
HOUSE CONCURRENT RESOLUTIONS

HOUSE CONCURRENT RESOLUTION NO. 1

BE IT RESOLVED, by the House of Representatives of the Ninety-first General Assembly, First Regular Session of the State of Missouri, the Senate concurring therein, that the House of Representatives and the Senate convene in Joint Session in the Hall of the House of Representatives at 10:30 a.m., Thursday, January 4, 2001, to receive a message from His Excellency, the Honorable Roger Wilson, Governor of the State of Missouri; and

BE IT FURTHER RESOLVED, that a committee of ten (10) from the House be appointed by the Speaker to act with a committee of ten (10) from the Senate, appointed by the President Pro Tem, to wait upon the Governor of the State of Missouri and inform His Excellency that the House of Representatives and Senate of the Ninety-first General Assembly, First Regular Session, are now organized and ready for business and to receive any message or communication that His Excellency may desire to submit, and that the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

HOUSE CONCURRENT RESOLUTION NO. 2

BE IT RESOLVED, by the House of Representatives of the Ninety-first General Assembly, First Regular Session of the State of Missouri, the Senate concurring therein, that the House of Representatives and the Senate convene in Joint Session in the Hall of the House of Representatives at 10:30 a.m., Wednesday, January 10, 2001, to receive a message from His Honor William Ray Price, Jr., the Chief Justice of the Supreme Court of the State of Missouri; and

BE IT RESOLVED, that a committee of ten (10) from the House be appointed by the Speaker to act with a committee of ten (10) from the Senate, appointed by the President Pro Tem, to wait upon the Chief Justice of the Supreme Court of the State of Missouri and inform His Honor that the House of Representatives and the Senate of the Ninety-first General Assembly, First Regular Session, are now organized and ready for business and to receive any message or communication that His Honor may desire to submit, and that the Chief Clerk of the House of Representatives be directed to inform the Senate of this resolution.

HOUSE CONCURRENT RESOLUTION NO. 3

BE IT RESOLVED, by the House of Representatives of the Ninety-first General Assembly, First Regular Session of the State of Missouri, the Senate concurring therein, that the House of Representatives and the Senate convene in Joint Session in the Hall of the House of Representatives at 10:30 a.m., Tuesday, January 30, 2001, to receive a message from His Excellency, the Honorable Bob Holden, Governor of the State of Missouri; and

BE IT FURTHER RESOLVED, that a committee of ten (10) from the House be appointed by the Speaker to act with a committee of ten (10) from the Senate, appointed by the President Pro Tem, to wait upon the Governor of the State of Missouri and inform His Excellency that the House of Representatives and Senate of the Ninety-first General Assembly, First Regular Session, are now organized and ready for business and to receive any message or communication that His Excellency may desire to submit, and that the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

**SENATE SUBSTITUTE FOR
HOUSE CONCURRENT RESOLUTION NO. 5**

WHEREAS, telecommunications services and energy services and sources are vital to the economic vitality and well-being of the state of Missouri; and

WHEREAS, attempts across the nation to deregulate telecommunications services and energy services and sources have met with both success and failure in the effort to create competitive markets and make available new services and customer choices; and

WHEREAS, the state and political subdivisions have imposed taxes, fees and other assessments on various telecommunications and energy services which vary widely based on locality and, within a locality, may vary widely due to increasingly related and competitive services, such as telephone and cable television; and

WHEREAS, the current nationwide effort to establish competition in the production, distribution and sale of energy, including electricity, natural gas and other energy sources has potential benefits and adverse effects on energy producers, distributors, retailers, customers and the citizens of this state; and

WHEREAS, ensuring adequate and affordable telecommunications services and energy services and sources necessitate a fair and equitable tax structure across different telecommunications and energy services and across different regions of the state; and

WHEREAS, the issue of whether governmental entities should expend public resources to compete with private telecommunications and energy entities should be explored; and

WHEREAS, recent increases in the cost of natural gas has affected home heating costs, electricity costs and energy costs for businesses and created a greater need for efficient use of energy resources; and

WHEREAS, Missouri produces little of the energy resources it consumes, resulting in a considerable export of wealth from the state to other parts of the nation and the rest of the world;

WHEREAS, a Joint Interim Committee on Telecommunications and Energy has studied several of the above-mentioned issues during the tenure of the Ninetieth General Assembly and recommends that a similar study committee be established to continue the study during the tenure of the Ninety-first General Assembly:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate, Ninety-first General Assembly, First Regular Session, the House of Representatives concurring therein, that a Joint Legislative Committee on Telecommunications and Energy be created to be

composed of seven members of the Senate, to be appointed by the President Pro Tem of the Senate, and seven members of the House of Representatives, to be appointed by the Speaker of the House of Representatives, and that said committee be authorized to function throughout the Ninety-first General Assembly; and

BE IT FURTHER RESOLVED that said committee continue and expand the in-depth studies conducted by the prior Joint Interim Committee on Telecommunications and Energy and make appropriate recommendations concerning financial, legal, social, taxation, environmental, technological and economic issues of telecommunications, cable television, all Internet services, including asymmetrical digital subscriber lines (ADSL) and service via cable lines, and energy services taxation, competition between governmental entities and private telecommunication entities, and any other issues the committee deems relevant; and

BE IT FURTHER RESOLVED that said committee continue and expand the in-depth studies conducted by prior Joint Interim Committees on Telecommunications and Energy and make appropriate recommendations concerning financial, legal, social, taxation, environmental, technological and economic issues of deregulation and increasing competition in energy production, distribution and sale, including reconsideration of the effects on residential customers, small and large business customers, utility shareholders and other stakeholders and any other issues the committee deems relevant with such studies to specifically include an analysis of (i) the existing and projected demands in this state for electric power and energy over the next ten years, and the basis for determining the projected demand; (ii) the adequacy and reliability of available and planned electric generation to serve the needs of customers in this state; (iii) permitting retail customers having load at a single premises in excess of 1 or 2 MW to utilize alternative sources of supply without adversely affecting state and municipal tax revenues; (iv) the adequacy and availability of available and planned transmission facilities used to transfer electricity into and within the state; and (v) incentives that would encourage the ongoing investment needed to ensure adequate generation and transmission capacity within the state; and

BE IT FURTHER RESOLVED that said committee study and make appropriate recommendations concerning financial, legal, social, taxation, environmental, technological and economic issues of energy costs, energy demand management options, decentralization of energy sources, production of alternative energy, energy efficiency and any other issues the committee deems relevant;

BE IT FURTHER RESOLVED that said committee prepare an interim report, which must at a minimum include a detailed summary of the committee's analysis of the adequacy and reliability of available and planned electric generation and transmission capacity to serve the projected needs of customers in this state currently and over the next ten years and incentives for ongoing investment and allowing retail customers having load at a single premises in excess of 1 or 2 MW to utilize alternative sources of supply without adversely affecting state and municipal tax revenues, together with its recommendations for any legislative action it deems necessary for submission to the General Assembly prior to the commencement of the Second Regular Session of the Ninety-first General Assembly but in any event no later than December 1, 2001, and a final report, together with its recommendations for any legislative action it deems necessary for submission to the General Assembly prior to the commencement of the First Regular Session of the Ninety-second General Assembly; and

BE IT FURTHER RESOLVED that said committee may solicit any input and information necessary to fulfill its obligations from the Missouri Public Service Commission, the Department of Economic Development, the Division of Energy within the Department of Natural Resources, the Office of Public Counsel, political subdivisions of this state, telecommunications and energy

service providers, energy utilities and representatives of all telecommunications and energy customer groups; and

BE IT FURTHER RESOLVED that House Research, the Committee on Legislative Research, and Senate Research shall provide such legal, research, clerical, technical and bill drafting services as the committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of the committee, its members and any staff personnel assigned to the committee incurred in attending meetings of the committee or any subcommittee thereof shall be paid from the Joint Contingent Fund.

**HOUSE SUBSTITUTE FOR
HOUSE CONCURRENT RESOLUTION NO. 6**

WHEREAS, the United States Fish and Wildlife Service has recommended that the United States Army Corps of Engineers implement the so-called "spring rise-split season" plan for operation of the Missouri River mainstem reservoir system. This plan would result in an increase in the flow of the Missouri River in the spring and a reduction of the flow in the summer of each year, purportedly to improve habitat for the threatened and endangered pallid sturgeon, least tern and piping plover; and

WHEREAS, additional changes under consideration by the United States Army Corps of Engineers to the Missouri River Master Manual would result in the storage of more water in the upstream reservoirs while decreasing the amount of water available downstream for designated uses. These changes would shorten the navigation season on the Missouri River by twenty-seven days in November and put at risk Mississippi River navigation as well; and

WHEREAS, analysis of the proposed changes by the state of Missouri and the United States Army Corps of Engineers has indicated these changes will fail to improve and will potentially diminish habitat for the species in question, will increase the risk of flooding along the Missouri River, and will result in a decrease in river levels in early summer and fall which will impact navigation and other designated uses on the Missouri and Mississippi Rivers; and

WHEREAS, habitat restoration along the lower Mississippi River has demonstrated great success in aiding the recovery of these species and a similar approach should be given the opportunity to succeed on the Missouri River; and

WHEREAS, these plans have the potential for severe impact on any industry which uses the Missouri River or Mississippi River to transport products and the potential to increase risk of flooding in river communities and on farm land in the Missouri and lower Mississippi River basins; and

WHEREAS, these proposals do not adequately address the concerns and needs of states in the lower Missouri and Mississippi River basin, and will not realize the purported benefit of increasing habitat for endangered species; and

WHEREAS, the Missouri departments of natural resources, conservation and transportation have opposed these plans and have informed the Fish and Wildlife Service and the United States Army Corps of Engineers of their concerns regarding the potential impact on the state's river communities, lands, businesses and wildlife habitat:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri House of Representatives, Ninety-first General Assembly, First Regular Session, the Senate concurring therein, hereby urge the Governor to protest against any proposals that would so negatively impact beneficial uses of the lower Missouri and Mississippi Rivers and would not significantly improve conditions for the species of concern; and

BE IT FURTHER RESOLVED that the members of the General Assembly urge the Department of Natural Resources, the Department of Conservation and the Department of Transportation to continue to insist that any plan involving the operations of the Missouri River improve the Missouri River for all beneficial uses and be sure any river management changes are based on sound science; and

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be instructed to prepare properly inscribed copies of this resolution for the United States Fish and Wildlife Service, the United States Army Corps of Engineers, the Governor of Missouri, the Director of the Department of Natural Resources, the Director of the Department of Conservation and the Director of the Department of Transportation.

HOUSE CONCURRENT RESOLUTION NO. 10

WHEREAS, the original passage of the federal Individuals with Disabilities Education Act (IDEA) in 1975 established a program of free appropriate public education to better enable students with disabilities to achieve their greatest potential; and

WHEREAS, IDEA also represented an advance in civil rights for disabled children through equal protection; and

WHEREAS, Missouri has demonstrated a strong commitment to serving our children with disabilities through provision of special education and related services to over 127,000 students (14.18 percent of public school enrollment); and

WHEREAS, the original intent of the 94th Congress was to fund IDEA at 40% of its cost, but funding has never exceeded 13%; and

WHEREAS, federal law requires school districts to meet federal standards, but Congress has not provided the promised funding necessary to achieve those standards; and

WHEREAS, Missouri and several other states have legal prohibitions on passing unfunded mandates to the local level and therefore must either make up the shortfall or ask local districts to do so and thereby risk litigation; and

WHEREAS, local districts must then cover the mandated expenses of special education and reduce funding for teachers, textbooks and supplies, building maintenance and repair, as well as meet the counterproductive reporting burden which severely reduces teacher availability:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-first General Assembly, First Regular Session, the Senate concurring therein, hereby urge that before the 107th Congress considers any other education initiatives, that IDEA receive prompt and full funding, and the reporting requirements of IDEA be significantly reduced; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the President of the United States Senate, the Speaker of the United States House of Representatives and every member of the Missouri Congressional delegation.

HOUSE CONCURRENT RESOLUTION NO. 12

WHEREAS, the recent dramatic increase in utility rates for utility companies providing heating fuels has had a devastating financial affect on many middle and low income Missourians who cannot afford to pay utility bills which have more than doubled in recent months; and

WHEREAS, many Missourians on fixed and limited incomes may be forced to eliminate other essential purchases, such as food and medicines, from their limited budgets in order to pay the exorbitant utility bills; and

WHEREAS, due to the extraordinary circumstances in which Missourians find themselves, members of Congress should consider taking extraordinary steps to protect the interests of all of the people of the United States:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-first General Assembly, First Regular Session, the Senate concurring therein, hereby request that the United States Congress consider establishing a strong remedial federal energy policy that delegates emergency powers to individual states; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the President of the United States Senate, the Speaker of the United States House of Representatives and each member of the Missouri Congressional delegation.

HOUSE CONCURRENT RESOLUTION NO. 14

WHEREAS, the Railroad Retirement and Survivors Improvement Act of 2000 was approved in a bipartisan effort by 391 members of the United States House of Representatives of the 106th Congress, including the entire Missouri delegation to the United States House of Representatives; and

WHEREAS, more than 83 United States Senators, including both Missouri Senator Kit Bond and then Missouri Senator John Ashcroft, signed letters of support for this legislation in 2000; and

WHEREAS, the bill now before the 107th Congress modernizes the Railroad Retirement System for its 690,000 beneficiaries nationwide, including over 23,100 in Missouri; and

WHEREAS, railroad management, labor and retiree organizations have agreed to support this legislation; and

WHEREAS, this legislation provides tax relief to freight railroads, Amtrak and commuter lines; and

WHEREAS, this legislation provides benefit improvements for surviving spouses of rail workers, who currently suffer deep cuts in income when the rail retiree dies; and

WHEREAS, no outside contributions from taxpayers are needed to implement the changes called for in this legislation; and

WHEREAS, all changes will be paid for from within the railroad industry, including a full share of active employees:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri House of Representatives of the Ninety-first General Assembly, First Regular Session, the Senate concurring therein, hereby urge the United States Congress to support the Railroad Retirement and Survivors Improvement Act introduced in the 107th Congress; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives and each member of the Missouri Congressional delegation.

HOUSE CONCURRENT RESOLUTION NO. 22

WHEREAS, in 1955, the Missouri Brucellosis Control and Eradication Law, sections 267.470 to 267.550, RSMo, was enacted by the Missouri General Assembly to suppress, control and eradicate bovine brucellosis in this state; and

WHEREAS, as part of the state's attempt to suppress, control and eradicate bovine brucellosis in this state, a certification process was established which included the herd designation of a "certified brucellosis free herd"; and

WHEREAS, more than forty-five years after the passage of the Missouri Brucellosis Control and Eradication Law, not every herd of cattle in the state of Missouri has attained the designation of a certified brucellosis free herd; and

WHEREAS, all cattle eight months of age or over must pass a negative test for brucellosis within thirty days of the transportation of such cattle within or outside the state; and

WHEREAS, the economic progress of the cattle industry in this state depends on the ability of cattle producers to buy, sell and exchange cattle both intrastate and interstate; and

WHEREAS, the department of agriculture should be aggressive in the use and utilization of the resources available to the department to reach a brucellosis free status for the entire state, without requiring new vaccinations:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-first General Assembly, First Regular Session, the Senate

concurring therein, hereby direct the department of agriculture to be more aggressive in its attempts to suppress, control and eradicate bovine brucellosis in this state and reach a statewide brucellosis free status; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for the director of the department of agriculture.

HOUSE CONCURRENT RESOLUTION NO. 23

WHEREAS, the Windfall Elimination Provision or WEP was added to the federal Social Security Act in 1983 to prevent unfairly inflated benefits for persons who held highly compensated government positions that were not covered by Social Security and who also had brief, relatively low-paying Social Security covered employment; and

WHEREAS, the WEP has had the unintended consequence of undermining the retirement plans of individuals who have been teachers and who often continue to hold Social Security covered employment during summers and holidays; and

WHEREAS, Missouri and other states are anticipating an increased rate of teacher retirement and difficulty attracting young adults into the education field; and

WHEREAS, the WEP also serves to discourage mid-life career changes from Social Security covered employment to employment covered by public pensions such as teaching; and

WHEREAS, the WEP often works in conjunction with another income-reducing feature, the government pension offset (GPO) that bears disproportionately on women, to doubly affect the teacher corps which is still primarily made up of women; and

WHEREAS, the formula of the WEP assumes retirees have had a higher-paying position over the entire course of their careers, an assumption which is contrary to the fact for teachers; and

WHEREAS, many teachers need a second income and therefore work in Social Security covered positions, thereby activating the WEP; and

WHEREAS, the continuation of the WEP and GPO impacts presently retired teachers, teachers near retirement, and young adults entering the education field, all who are essential parts of our national education corps:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-first General Assembly, First Regular Session, the Senate concurring therein, hereby urge the 107th Congress to:

(1) Either simply rescind the Windfall Elimination Provision or amend it so that it does not bear disproportionately upon teachers and others who have modest salaries earned in non-Social Security-covered service; and

(2) Amend the government pension offset so that it will not bear disproportionately upon teachers and others whose government pensions are based on modest salaries; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for each member of the Missouri congressional delegation.

**HOUSE SUBSTITUTE FOR
HOUSE CONCURRENT RESOLUTION NO. 25**

Relating to authorization for the issuance of bonds for university arena projects.

WHEREAS, Section 21.527, RSMo, requires that certain projects to be funded by revenue bonds shall be approved by the General Assembly; and

WHEREAS, the General Assembly is desirous of approving a project for a sports arena and related facilities to be owned by the University of Missouri-Columbia campus and to be funded in part by such revenue bonds:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-first General Assembly, First Regular Session, the Senate concurring therein, hereby approve the following:

1. A sports arena project and related facilities for the University of Missouri-Columbia campus; and
2. A total estimated project cost, including furnishings and equipment, of seventy-five million dollars; and
3. The Health and Educational Facilities Authority of the state of Missouri may issue bonds not to exceed thirty-five million dollars to fund the state's share of such sports arena project and related facilities; and
4. The remainder of the project cost to be funded by contributions and other funds to be provided by the University of Missouri; and
5. The sports arena project and related facilities shall comply with section 8.250, RSMo, and sections 290.210 to 290.340, RSMo, should the General Assembly appropriate future funding in an amount sufficient to pay the state's share of the project; and

BE IT FURTHER RESOLVED that pursuant to Section 28 of Article IV of the Missouri Constitution, this resolution shall not bind future General Assemblies to make any appropriations for this purpose although it is the present intent of the General Assembly, during each fiscal year of the state during the term of such revenue bonds, to appropriate funds sufficient to pay the debt service on such revenue bonds; and

BE IT FURTHER RESOLVED that the intent of the General Assembly is that no funds shall be appropriated to pay the state's share on such revenue bonds until fiscal year 2005, unless further legislative action authorizes such payment prior to fiscal year 2005; and

BE IT FURTHER RESOLVED that the members of the Missouri General Assembly authorize and direct the Office of Administration and such other state departments, offices and agencies as the Office of Administration may deem necessary or appropriate to:

1. Assist the staff and advisors of the University of Missouri in implementing the project and in issuing such revenue bonds for the state's share of the project cost; and
 2. Execute and deliver documents and certificates related to such revenue bonds consistent with the terms of this concurrent resolution; and
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BE IT FURTHER RESOLVED that this resolution be sent to the Governor for his approval or rejection pursuant to the Missouri Constitution.

Approved July 12, 2001

HOUSE CONCURRENT RESOLUTION NO. 33

WHEREAS, Agramarke Quality Grains, Inc., a Missouri cooperative association, will provide economic development for the St. Joseph area; and

WHEREAS, the United States Department of Agriculture emphasizes the importance of guiding agriculture toward value-added opportunities; and

WHEREAS, agricultural producers will own 100% of the facility, provide over 110 jobs in the area, and realize between three and five million dollars per year in profits and premiums; and

WHEREAS, the facility purchase price is far below the price of new construction and will provide a new purpose for the Quaker Oats facility which has been in existence since 1926; and

WHEREAS, the United States Department of Agriculture provides many beneficial programs which will be crucial to the success of the project; and

WHEREAS, without the assistance of the United States Department of Agriculture programs, this young company may never develop; and

WHEREAS, the United States Department of Agriculture maintains a community population requirement of 50,000 for use of rural development economic incentive programs; and

WHEREAS, the city of St. Joseph remains not far above the threshold with a population of approximately 75,000:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-first General Assembly, First Regular Session, the Senate concurring therein, hereby urge the United States Department of Agriculture to grant a waiver for Agramarke Quality Grains, Inc., for development in St. Joseph, Missouri, to allow Agramarke to qualify for rural development economic incentive programs; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the President of the United States Senate, the Speaker of the United States House of Representatives, Secretary Ann M. Veneman of the United States Department of Agriculture and each member of the Missouri congressional delegation.
