABSENT WITH LEAVE: 028

Anders	Bangert	Beard	Brattin	Brown 57
Chipman	Dunn	Ellington	Fitzwater 49	Francis
Franklin	Gannon	Gray	Higdon	Hill
Johnson	May	McCaherty	Meredith 71	Morris
Muntzel	Phillips	Pietzman	Rehder	Rowland 29
Smith 85	Stacy	Swan		

VACANCIES: 001

Representative Christofanelli moved that **House Amendment No. 6** be adopted.

Which motion was defeated.

Representative Cierpiot moved the previous question.

Which motion was adopted by the following vote:

AYES: 097

Alferman	Anderson	Andrews	Austin	Bahr
Barnes 60	Basye	Beard	Bernskoetter	Berry
Black	Bondon	Brown 94	Chipman	Christofanelli
Cierpiot	Conway 104	Cookson	Corlew	Cornejo
Crawford	Cross	Curtman	Davis	DeGroot
Dogan	Dohrman	Eggleston	Engler	Evans
Fitzpatrick	Fitzwater 144	Fraker	Frederick	Gregory
Grier	Haahr	Haefner	Hannegan	Hansen
Helms	Henderson	Houghton	Houx	Hubrecht
Justus	Kelley 127	Kelly 141	Kidd	Kolkmeier
Korman	Lant	Lauer	Lichtenegger	Love
Lynch	Marshall	Mathews	Matthiesen	McDaniel
McGaugh	Messenger	Miller	Neely	Pfautsch
Pike	Plocher	Redmon	Rehder	Reiboldt
Reisch	Remole	Rhoads	Roden	Roeber
Rone	Ross	Rowland 155	Ruth	Schroer

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Shaul 113	Shull 16	Shumake	Smith 163	Sommer
Spencer	Stephens 128	Tate	Taylor	Trent
Vescovo	Walker 3	White	Wiemann	Wilson
Wood	Mr. Speaker			

NOES: 040

Adams	Arthur	Baringer	Barnes 28	Beck
Brown 27	Burnett	Burns	Butler	Carpenter
Conway 10	Curtis	Ellebracht	Franks Jr	Green
Harris	Hurst	Kendrick	Lavender	McCann Beatty
McCreery	McGee	Merideth 80	Mitten	Moon
Morgan	Mosley	Newman	Nichols	Peters
Pierson Jr	Pogue	Quade	Razer	Roberts
Runions	Stevens 46	Unsicker	Walker 74	Wessels

PRESENT: 000

ABSENT WITH LEAVE: 025

Anders	Bangert	Brattin	Brown 57	Dunn
Ellington	Fitzwater 49	Francis	Franklin	Gannon
Gray	Higdon	Hill	Johnson	May
McCaherty	Meredith 71	Morris	Muntzel	Phillips
Pietzman	Rowland 29	Smith 85	Stacy	Swan

VACANCIES: 001

On motion of Representative Rone, the title of **HCS HB 1, as amended**, was agreed to.

On motion of Representative Rone, **HCS HB 1, as amended**, was adopted.

On motion of Representative Rone, **HCS HB 1, as amended**, was ordered perfected and printed by the following vote, the ayes and noes having been demanded pursuant to Article III, Section 26 of the Constitution:

AYES: 125

Adams	Alferman	Anderson	Andrews	Arthur
Austin	Bahr	Baringer	Barnes 60	Barnes 28
Basye	Beard	Beck	Bernskoetter	Berry
Black	Bondon	Brown 27	Brown 57	Brown 94
Burnett	Burns	Butler	Carpenter	Chipman
Christofanelli	Cierpiot	Conway 10	Conway 104	Cookson
Corlew	Cornejo	Crawford	Cross	Davis
DeGroot	Dogan	Dohrman	Eggleston	Ellebracht
Engler	Evans	Fitzpatrick	Fitzwater 144	Fitzwater 49
Fraker	Franks Jr	Green	Gregory	Grier
Haahr	Haefner	Hannegan	Hansen	Harris
Helms	Henderson	Higdon	Houghton	Houx
Hubrecht	Justus	Kelley 127	Kelly 141	Kendrick
Kidd	Kolkmeyer	Korman	Lant	Lauer
Lavender	Lichtenegger	Love	Lynch	Mathews
Matthiesen	McCann Beatty	McDaniel	McGaugh	Merideth 80
Messenger	Miller	Mitten	Mosley	Neely
Nichols	Peters	Pfautsch	Pike	Plocher

Quade	Razer	Redmon	Rehder	Reiboldt
Reisch	Remole	Rhoads	Roberts	Roeber
Rone	Ross	Rowland 155	Runions	Ruth
Schroer	Shaul 113	Shull 16	Shumake	Smith 163
Sommer	Spencer	Stephens 128	Stevens 46	Tate
Taylor	Trent	Vescovo	Walker 3	Walker 74
Wessels	White	Wiemann	Wood	Mr. Speaker

NOES: 015

Curtis	Curtman	Frederick	Hurst	Marshall
McCreery	McGee	Moon	Morgan	Newman
Pierson Jr	Pogue	Roden	Unsicker	Wilson

PRESENT: 000

ABSENT WITH LEAVE: 022

Anders	Bangert	Brattin	Dunn	Ellington
Francis	Franklin	Gannon	Gray	Hill
Johnson	May	McCaherty	Meredith 71	Morris
Muntzel	Phillips	Pietzman	Rowland 29	Smith 85
Stacy	Swan			

VACANCIES: 001

On motion of Representative Cierpiot, the House recessed until 4:15 p.m.

REFERRAL OF HOUSE BILLS

The following House Bill was referred to the Committee indicated:

HCS HB 1 - Fiscal Review

HOUSE CALENDAR

THIRD DAY, WEDNESDAY, MAY 24, 2017

HOUSE BILLS FOR THIRD READING

HCS HB 1 – Rone, E.C. (Fiscal Review 5/24/2017)

COMMITTEE REPORTS

Committee on Fiscal Review, Chairman Haefner reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS HB 1**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (8): Alferman, Conway (104), Fraker, Haefner, Smith (163), Vescovo, Wiemann and Wood

Noes (3): Morgan, Unsicker and Wessels

Absent (3): Morris, Rowland (29) and Swan

AFTERNOON SESSION

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

Representative Richardson suggested the absence of a quorum.

The following roll call indicated a quorum present:

AYES: 030

Alferman	Barnes 60	Basye	Bernskoetter	Bondon
Brown 27	Burns	Butler	Christofanelli	Curtman
Engler	Fraker	Hansen	Hurst	Justus
Kelley 127	Kelly 141	Kidd	Korman	Lichtenegger
McGaugh	Neely	Plocher	Pogue	Redmon
Reiboldt	Remole	Roeber	Taylor	White

NOES: 001

Ellington

PRESENT: 100

Adams	Anderson	Andrews	Arthur	Austin
Bahr	Baringer	Barnes 28	Beard	Beck
Berry	Black	Brown 94	Burnett	Carpenter
Chipman	Cierpiot	Conway 104	Cookson	Corlew
Cornejo	Crawford	Cross	Davis	DeGroot
Dohrman	Eggleston	Ellebracht	Evans	Fitzpatrick
Fitzwater 144	Fitzwater 49	Franks Jr	Frederick	Gregory
Haahr	Haefner	Hannegan	Harris	Helms
Henderson	Higdon	Houghton	Houx	Hubrecht
Kendrick	Kolkmeier	Lant	Lauer	Lavender
Love	Lynch	Marshall	Mathews	Matthiesen
McCann Beatty	McCreery	McDaniel	Merideth 80	Messenger
Miller	Mitten	Moon	Morgan	Mosley
Nichols	Peters	Pfautsch	Pierson Jr	Pike
Quade	Razer	Reisch	Rhoads	Roden
Rone	Ross	Rowland 155	Runions	Ruth
Schroer	Shaul 113	Shull 16	Shumake	Smith 163
Sommer	Spencer	Stephens 128	Stevens 46	Tate
Trent	Unsicker	Vescovo	Walker 3	Walker 74
Wessels	Wiemann	Wilson	Wood	Mr. Speaker

ABSENT WITH LEAVE: 031

Anders	Bangert	Brattin	Brown 57	Conway 10
Curtis	Dogan	Dunn	Francis	Franklin
Gannon	Gray	Green	Grier	Hill
Johnson	May	McCaherty	McGee	Meredith 71

Morris	Muntzel	Newman	Phillips	Pietzman
Rehder	Roberts	Rowland 29	Smith 85	Stacy
Swan				

VACANCIES: 001

THIRD READING OF HOUSE BILLS

HCS HB 1, relating to ratemaking for public utilities, was taken up by Representative Rone.

Representative Barnes (60) resumed the Chair.

Speaker Richardson resumed the Chair.

On motion of Representative Rone, **HCS HB 1** was read the third time and passed by the following vote:

AYES: 120

Adams	Alferman	Anderson	Andrews	Arthur
Austin	Bahr	Baringer	Barnes 60	Barnes 28
Basye	Beard	Beck	Bernskoetter	Berry
Black	Bondon	Brown 27	Brown 57	Brown 94
Burnett	Burns	Butler	Carpenter	Chipman
Christofanelli	Cierpiot	Conway 104	Cookson	Corlew
Cornejo	Crawford	Cross	Davis	DeGroot
Dohrman	Eggleston	Ellebracht	Engler	Evans
Fitzpatrick	Fitzwater 144	Fitzwater 49	Fraker	Franks Jr
Green	Gregory	Grier	Haahr	Haefner
Hannegan	Hansen	Harris	Helms	Henderson
Higdon	Houghton	Houx	Hubrecht	Johnson
Justus	Kelley 127	Kelly 141	Kendrick	Kidd
Kolkmeier	Korman	Lant	Lauer	Lavender
Lichtenegger	Love	Lynch	Mathews	Matthiesen
McCann Beatty	McDaniel	McGaugh	Merideth 80	Messenger
Miller	Mosley	Nichols	Peters	Pfautsch
Pike	Plocher	Quade	Razer	Redmon
Rehder	Reiboldt	Reisch	Remole	Rhoads
Roberts	Roeber	Rone	Ross	Rowland 155
Runions	Ruth	Shaul 113	Shull 16	Shumake
Smith 163	Sommer	Spencer	Stephens 128	Stevens 46
Tate	Taylor	Trent	Vescovo	Walker 3
Walker 74	White	Wiemann	Wood	Mr. Speaker

NOES: 017

Curtman	Ellington	Frederick	Hurst	Marshall
McCreery	McGee	Mitten	Moon	Morgan
Neely	Pierson Jr	Pogue	Schroer	Unsicker
Wessels	Wilson			

PRESENT: 001

Roden

ABSENT WITH LEAVE: 024

Anders	Bangert	Brattin	Conway 10	Curtis
Dogan	Dunn	Francis	Franklin	Gannon
Gray	Hill	May	McCaherty	Meredith 71
Morris	Muntzel	Newman	Phillips	Pietzman
Rowland 29	Smith 85	Stacy	Swan	

VACANCIES: 001

Speaker Richardson declared the bill passed.

Representative Hubrecht assumed the Chair.

The emergency clause was adopted by the following vote:

AYES: 115

Alferman	Anderson	Andrews	Arthur	Austin
Baringer	Barnes 60	Basye	Beard	Beck
Bernskoetter	Berry	Black	Bondon	Brown 27
Brown 57	Brown 94	Butler	Carpenter	Chipman
Christofanelli	Cierpiot	Conway 104	Cookson	Corlew
Cornejo	Crawford	Cross	Curtman	Davis
DeGroot	Dohrman	Eggleston	Ellebracht	Engler
Evans	Fitzpatrick	Fitzwater 144	Fitzwater 49	Fraker
Franks Jr	Gregory	Grier	Haahr	Haefner
Hannegan	Hansen	Harris	Helms	Henderson
Higdon	Houghton	Houx	Hubrecht	Johnson
Justus	Kelley 127	Kelly 141	Kendrick	Kidd
Kolkmeier	Korman	Lant	Lauer	Lavender
Lichtenegger	Love	Lynch	Mathews	Matthiesen
McDaniel	McGaugh	Merideth 80	Messenger	Miller
Mosley	Neely	Nichols	Peters	Pfautsch
Pike	Plocher	Quade	Razer	Redmon
Rehder	Reiboldt	Reisch	Remole	Rhoads
Roden	Roeber	Rone	Ross	Rowland 155
Ruth	Schroer	Shaul 113	Shull 16	Shumake
Smith 163	Sommer	Spencer	Stephens 128	Tate
Taylor	Trent	Vescovo	Walker 3	Wessels
White	Wiemann	Wilson	Wood	Mr. Speaker

NOES: 019

Adams	Barnes 28	Burnett	Burns	Ellington
Green	Hurst	Marshall	McCann Beatty	McCreery
McGee	Moon	Morgan	Pierson Jr	Pogue
Roberts	Runions	Unsicker	Walker 74	

PRESENT: 000

ABSENT WITH LEAVE: 028

Anders	Bahr	Bangert	Brattin	Conway 10
Curtis	Dogan	Dunn	Francis	Franklin
Frederick	Gannon	Gray	Hill	May

McCaherty
Newman
Stacy

Meredith 71
Phillips
Stevens 46

Mitten
Pietzman
Swan

Morris
Rowland 29

Muntzel
Smith 85

VACANCIES: 001

Speaker Richardson resumed the Chair.

ADJOURNMENT

On motion of Representative Cierpiot, the House adjourned until 10:00 a.m., Tuesday, May 30, 2017.

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