

# JOURNAL OF THE HOUSE

First Regular Session, 96th GENERAL ASSEMBLY

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SIXTY-FOURTH DAY, MONDAY, MAY 2, 2011

The House met pursuant to adjournment.

Speaker Tilley in the Chair.

Prayer by Reverend Sam J. Hinkle, Senior Pastor, River Church, Warsaw, Missouri.

*For I know the plans I have for you," declares the Lord, "plans to prosper you and not to harm you, plans to give you hope and a future. Then you will call upon me and come and pray to me, and I will listen to you. You will seek me and find me when you seek me with all your heart. (Jeremiah 29:11-13 NIV)*

Will you bow your heads with me now!

Gracious Heavenly Father, we thank You for Your mercy, grace and provision for this day. Thank You for all these great statesmen and stateswomen that have been placed in this place to help lead and direct the great state of Missouri. Thank You Lord for their willingness to serve our state and our nation! For truly, their decisions will impact not only our state, but our nation, and our world! So dear Lord, lead them and show them the plans that You have for this day and time. You said in Your Word that You have, "...plans to prosper you and not harm you, plans to give you hope and a future."

Father, we pray for Missourians to keep their hope and faith in You for the future. Lord, give them peace and patience as so many changes are happening all around us. We call upon You now and come to You seeking Your will and Your way for all Missourians this day!

Lord, thank You for protecting us from all those that are seeking to destroy this great nation and its freedom! Reveal their plans and may they be thwarted.

We ask You to bless and protect all of our military at home or abroad. Bless and protect their families that are at home waiting for their safe return. God bless and receive those that have given their lives serving this nation! Thank God for all our heroes!

Again, Heavenly Father, thank You for giving these great men and women today the wisdom, the understanding, the peace, the unity and the grace to make wise decisions for this day! In the name of Jesus, we pray! Amen and Amen.

The Pledge of Allegiance to the flag was recited.

The Journal of the sixty-third day was approved as printed.

## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 2842 through House Resolution No. 2937

**SECOND READING OF SENATE JOINT RESOLUTION**

**SJR 12** was read the second time.

**SECOND READING OF SENATE BILL**

**SCS SB 122** was read the second time.

**THIRD READING OF SENATE JOINT RESOLUTION**

**HCS#2 SJR 2**, relating to elections, was taken up by Representative Cox.

Speaker Pro Tem Schoeller assumed the Chair.

Representative Nasheed moved that pursuant to Rule 78, **HCS#2 SJR 2** be recommitted to the committee of origin.

Which motion was defeated by the following vote:

AYES: 052

Anders	Atkins	Aull	Black	Carlson
Carter	Casey	Colona	Conway 27	Ellinger
Fallert	Harris	Holsman	Hubbard	Hughes
Hummel	Jones 63	Kander	Kelly 24	Kirkton
Kratky	Lampe	May	McCann Beatty	McDonald
McManus	McNeil	Meadows	Montecillo	Nasheed
Newman	Nichols	Oxford	Pace	Peters-Baker
Pierson	Quinn	Rizzo	Schieffer	Schupp
Shively	Sifton	Smith 71	Spreng	Still
Swearingen	Swinger	Talboy	Taylor	Walton Gray
Webb	Webber			

NOES: 102

Allen	Asbury	Bahr	Barnes	Bernskoetter
Berry	Brandom	Brattin	Brown 50	Brown 85
Brown 116	Burlison	Cauthorn	Cierpiot	Conway 14
Cookson	Cox	Crawford	Cross	Curtman
Davis	Day	Denison	Dieckhaus	Dugger
Elmer	Entlicher	Fisher	Fitzwater	Flanigan
Fraker	Franklin	Franz	Frederick	Fuhr
Gatschenberger	Gosen	Grisamore	Guernsey	Haefner
Hampton	Higdon	Hinson	Hoskins	Hough
Houghton	Johnson	Jones 89	Jones 117	Keeney
Kelley 126	Klippenstein	Koenig	Korman	Lair
Lant	Largent	Lasater	Lauer	Leach
Leara	Lichtenegger	Loehner	Long	Marshall
McCaherty	McGhee	McNary	Molendorp	Nance
Neth	Nolte	Parkinson	Phillips	Pollock
Redmon	Reiboldt	Riddle	Rowland	Ruzicka
Sater	Schad	Scharnhorst	Schatz	Schieber
Schneider	Schoeller	Shumake	Silvey	Smith 150

Solon	Stream	Thomson	Torpey	Wells
Weter	White	Wieland	Wright	Wyatt
Zerr	Mr Speaker			

PRESENT: 000

ABSENT WITH LEAVE: 006

Diehl	Funderburk	Hodges	McGeoghegan	Richardson
Wallingford				

VACANCIES: 003

On motion of Representative Cox, **HCS#2 SJR 2** was adopted.

On motion of Representative Cox, **HCS#2 SJR 2** was read the third time and passed by the following vote:

AYES: 102

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

NOES: 055

Anders	Atkins	Aull	Black	Brown 50
Carlson	Carter	Casey	Colona	Conway 27
Ellinger	Fallert	Harris	Holsman	Hubbard
Hughes	Hummel	Jones 63	Kander	Kelly 24
Kirkton	Kratky	Lampe	May	McCann Beatty
McDonald	McGhee	McManus	McNeil	Meadows
Montecillo	Nasheed	Newman	Nichols	Oxford
Pace	Peters-Baker	Pierson	Quinn	Rizzo
Schieffer	Schupp	Shively	Sifton	Smith 71
Spreng	Still	Swearingen	Swinger	Talboj
Taylor	Walton Gray	Webb	Webber	Weter

PRESENT: 000

ABSENT WITH LEAVE: 003

Hodges                      McGeoghegan                      Wallingford

VACANCIES: 003

Speaker Pro Tem Schoeller declared the bill passed.

### PERFECTION OF HOUSE BILLS

**HB 138**, relating to the School Construction Act, was taken up by Representative Thomson.

Representative Smith (150) assumed the Chair.

Speaker Pro Tem Schoeller resumed the Chair.

Representative Jones (89) moved the previous question.

Which motion was adopted by the following vote:

AYES: 101

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

NOES: 050

Anders	Atkins	Aull	Brown 50	Carlson
Carter	Casey	Colona	Conway 27	Ellinger
Fallert	Harris	Hubbard	Hughes	Hummel
Jones 63	Kander	Kelly 24	Kirkton	Kratky
Lampe	May	McCann Beatty	McDonald	McManus
McNeil	Montecillo	Nasheed	Newman	Nichols

Oxford	Pace	Peters-Baker	Pierson	Quinn
Rizzo	Schieffer	Schupp	Shively	Sifton
Smith 71	Spreng	Still	Swearingen	Swinger
Talboy	Taylor	Walton Gray	Webb	Webber

PRESENT: 000

ABSENT WITH LEAVE: 009

Black	Hodges	Holsman	McGeoghegan	Meadows
Parkinson	Schneider	Wallingford	Mr Speaker	

VACANCIES: 003

On motion of Representative Thomson, **HB 138** was ordered perfected and printed.

**HCS HB 732, as amended**, relating to professional registration, was taken up by Representative Brandom.

On motion of Representative Brandom, **HCS HB 732, as amended**, was adopted.

On motion of Representative Brandom, **HCS HB 732, as amended**, was ordered perfected and printed.

**HCS HBs 504, 505 & 874**, relating to domestic violence, was taken up by Representative Silvey.

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

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill Nos. 504, 505 & 874, Page 1, Section 43.545, Line 2, by striking the words “Missouri Crime Index” and inserting in lieu thereof the words “[Missouri Crime Index] **Crime in Missouri**”; and

Further amend said bill, Page 3, Section 211.031, Line 49, by inserting after the word “law” the following:

“;

**(6) Involving an order of protection pursuant to chapter 455 when the respondent is less than seventeen years of age**”; and

Further amend said bill, Page 9, Section 455.010, Line 46, by inserting after the closing bracket “]” the following:

**“who has been a victim of domestic violence”**; and

Further amend said bill, Page 9, Section 455.010, Line 52, by inserting immediately after the word “filed” the following:

**“or a person served on behalf of a child pursuant to section 455.503”**; and

Further amend said bill, Page 9, Section 455.010, Line 61, by inserting after all of said line the following:

“455.020. 1. Any adult who has been subject to [abuse] **domestic violence** by a present or former [adult] family or household member, or who has been the victim of stalking, may seek relief under sections 455.010 to 455.085 by filing a verified petition alleging such [abuse] **domestic violence** or stalking by the respondent.

2. An adult’s right to relief under sections 455.010 to 455.085 shall not be affected by his leaving the residence or household to avoid [abuse] **domestic violence**.

3. Any protection order issued pursuant to sections 455.010 to 455.085 shall be effective throughout the state in all cities and counties.”; and

Further amend said bill, Page 9, Section 455.027, Line 2, by inserting after all of said line the following:

“455.035. 1. Upon the filing of a verified petition pursuant to sections 455.010 to 455.085 and for good cause shown in the petition, the court may immediately issue an ex parte order of protection. An immediate and present danger of abuse to the petitioner shall constitute good cause for purposes of this section. An ex parte order of protection entered by the court shall take effect when entered and shall remain in effect until there is valid service of process and a hearing is held on the motion.

2. Failure to serve an ex parte order of protection on the respondent shall not affect the validity or enforceability of such order. **If the respondent is less than seventeen years of age, unless otherwise emancipated, service of process shall be made upon a parent or guardian of the respondent, or upon a guardian ad litem appointed by the court.**

**3. If an ex parte order is entered and the allegations in the petition would give rise to jurisdiction under section 211.031 because the respondent is less than seventeen years of age, the court shall transfer the case to juvenile court for a hearing on a full order of protection. The court shall appoint a guardian ad litem for any such respondent in the absence of a parent or guardian.”; and**

Further amend said bill, Page 16, Section 455.085, Line 50, by inserting immediately after the word “the” the word “**circuit**”; and

Further amend said bill and section, Line 63, by striking the words “**state or municipal**” and inserting in lieu thereof the word “**circuit**”; and

Further amend said bill, Page 17, Section 455.200, Line 15, by inserting after all of said line the following:

“455.505. 1. An order of protection for a child who has been subject to [abuse] **domestic violence** by a present or former adult household member or person stalking the child may be sought under sections 455.500 to 455.538 by the filing of a verified petition alleging such [abuse] **domestic violence** by the respondent.

2. A child’s right to relief under sections 455.500 to 455.538 shall not be affected by his leaving the residence or household to avoid [abuse] **domestic violence**.

3. Any protection order issued pursuant to sections 455.500 to 455.538 shall be effective throughout the state in all cities and counties.”; and

Further amend said bill, Page 17, Section 455.513, Line 3, by inserting immediately after the word “made” the following:

“**or that the respondent is less than seventeen years of age**”; and

Further amend said section, Line 17, by inserting at the end of said line the following:

“**Service of process shall be made pursuant to section 455.035. The court shall appoint a guardian ad litem for any such respondent in the absence of a parent or guardian.**”; and

Further amend said bill, Page 22, Section 455.549, Line 11, by inserting after all of said line the following:

**“455.800. In all proceedings pursuant to subsection 3 of section 455.035 or subsection 4 of section 455.513, the records of the juvenile court shall be kept confidential and may be open to inspection without a court order only to:**

- (1) The juvenile officer;**
- (2) The officials at the child's school, law enforcement officials, prosecuting attorneys, or any person or agency having or proposed to provide care, custody, or control or to provide treatment of the child; and**
- (3) A parent or guardian of or court appointed guardian ad litem for the child.”; and**

Further amend said bill, Page 23, Section 565.074, Line 27, by inserting after all of said line the following:

“589.683. [Pursuant to section 23.253 of the Missouri sunset act:

- (1) Any new program authorized under sections 589.660 to 589.681 shall automatically sunset six years after August 28, 2007, unless reauthorized by an act of the general assembly; and
- (2) If such program is reauthorized, the program authorized under sections 589.660 to 589.681 shall automatically sunset twelve years after the effective date of the reauthorization of sections 589.660 to 589.681; and
- (3) Sections 589.660 to 589.681 shall terminate on September first of the calendar year immediately following the calendar year in which a program authorized under sections 589.660 to 589.681 is sunset.] **Section 23.253 of the Missouri sunset act shall not apply to any program established pursuant to sections 589.660 to 589.681.”; and**

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

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

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

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill Nos. 504, 505 & 874, Page 23, Section 565.074, Line 27, by inserting after all of said section and line the following:

“589.683. [Pursuant to section 23.253 of the Missouri sunset act:

- (1) Any new program authorized under sections 589.660 to 589.681 shall automatically sunset six years after August 28, 2007, unless reauthorized by an act of the general assembly; and
- (2) If such program is reauthorized, the program authorized under sections 589.660 to 589.681 shall automatically sunset twelve years after the effective date of the reauthorization of sections 589.660 to 589.681; and
- (3) Sections 589.660 to 589.681 shall terminate on September first of the calendar year immediately following the calendar year in which a program authorized under sections 589.660 to 589.681 is sunset] **Section 23.253 of the Missouri sunset act shall not apply to any program established pursuant to sections 589.660 to 589.681.”; and**

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

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

On motion of Representative Silvey, **HCS HBs 504, 505 & 874, as amended**, was adopted.

On motion of Representative Silvey, **HCS HBs 504, 505 & 874, as amended**, was ordered perfected and printed.

**HB 658**, relating to the Meth Lab Elimination Act, was taken up by Representative Schatz.

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

*House Amendment No. 1*

AMEND House Bill No. 658, Page 13, Section 195.017, Line 433, by deleting all of said line and inserting in lieu thereof the following:

"(8) **Any compound, mixture, or preparation, which is not in liquid or liquid-filled gel capsule form, containing any detectable quantity of**"; and

Further amend said bill, Page 14, Section 195.017, Line 442, by deleting all of said line and inserting in lieu thereof the following:

", **preparation, which is not in liquid or liquid-filled gel capsule form, containing any detectable quantity of ephedrine, phenylpropanolamine, or**"; and

Further amend said bill, Pages 18 to 20, Section 195.017, Lines 602 to 659, by deleting all of said lines and inserting in lieu thereof the following:

"11. If any compound, mixture, or preparation [as specified in subdivision (3) of subsection 10 of this section], **which is in liquid or liquid-filled gel capsule form, containing any detectable quantity of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers**, is dispensed, sold, or distributed in a pharmacy without a prescription:

(1) All packages of any compound, mixture, or preparation, **which is in liquid or liquid-filled gel capsule form**, containing any detectable quantity of pseudoephedrine, its salts or optical isomers, or salts of optical isomers or ephedrine, its salts or optical isomers, or salts of optical isomers, shall be offered for sale only from behind a pharmacy counter where the public is not permitted, and only by a registered pharmacist or registered pharmacy technician; and

(2) Any person purchasing, receiving or otherwise acquiring any compound, mixture, or preparation, **which is in liquid or liquid-filled gel capsule form**, containing any detectable quantity of pseudoephedrine, its salts or optical isomers, or salts of optical isomers or ephedrine, its salts or optical isomers, or salts of optical isomers shall be at least eighteen years of age; and

(3) The pharmacist, intern pharmacist, or registered pharmacy technician shall require any person, prior to their purchasing, receiving or otherwise acquiring such compound, mixture, or preparation, **which is in liquid or liquid-filled gel capsule form**, to furnish suitable photo identification that is issued by a state or the federal government or a document that, with respect to identification, is considered acceptable and showing the date of birth of the person;

(4) The seller shall deliver the product directly into the custody of the purchaser.

12. Pharmacists, intern pharmacists, and registered pharmacy technicians shall implement and maintain an electronic log of each transaction. Such log shall include the following information:

(1) The name, address, and signature of the purchaser;

(2) The amount of the compound, mixture, or preparation purchased;

(3) The date and time of each purchase; and

(4) The name or initials of the pharmacist, intern pharmacist, or registered pharmacy technician who dispensed the compound, mixture, or preparation to the purchaser.

13. Each pharmacy shall submit information regarding sales of any compound, mixture, or preparation [as specified in subdivision (3) of subsection 10 of this section], **which is in liquid or liquid-filled gel capsule form, containing any detectable quantity of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers**, in accordance with transmission methods and frequency established by the department by regulation;

14. No person shall dispense, sell, purchase, receive, or otherwise acquire quantities greater than those specified in this chapter.

15. All persons who dispense or offer for sale pseudoephedrine and ephedrine products, **which are in liquid or liquid filled gel capsule form**, in a pharmacy shall ensure that all such products are located only behind a pharmacy counter where the public is not permitted.



16. Any person who knowingly or recklessly violates the provisions of subsections 11 to 15 of this section is guilty of a class A misdemeanor.

17. The scheduling of substances specified in subdivision [(3) of subsection 10] **(8) of subsection 6** of this section and subsections 11, 12, 14, and 15 of this section shall not apply to [any compounds, mixtures, or preparations that are in liquid or liquid-filled gel capsule form or to] any compound, mixture, or preparation specified in subdivision [(3) of subsection 10] **(8) of subsection 6** of this section which must be dispensed, sold, or distributed in a pharmacy pursuant to a prescription.

18. The manufacturer of a drug product or another interested party may apply with the department of health and senior services for an exemption from this section. The department of health and senior services may grant an exemption by rule from this section if the department finds the drug product is not used in the illegal manufacture of methamphetamine or other controlled or dangerous substances. The department of health and senior services shall rely on reports from law enforcement and law enforcement evidentiary laboratories in determining if the proposed product can be used to manufacture illicit controlled substances.

19. The department of health and senior services shall revise and republish the schedules annually.

20. The department of health and senior services shall promulgate rules under chapter 536 regarding the security and storage of Schedule V controlled substances, as described in subdivision [(3) of subsection 10] **(8) of subsection 6** of this section, for distributors as registered by the department of health and senior services.

21. Logs of transactions required to be kept and maintained by this section and section 195.417 shall create a rebuttable presumption that the person whose name appears in the logs is the person whose transactions are recorded in the logs.

**22. This section shall be known as the "Meth Lab Elimination Act".;** and

Further amend said bill, Page 20, Section 195.417, Line 1, by deleting all of said line and inserting in lieu thereof the following:

"195.417. 1. The limits specified in this section shall not apply to any"; and

Further amend said bill, Page 20, Section 195.417, Line 7, by deleting all of said line and inserting in lieu thereof the following:

"of any drug product, **which is in liquid or liquid-filled gel capsule form**, containing any detectable amount of ephedrine,"; and

Further amend said bill, Page 20, Section 195.417, Line 18, by deleting all of said line and inserting in lieu thereof the following:

"than the following amount: any number of packages of any drug product, **which is in liquid or liquid-filled gel capsule form**,"; and

Further amend said bill, Page 20, Section 195.417, Line 27, by deleting all of said line and inserting in lieu thereof the following:

"4. All packages of any compound, mixture, or preparation, **which is in liquid or liquid-filled gel capsule form**, containing any"; and

Further amend said bill, Page 20, Section 195.417, Line 35, by deleting all of said line and inserting in lieu thereof the following:

"compound, mixture, or preparation, **which is in liquid or liquid-filled gel capsule form**, as specified in this section in accordance with"; and

Further amend said bill, Page 21, Section 195.417, Line 47, by deleting all of said line and inserting in lieu thereof the following:

"for sale pseudoephedrine and ephedrine products **which are in liquid or liquid-filled gel capsule form**, except those that are excluded"; and

Further amend said bill, Page 21, Section 195.417, Line 52, by deleting all of said line and inserting in lieu thereof the following:

"of a class A misdemeanor."; and

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

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

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

*House Amendment No. 2*

AMEND House Bill No. 658, Page 21, Section 195.417, Line 52, by inserting at the end of said section and line the following:

"Section B. The amendments to sections 195.017 and 195.417 of Section A of this act shall expire on August 28, 2013."; and

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

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

**HB 658, as amended**, was laid over.

**HCS HB 613**, relating to the Renewable Energy Act, was taken up by Representative Holsman.

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

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 613, Page 1, Section 393.1405, Line 5, by deleting all of said line and inserting in lieu thereof the following: "**for Missouri customers**"; and

Further amend said bill, Page 2, Section 393.1405, Line 23, by inserting after all of said line the following:

"**(10) "Professional forester", any individual who holds a bachelor of science degree in forestry from a society of American Foresters accredited college or university with a minimum of two years of professional management experience;**"; and

Further amend said bill, Page 2, Section 393.1405, Line 24, deleting the number "**(10)**" and inserting in lieu thereof the number "**(11)**"; and

Further amend said bill, Page 2, Section 393.1405, Line 27, by deleting the number "**(11)**" and inserting in lieu thereof the number "**(12)**"; and

Further amend said bill, Page 3, Section 393.1405, Lines 52 and 53, by deleting all of said lines and inserting in lieu thereof the following:

"**(iv) Wood chips, pellets, briquettes, wood wastes, or woody energy crops;**"; and

Further amend said bill, Page 3, Section 393.1405, Line 84, by deleting the number "(12)" and inserting in lieu thereof the number "(13)"; and

Further amend said bill, Page 3, Section 393.1405, Line 85, by deleting all of said line and inserting in lieu thereof the following:

**"sections 393.1400 to 393.1445;**

**(14) "The annual value of any renewable energy purchased or produced by the electric utility", the annual value of any renewable energy purchased or produced by the electric utility's renewable energy resources used for compliance with sections 393.1400 to 393.1445 shall for each hour of the annual period be calculated by multiplying the energy produced from such resources in that hour by the actual wholesale price of energy in the electric utility's service territory as reflected by the regional transmission organization's real time hourly energy market prices within which the electric utility operates for that hour and totaling those products for the entire annual period. However, no such calculation or reduction shall be applied to dollars spent by utilities in meeting the requirement of sections 393.1415 and 393.1420."; and**

Further amend said bill, Page 4, Section 393.1410, Line 17, by deleting "\$2.29 billion" and inserting in lieu thereof "\$780 million"; and

Further amend said bill, Page 4, Section 393.1410, Line 20, by deleting all of said line and inserting in lieu thereof the following:

**"(c) By December 31, 2020: one hundred forty-five megawatts;**

**(4) An electric utility with total retail Missouri revenues as of December 31, 2010, of less than seven hundred eight million dollars that owns renewable generation providing delivered energy, or purchases delivered energy from renewable generation, or a combination thereof, totaling at least one hundred forty-five megawatts by December 31, 2011, shall not be required to provide additional renewable generation or purchase additional delivered energy to comply with this section."; and**

Further amend said bill, Page 4, Section 393.1410, Line 24, by deleting all of said line and inserting in lieu thereof the following:

**"index, for each of the separate time periods in subsection 1 of this section, then the megawatts of new renewable generation prescribed for that time period by subsection 1 of this"; and**

Further amend said bill, Pages 4 and 5, Section 393.1410, Lines 28 to 38, by deleting all of said lines and inserting in lieu thereof the following:

**"3. Notwithstanding any provision of law to the contrary, the following limitations on rate impact shall apply:**

**(1) Notwithstanding any provision of the law to the contrary, the annual net cost during any calendar year to any billing account that experienced a billing demand of five thousand kilowatts or more during the preceding calendar year, and to any interstate pipeline pumping station regardless of size, shall not be more than one percent higher than the cost would have been without the renewable energy mandates set forth in sections 393.1400 to 393.1445, where such impact is measured in accordance with subsection 5 of this section;**

**(2) In addition, the one percent limitation shall apply to any other billing account of an entity qualifying under subdivision (1) of this subsection where that account consumed five million kilowatts or more during the preceding calendar year, and also to any billing account consuming more than five million kilowatts per year that belongs to a parent, subsidiary, or affiliate of the entity responsible for paying the billings for the account qualifying in subdivision (1) of this subsection;**

**(3) To qualify for the limitation in subdivision (2) of this subsection, the entity responsible for the billing account shall establish the existence of the required corporate relationship to the satisfaction of the electric utility.**

**4. In addition, the net cost during any calendar year to any billing account as measured in accordance with subsection 5 of this section, of a utility's compliance with the renewable mandate shall not exceed one hundred thousand dollars."; and**

Further amend said bill, Page 5, Section 393.1410, Line 41, by inserting after the word "**determined**" the words "**on an annual basis**"; and

Further amend said bill, Page 5, Section 393.1410, Line 57, by inserting after "**393.1445**" the words "**(excluding sections 393.1415 and 393.1420)**"; and

Further amend said bill, Page 5, Section 393.1410, Line 61, by inserting after the word "**determined**" the words "**on an annual basis**"; and

Further amend said bill, Page 6, Section 393.1410, Line 77, by inserting after "**393.1445**" the words "**(excluding sections 393.1415 and 393.1420)**"; and

Further amend said bill, Page 6, Section 393.1410, Lines 79 to 85, by deleting all of said lines and inserting in lieu thereof the following:

**"6. An electric utility shall pay penalties of two thousand dollars per day for failure to meet the nameplate amounts specified in subsection 1 of this section. Any such monetary fine shall be distributed to the public schools under section 7, article IX of the Constitution of Missouri. An electric utility shall be excused from this subsection if it proves to the commission that failure was due to events beyond its reasonable control that could not have been reasonably mitigated."**; and

Further amend said bill, Page 6, Section 393.1410, Lines 86 to 90, by deleting all of said lines; and

Further amend said bill, Page 6, Section 393.1410, Line 91, by deleting the number "**8.**" and inserting the number "**7.**"; and

Further amend said bill, Page 6, Section 393.1410, Line 94, by deleting all of said line and inserting in lieu thereof the following:

**"8. In the event the federal government enacts by statute and/or rule any"**; and

Further amend said bill, Page 6, Section 393.1410, Line 100, by inserting after all of said line the following:

**"9. For purposes of subsection 3 of this section, the electric utility shall make a good faith effort to adjust its billings to comply with the rate impact limitations in subsections 3 and 4 of this section. Within ninety days of the end of each calendar year, the electric utility shall calculate the actual rate impact and reimburse any excess collection by means of a bill credit, which credit is subject to subsection 1 of section 393.1430."**; and

Further amend said bill, Page 7, Section 393.1410, Line 110, by inserting after all of said line the following:

**"11. Any new renewable generation within the state of Missouri shall be given a ten percent credit for purposes of compliance with sections 393.1400 to 393.1445."**; and

Further amend said bill, Page 7, Section 393.1410, Line 111, by deleting the number "**11.**" and inserting the number "**12.**"; and

Further amend said bill, Page 7, Section 393.1410, Line 111, by inserting after the word "**biomass**" the words "**in Missouri**"; and

Further amend said bill, Page 7, Section 393.1410, Line 114, by inserting after the word "**biomass**" the words "**in Missouri**"; and

Further amend said bill, Page 7, Section 393.1410, Line 115, by inserting after the word "**biomass**" the words "**in Missouri**"; and

Further amend said bill, Page 7, Section 393.1410, Lines 117 to 121, by deleting all of said lines and inserting in lieu thereof the following:

**"(3) Harvest of woody biomass in Missouri shall be conducted to a site specific harvest plan prepared as part of a forest management plan for long-term forest sustainability developed by a professional forester.";** and

Further amend said bill, Page 7, Section 393.1410, Line 123, by deleting all of said line and inserting in lieu thereof the following:

**"third-party, professional foresters at the harvest site using a specified sampling intensity";** and

Further amend said bill, Page 7, Section 393.1415, Line 1, by deleting the words **"up to"** and inserting in lieu thereof the word **"of"**; and

Further amend said bill, Page 7, Section 393.1415, Line 4, by inserting after the word **"section"** the word **", provide"**; and

Further amend said bill, Page 7, Section 393.1415, Line 5, by deleting the words **"Provide up to a maximum of thirteen"** and inserting the word **"Thirteen"**; and

Further amend said bill, Page 7, Section 393.1415, Line 6, by inserting after the word **"its"** the words **"net-metered"**; and

Further amend said bill, Page 7, Section 393.1415, Line 9, by deleting the words **"Provide up to a maximum of seven"** and inserting the word **"Seven"**; and

Further amend said bill, Page 7, Section 393.1415, Line 13, by deleting the words **"Provide up to a maximum of two"** and inserting the word **"Two"**; and

Further amend said bill, Page 8, Section 393.1415, Line 19, by inserting after the word **"section"** the word **", provide"**; and

Further amend said bill, Page 8, Section 393.1415, Line 20, by deleting the words **"Provide up to a maximum of two"** and inserting the word **"Two"**; and

Further amend said bill, Page 8, Section 393.1415, Line 21, by inserting after the word **"its"** the words **"net-metered"**; and

Further amend said bill, Page 8, Section 393.1415, Line 24, by deleting the words **"Provide up to a maximum of two"** and inserting the word **"Two"**; and

Further amend said bill, Page 8, Section 393.1415, Line 28, by deleting the words **"Provide up to a maximum of one"** and inserting the word **"One"**; and

Further amend said bill, Page 8, Section 393.1415, Line 33, by deleting **"\$2.29 billion"** and inserting in lieu thereof **"\$780 million"**; and

Further amend said bill, Page 8, Section 393.1415, Line 34, by inserting after the word **"section"** the word **", provide"**; and

Further amend said bill, Page 8, Section 393.1415, Line 35, by deleting the words **"Provide up to a maximum of two"** and inserting the word **"Two"**; and

Further amend said bill, Page 8, Section 393.1415, Line 36, by inserting after the word **"its"** the words **"net-metered"**; and

Further amend said bill, Page 8, Section 393.1415, Line 39, by deleting the words "**Provide up to a maximum of two**" and inserting the word "**Two**"; and

Further amend said bill, Page 8, Section 393.1415, Line 43, by deleting the words "**Provide up to a maximum of one**" and inserting the word "**One**"; and

Further amend said bill, Page 8, Section 393.1415, Line 44, by inserting after the word "**its**" the words "**net-metered**"; and

Further amend said bill, Page 8, Section 393.1415, Line 49, by inserting after the word "**section**" the word "**,** **provide**"; and

Further amend said bill, Page 8, Section 393.1415, Line 50, by deleting the words "**Provide up to a maximum of one**" and inserting the word "**One**"; and

Further amend said bill, Page 9, Section 393.1415, Line 54, by deleting the words "**Provide up to a maximum of one**" and inserting the word "**One**"; and

Further amend said bill, Page 9, Section 393.1415, Line 58, by deleting the words "**Provide up to a maximum of five**" and inserting the word "**Five**"; and

Further amend said bill, Page 9, Section 393.1415, Line 63, by deleting all of said line and inserting in lieu thereof the following:

**"at the discretion of the utility be treated as part of the electric utility's net capital investments in renewable energy resources for purposes of determining the appropriate RES rate under sections 393.1425 to 393.1443."**; and

Further amend said bill, Page 9, Section 393.1415, Line 64, by deleting all of said line and inserting in lieu thereof the following:

**"3. A net-metered customer shall be eligible for a financial incentive";** and

Further amend said bill, Page 9, Section 393.1415, Line 66, by inserting after "**installed,**" the word "**and**"; and

Further amend said bill, Page 9, Section 393.1415, Line 66, by deleting the words "**up to an**" and inserting the words "**the next**"; and

Further amend said bill, Page 9, Section 393.1415, Line 75, by deleting the word "**practice**" and inserting the word "**practices**"; and

Further amend said bill, Page 9, Section 393.1415, Line 81, by inserting after the word "**years**" the words "**but no amounts shall be carried forward beyond December 31, 2021**"; and

Further amend said bill, Page 10, Section 393.1415, Lines 94 to 99, by deleting all of said lines and inserting in lieu thereof the following:

**"6. Each electric utility shall make available to its retail customers a standard rebate offer of at least three dollars per installed watt for new or expanded solar electric systems sited on customers' premises, up to a maximum of twenty-five kilowatts per system, that become operational after August 28, 2011, and prior to January 1, 2012. All such amounts paid by an electric utility to a customer under this subsection shall be applied against the annual amount of financial incentive investments for calendar year 2012 as specified in subsection 1 of this section."**; and

Further amend said bill, Page 10, Section 393.1420, Line 8, by deleting all of said line and inserting in lieu thereof the following:

**"3. A net-metered customer shall be eligible for a financial incentive"; and**

Further amend said bill, Page 10, Section 393.1420, Line 19, by inserting after the word "years" the words "**but no amounts shall be carried forward beyond December 31, 2015**"; and

Further amend said bill, Page 10, Section 393.1425, Line 1, by deleting all of said line and inserting in lieu thereof the following:

**"393.1425. 1. As used in sections 393.1410 and 393.1425 to 393.1435, the following words and phrases"; and**

Further amend said bill, Page 11, Section 393.1425, Line 3, by deleting all of said line and inserting in lieu thereof the following:

**"(1) "Accumulation period", a period no greater than twelve months preceding a filing to establish or"; and**

Further amend said bill, Page 11, Section 393.1425, Lines 6 to 8, by deleting all of said lines and inserting in lieu thereof the following:

**"(2) "RES capital costs", the depreciation expense and property taxes of the electric utility that are associated with the electric utility's capital investments in renewable energy resources that provide delivered energy, including capital investments made in compliance"; and**

Further amend said bill, Page 11, Section 393.1425, Line 14, by inserting after "rate" the word ", less"; and

Further amend said bill, Page 11, Section 393.1425, Line 14, by inserting after all of said line the following:

**"(d) The annual value of any renewable energy purchased or produced by the electric utility;  
(4) RES cost recovery mechanism" or "RCRM", the mechanism approved by the commission to allow an electric utility to recover all costs of compliance with the RES;"; and**

Further amend said bill, Page 11, Section 393.1425, Line 15, by deleting the number "(4)" and inserting in lieu thereof the number "(5)"; and

Further amend said bill, Page 11, Section 393.1425, Line 17, by deleting the year "2012" and inserting in lieu thereof the year "2011"; and

Further amend said bill, Page 11, Section 393.1425, Line 27, by deleting the words "**renewable energy standard**" and inserting in lieu thereof "**RES**"; and

Further amend said bill, Page 11, Section 393.1425, Line 28, by deleting the words "**Renewable Energy Standard**" and inserting in lieu thereof "**RES**"; and

Further amend said bill, Page 11, Section 393.1425, Line 29, by inserting after all of said line the following:

**"(6) "RES rate", a rate approved by the commission for recovery of RES costs;"; and**

Further amend said bill, Page 11, Section 393.1425, Line 30, by deleting the number "(5)" and inserting in lieu thereof the number "(7)"; and

Further amend said bill, Page 11, Section 393.1425, Lines 31 to 37, by deleting all of said lines and inserting in lieu thereof the following:

**"by: the electric utility's net capital investments in renewable energy resources that provide delivered energy, including capital investments made to comply with renewable energy standards in effect prior to the effective date of sections 393.1400 to 393.1445, on the electric utility's books as of the end of the accumulation period. The income taxes related to the RES return shall be included;"**; and

Further amend said bill, Page 12, Section 393.1425, Line 38, by deleting the number "(6)" and inserting in lieu thereof the number "(8)"; and

Further amend said bill, Page 12, Section 393.1425, Line 38, by inserting after the second occurrence of "RES" the word "rate"; and

Further amend said bill, Page 12, Section 393.1425, Line 39, by inserting after all of said line the following:

**"2. All RES costs incurred under paragraph (a) or (b) of subdivision (5) of subsection 1 of this section, regardless of contract term, shall be recovered in the electric utility's RES rate. That is, where the electric utility enters into contracts under subsection 1 of section 393.1410 that extend beyond the indicated dates, then all RES costs as defined in this section shall be included in the RES rate."**; and

Further amend said bill, Page 12, Section 393.1430, Line 3, by deleting all of said line and inserting in lieu thereof the following:

**"tariffs with the commission to establish a RCRM or to change a RES rate that will allow for the"**; and

Further amend said bill, Page 12, Section 393.1430, Line 6, by deleting all of said line and inserting in lieu thereof the following:

**"393.1410. A RES rate and any future changes thereto shall be calculated and implemented in"**; and

Further amend said bill, Page 12, Section 393.1430, Line 10, by deleting all of said line and inserting in lieu thereof the following:

**"2. The commission shall not approve a RCRM or a RES rate for any electric utility that has"**; and

Further amend said bill, Page 12, Section 393.1430, Lines 14 to 16, by deleting all of said lines and inserting in lieu thereof the following:

**"3. In no event shall an electric utility collect a RES rate or continue to use an approved RCRM for a period exceeding five years unless the electric utility has filed for or is the subject of a new general rate proceeding where the terms of the RCRM are reviewed by the commission; provided that a RES rate that is approved in accordance with section 393.1435 may be collected until the effective date of new rate"**; and

Further amend said bill, Page 12, Section 393.1435, Line 2, by deleting all of said line and inserting in lieu thereof the following:

**"commission seeking to establish or change a RES rate, it shall submit proposed tariffs and"**; and

Further amend said bill, Page 12, Section 393.1435, Line 3, by inserting after "RES" the word "rate"; and

Further amend said bill, Page 12, Section 393.1435, Line 5, by deleting all of said line and inserting in lieu thereof the following:

**"proposed RES rate tariff, and its supporting documentation."**; and



Further amend said bill, Page 12, Section 393.1435, Line 7, by deleting the word "**tariff**" and inserting in lieu thereof the word "**rate**"; and

Further amend said bill, Page 12, Section 393.1435, Line 10, by inserting after "**RES**" the word "**rate**"; and

Further amend said bill, Page 12, Section 393.1435, Line 12, by inserting after the word "**underlying**" the word "**RES**"; and

Further amend said bill, Page 12, Section 393.1435, Line 13, by deleting the word "**surcharge**" and inserting in lieu thereof the words "**RES rate**"; and

Further amend said bill, Page 13, Section 393.1435, Line 16, by inserting after "**RES**" the word "**rate**"; and

Further amend said bill, Page 13, Section 393.1435, Line 18, by inserting after "**RES**" the word "**rate**"; and

Further amend said bill, Page 13, Section 393.1435, Line 23, by inserting after "**RES**" the word "**rate**"; and

Further amend said bill, Page 13, Section 393.1435, Line 27, by deleting the words "**pretax revenue**" and inserting in lieu thereof the words "**RES rate**"; and

Further amend said bill, Page 13, Section 393.1435, Line 48, by inserting after "**RES**" the word "**rate**"; and

Further amend said bill, Page 13, Section 393.1435, Line 50, by deleting the word "**pretax**" and inserting in lieu thereof the word "**RES**"; and

Further amend said bill, Page 14, Section 393.1435, Line 55, by inserting after "**RES**" the word "**revenue**"; and

Further amend said bill, Page 14, Section 393.1435, Line 57, by inserting after the word "**charge**" the word "**revenue**"; and

Further amend said bill, Page 14, Section 393.1435, Line 58, by deleting "**RES**" and inserting in lieu thereof "**RCRM**"; and

Further amend said bill, Page 14, Section 393.1435, Line 59, by inserting after the words "**between the**" the word "**RES**"; and

Further amend said bill, Page 14, Section 393.1435, Line 60, by inserting after "**application of the RES**" the word "**rate**"; and

Further amend said bill, Page 14, Section 393.1435, Line 60, by deleting the word "**pretax**" and inserting in lieu thereof the word "**RES**"; and

Further amend said bill, Page 14, Section 393.1435, Line 64, by deleting "**RES**" and inserting the word "**RCRM**"; and

Further amend said bill, Page 14, Section 393.1435, Line 69, by inserting after "**RES**" the word "**rate**"; and

Further amend said bill, Page 14, Section 393.1435, Line 71, by inserting after "**RES**" the word "**rate**"; and

Further amend said bill, Page 14, Section 393.1435, Line 73, by inserting after "**RES**" the word "**rate**"; and

Further amend said bill, Page 14, Section 393.1435, Line 74, by deleting the word "**pretax**" and inserting in lieu thereof the word "**RES**"; and

Further amend said bill, Page 14, Section 393.1435, Line 75, by inserting after "**RES**" the word "**rate**"; and

Further amend said bill, Page 14, Section 393.1435, Line 79, by inserting after "**RES**" the word "**rate**"; and

Further amend said bill, Page 14, Section 393.1435, Line 84, by deleting all of said line and inserting in lieu thereof the following:

**"included in a RES rate, the electric utility shall change its RES rate in the future as necessary to";** and

Further amend said bill, Page 15, Section 393.1435, Line 107, by inserting after all of said line the following:

**"13. Alternatively, an electric utility may recover RES compliance costs without use of the RES cost recovery mechanism, through rates established in a general rate proceeding. In the interim between general rate proceedings, the electric utility may defer the costs in a regulatory asset account, and monthly calculate a carrying charge on the balance in that regulatory asset account equal to its short-term cost of borrowing. All questions pertaining to rate recovery of the RES compliance costs in a subsequent general rate proceeding will be reserved to that proceeding, including the prudence of the costs for which rate recovery is sought and the period of time over which any costs allowed rate recovery will be amortized. Any rate recovery granted to RES compliance costs under this subsection shall be fully subject to the retail rate impact requirements of the RES.";** and

Further amend said bill, Page 16, Section 393.1443, Lines 3 and 4, by deleting all of said lines and inserting in lieu thereof the following:

**"sections 393.1400 to 393.1440, and the Missouri public service commission shall allow for such recovery under sections 393.1400 to 393.1440.";** and

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

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

**HCS HB 613, as amended,** was laid over.

### **RE-REFERRAL OF HOUSE BILL**

The following House Bill was re-referred to the Committee indicated:

**HB 1010** - General Laws

### **COMMITTEE REPORTS**

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

Mr. Speaker: Your Committee on Downsizing State Government, to which was referred **SCS SB 323**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Financial Institutions,** Chairman Wells reporting:

Mr. Speaker: Your Committee on Financial Institutions, to which was referred **SS SCS SB 132**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Judiciary**, Chairman Cox reporting:

Mr. Speaker: Your Committee on Judiciary, to which was referred **SS SCS SB 351**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS HCS HBs 116 & 316**, entitled:

An act to repeal sections 32.028, 32.087, 32.105, 32.110, 32.115, 32.117, 32.120, 99.1205, 100.286, 100.297, 105.716, 135.010, 135.025, 135.030, 135.090, 135.313, 135.326, 135.327, 135.352, 135.460, 135.481, 135.484, 135.487, 135.490, 135.535, 135.550, 135.562, 135.575, 135.600, 135.630, 135.647, 135.679, 135.700, 135.802, 135.815, 135.825, 135.1150, 136.055, 137.1018, 143.119, 144.030, 144.062, 144.083, 168.071, 178.760, 178.761, 178.762, 178.763, 178.764, 178.892, 178.893, 178.894, 178.895, 178.896, 208.770, 253.545, 253.550, 253.557, 253.559, 348.430, 348.432, 348.434, 348.500, 348.505, 447.708, 620.470, 620.472, 620.474, 620.475, 620.476, 620.478, 620.479, 620.480, 620.481, 620.482, 620.495, and 660.055, RSMo, and to enact in lieu thereof eighty-nine new sections relating to collection of state money, with a penalty provision and an emergency clause.

With Senate Amendment No. 1, Senate Amendment No. 1 to Senate Amendment No. 2, Senate Amendment No. 2, as amended, Senate Amendment No. 3, Senate Amendment No. 6, Senate Amendment No. 8, Senate Amendment No. 9, Senate Amendment No. 10, Senate Amendment No. 11, Senate Amendment No. 12, Senate Amendment No. 15, Senate Amendment No. 1 to Senate Amendment No. 16, Senate Amendment No. 16, as amended, and Senate Amendment No. 17.

*Senate Amendment No. 1*

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 116 & 316, Page 294, Section 620.2015, Line 12 of said page, by striking "subdivision (5) of subsection 3" and inserting in lieu thereof the following:

"**subsection 7**"; and

Further amend Line 13 of said page, by striking "620.2010" and inserting in lieu thereof the following:

"**620.2020**".

*Senate Amendment No. 1*

*to*

*Senate Amendment No. 2*

AMEND Senate Amendment No. 2 to Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 116 & 316, Page 29, Section 348.265, Line 26, by inserting immediately after the word "July 1, 2011," the following:

" **subject to appropriation**,"; and further amend Line 28, by inserting immediately after the word "amount" the following "**not to exceed an amount**".

*Senate Amendment No. 2*

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 116 & 316, Page 203, Section 168.071, Line 4, by inserting after all of said line the following:

"196.1109. All moneys that are appropriated by the general assembly from the life sciences research trust fund shall be appropriated to the life sciences research board to increase the capacity for quality of life sciences research at public and private not-for-profit institutions in the state of Missouri and to thereby:

(1) Improve the quantity and quality of life sciences research at public and private not-for-profit institutions, including but not limited to basic research (including the discovery of new knowledge), translational research (including translating knowledge into a usable form), and clinical research (including the literal application of a therapy or intervention to determine its efficacy), including but not limited to health research in human development and aging, cancer, endocrine, cardiovascular, neurological, pulmonary, and infectious disease, and plant sciences, including but not limited to nutrition and food safety; and

(2) Enhance technology transfer and technology commercialization derived from research at public and private not-for-profit institutions within the centers for excellence. For purposes of sections 196.1100 to 196.1130, "technology transfer and technology commercialization" includes stages of the regular business cycle occurring after research and development of a life science technology, including but not limited to reduction to practice, proof of concept, and achieving federal Food and Drug Administration, United States Department of Agriculture, or other regulatory requirements in addition to the definition in section 348.251. Funds received by the board may be used for purposes authorized in sections 196.1100 to 196.1130 and shall be subject to the restrictions of sections 196.1100 to 196.1130, including but not limited to the costs of personnel, supplies, equipment, and renovation or construction of physical facilities; provided that in any single fiscal year no more than [ten] **thirty** percent of the moneys appropriated shall be used for the construction of physical facilities and further provided that in any fiscal year **up to** eighty percent of the moneys shall be appropriated to build research capacity at public and private not-for-profit institutions and **at least** twenty percent **and no more than fifty percent** of the moneys shall be appropriated for grants to public or private not-for-profit institutions to promote life science technology transfer and technology commercialization. Of the moneys appropriated to build research capacity, twenty percent of the moneys shall be appropriated to promote the development of research of tobacco-related illnesses.

196.1115. 1. The moneys appropriated to the life sciences research board that are not distributed by the board in any fiscal year to a center for excellence or a center for excellence endorsed program pursuant to section 196.1112, if any, shall be held in reserve by the board or shall be awarded on the basis of peer review panel recommendations for capacity building initiatives proposed by public and private not-for-profit academic, research, or health care institutions or organizations, or individuals engaged in competitive research in targeted fields consistent with the provisions of sections 196.1100 to 196.1130.

2. The life sciences research board may, in view of the limitations expressed in section 196.1130:

(1) Award and enter into grants or contracts relating to increasing Missouri's research capacity at public or private not-for-profit institutions;

(2) Make provision for peer review panels to recommend and review research projects;

(3) Contract for [administrative and] support services;

(4) Lease or acquire facilities and equipment;

(5) Employ administrative staff; and

(6) Receive, retain, hold, invest, disburse or administer any moneys that it receives from appropriations or from any other source.

**3. The Missouri technology corporation, established under section 348.251, shall serve as the administrative agent for the life sciences research board.**

4. The life sciences research board shall utilize as much of the moneys as reasonably possible for building capacity at public and private not-for-profit institutions to do research rather than for administrative expenses. The board shall not in any fiscal year expend more than two percent of the total moneys appropriated to it and of the moneys that it has in reserve or has received from other sources for its own administrative expenses **for appropriations over twenty million dollars; three percent for appropriations less than twenty million dollars but more than fifteen million dollars; four percent for appropriations less than fifteen million dollars but more than ten million dollars; five percent for appropriations less than ten million dollars;** provided, however, that the general assembly by appropriation from the life sciences research trust fund may authorize a limited amount of additional moneys to be expended for administrative costs."; and

Further amend said bill, Page 216, Section 253.559, Line 27, by inserting after all of said line the following:

**"348.250. Sections 348.250 to 348.275 shall be known and may be cited as the "Missouri Science and Innovation Reinvestment Act".**

348.251. 1. As used in sections 348.251 to 348.266, the following terms mean:

(1) **"Applicable percentage", six percent for the fiscal year beginning July 1, 2012, and the next fourteen consecutive fiscal years; five percent for the immediately subsequent five fiscal years; and four percent for the immediately subsequent five fiscal years;**

(2) **"Applied research", any activity that seeks to utilize, synthesize, or apply existing knowledge, information, or resources to the resolution of a specific problem, question, or issue of science and innovation, including but not limited to translational research;**

(3) **"Base year", fiscal year ending June 30, 2011;**

(4) **"Base year gross wages", gross wages paid by science and innovation companies to science and innovation employees during fiscal year ending June 30, 2011;**

(5) **"Basic research", any original investigation for the advancement of scientific or technical knowledge of science and innovation;**

(6) **"Commercialization", any of the full spectrum of activities required for a new technology, product, or process to be developed from the basic research or conceptual stage through applied research or development to the marketplace, including without limitation, the steps leading up to and including licensing, sales, and service;**

(7) **"Corporation", the Missouri technology corporation established under this section;**

(8) **"Fields of applicable expertise", any of the following fields: science and innovation research, development, or commercialization, including basic research and applied research; corporate finance, venture capital, and private equity related to science and innovation; the business and management of science and innovation companies; education related to science and innovation; or civic or corporate leadership in areas related to science and innovation;**

(9) **"Inherent conflict of interest", a fundamental or systematic conflict of interest that prevents a person from serving as a disinterested director of the corporation and from routinely performing his or her duties as a director of the corporation;**

(10) **"NAICS industry groups" or "NAICS codes", the North American Industry Classification System developed under the auspices of the United States Office of Management and Budget and adopted in 1997, as may be amended, revised, or replaced by similar classification systems for similar uses from time to time;**

(11) **"Science and innovation", the use of compositions and methods in research, development, and manufacturing processes for such diverse areas as agriculture-biotechnology, animal health, biochemistry, bioinformatics, energy, environment, forestry, homeland security, information technology, medical devices, medical diagnostics, medical instruments, medical therapeutics, microbiology, nanotechnology, pharmaceuticals, plant biology, and veterinary medicine, including future developments in such areas;**

(12) **"Science and innovation company", a corporation, limited liability company, S corporation, partnership, registered limited liability partnership, foundation, association, nonprofit entity, sole proprietorship, business trust, person, group, or other entity that is:**

(a) **Engaged in the research, development, commercialization, or business of science and innovation in the state, including, without limitation, research, development, or production directed toward developing or providing science and innovation products, processes, or services for specific commercial or public purposes, including hospitals, nonprofit research institutions, incubators, accelerators, and universities currently located or involved in the research, development, commercialization, or business of science and innovation in the state; or**

(b) **Identified by the following NAICS industry groups or NAICS codes or any amended or successor code sections covering such areas of research, development, and commercial endeavors: 3251; 3253; 3254; 3391; 51121; 54138; 54171; 62231; 111191; 111421; 111920; 111998; 311119; 311211; 311221; 311222; 311223; 325193; 325199; 325221; 325222; 325611; 325612; 325613; 325311; 325312; 325314; 325320; 325411; 325412; 325414; 333298; 334510; 334516; 334517; 339111; 339112; 339113; 339114; 339115; 339116; 424910; 541710; 621511; and 621512.**

**Each of the above listed four-digit and five-digit codes shall include all six-digit codes in such four-digit and five-digit industry; however, each six-digit code shall stand alone and not indicate the inclusion of other omitted six-**

digit codes that also are subsets of the pertinent four-digit or five-digit industry to which the included six-digit code belongs;

(13) "Science and innovation employee", any employee, officer, or director of a science and innovation company who is a state income taxpayer and any employee of a university who is associated with or supports the research, development, commercialization, or business of science and technology in the state and is obligated to pay state income tax to the state;

(14) "Technology application", the introduction and adaptation of refined management practices in fields such as scheduling, inventory management, marketing, product development, and training in order to improve the quality, productivity and profitability of an existing firm. Technology application shall be considered a component of business modernization;

[(2) "Technology commercialization", the process of moving investment-grade technology from a business, university or laboratory into the marketplace for application;

(3)] (15) "Technology development", strategically focused research directed at developing investment-grade technologies which are important for market competitiveness.

2. The governor may, on behalf of the state and in accordance with chapter 355, RSMo, establish a private not-for-profit corporation named the "Missouri Technology Corporation", to carry out the provisions of sections 348.251 to 348.266. As used in sections [348.251 to 348.266] **348.250 to 348.275** the word "corporation" means the Missouri technology corporation authorized by this section. Before certification by the governor, the corporation shall conduct a public hearing for the purpose of giving all interested parties an opportunity to review and comment [upon] **on** the articles of incorporation, bylaws and [method] **methods** of operation of the corporation. Notice of the hearing shall be given at least fourteen days prior to the hearing.

348.256. 1. The articles of incorporation [and], bylaws, **and methods of operation** of the Missouri technology corporation shall [provide that:] **be consistent with the provisions of sections 348.250 to 348.275.**

[(1)] 2. The purposes of the corporation are to contribute to the strengthening of the economy of the state through the development of science and [technology] **innovation**, to promote the modernization of Missouri businesses by supporting the transfer of science, technology and quality improvement methods to the workplace[, and]; to enhance the productivity and modernization of Missouri businesses by providing leadership in the establishment of methods of technology application, technology commercialization and technology development; **to make Missouri businesses, institutions, and universities more competitive and increase their likelihood of success; to support and enhance local and regional strategies and initiatives that capitalize on the unique science and innovation assets across the state; to make Missouri a highly desirable state in which to conduct, facilitate, support, fund, and perform science and innovation research, development, and commercialization; to facilitate and effect the creation, attraction, retention, growth, and enhancement of both existing and new science and innovation companies in the state; to make Missouri a national and international leader in economic activity based on science and innovation; to enhance workforce development; to create and retain quality jobs; to advance scientific knowledge; and to improve the quality of life for the citizens of the state of Missouri in both urban and rural communities.**

[(2)] 3. The board of directors of the corporation [is] **shall be** composed of fifteen persons. The governor shall annually appoint one of its members, who must be from the private sector, as [chairman] **chairperson**. The board shall consist of the following members:

[(a)] (1) The director of the department of economic development, or the director's designee;

[(b)] (2) The president of the University of Missouri system, or the president's designee;

[(c)] (3) A member of the state senate, appointed by the president pro tem of the senate;

[(d)] (4) A member of the house of representatives, appointed by the speaker of the house;

[(e)] (5) Eleven members appointed by the governor, [two of which shall be from the public sector and nine members from the private sector who shall include, but shall not be limited to, individuals who represent technology-based businesses and industrial interests;

(f) **with the advice and consent of the senate, who are recognized for outstanding knowledge, leadership, and expertise in one or more of the fields of applicable expertise.**

Each of the directors of the corporation who is appointed by the governor shall serve for a term of four years and until a successor is duly appointed[; except that, of the directors serving on the corporation as of August 28, 1995, three directors shall be designated by the governor to serve a term of four years, three directors shall be designated to serve a term of three years, three directors shall be designated to serve a term of two years, and two directors shall be designated to serve a term of one year. Each director shall continue to serve until a successor is duly appointed by the governor;

(3) The corporation may receive money from any source, may borrow money, may enter into contracts, and may expend money for any activities appropriate to its purpose;

(4) The corporation may appoint staff and do all other things necessary or incidental to carrying out the functions listed in section 348.261;

(5)].

4. Any changes in the articles of incorporation or bylaws must be approved by the governor[;].

[(6) The corporation shall submit an annual report to the governor and to the Missouri general assembly. The report shall be due on the first day of November for each year and shall include detailed information on the structure, operation and financial status of the corporation. The corporation shall conduct an annual public hearing to receive comments from interested parties regarding the report, and notice of the hearing shall be given at least fourteen days prior to the hearing; and

(7)] **5. At the discretion of the state auditor**, the corporation is subject to an [annual] audit [by the state auditor] and [that] the corporation shall bear the full cost of the audit.

**6. Each of the directors of the corporation provided for in subdivisions (1) and (2) of subsection 3 of this section shall remain a director until the designating individual specified in such subdivisions designates a replacement by sending a written communication to the governor and the chairperson of the board of the corporation; provided however, that if the director of economic development or the president of the University of Missouri system designates himself or herself to the corporation board, such person's service as a corporation director shall cease immediately when that person no longer serves as the director of economic development or as the president of the University of Missouri system. Each of the directors of the corporation provided for in subdivisions (3) and (4) of subsection 3 of this section shall remain a director until the appointing member of the general assembly specific in such subdivisions appoints a replacement by sending a written communication to the governor and the chairperson of the corporation board; provided however, that if the speaker of the house or the president pro tem of the senate appoints himself or herself to the corporation board, such person's service as a corporation director shall cease immediately when that person no longer serves as the speaker of the house or the president pro tem of the senate.**

**7. Each of the eleven members of the board appointed by the governor shall:**

**(1) Hold office for the term of appointment and until the governor duly appoints his or her successor; provided that if a vacancy is created by the death, permanent disability, resignation, or removal of a director, such vacancy shall become immediately effective;**

**(2) Be eligible for reappointment, but members of the board shall not be eligible to serve more than two consecutive four-year terms and shall not be reappointed to the board until they have not served on the board for a period of at least four interim years;**

**(3) Not have a known inherent conflict of interest at the time of appointment; and**

**(4) Not have served in an elected office or a cabinet position in state government for a period of two years prior to appointment, unless otherwise provided in this section.**

**8. Any member of the board may be removed by affirmative vote of eleven members of the board for malfeasance or misfeasance in office, regularly failing to attend meetings, failure to comply with the corporation's conflicts of interest policy, conviction of a felony, or for any cause that renders the member incapable of or unfit to discharge the duties of a director of the corporation.**

**9. The board shall meet at least four times per year and at such other times as it deems appropriate, or upon call by the president or the chairperson, or upon written request of a majority of the directors of the board. Unless otherwise restricted by Missouri law, the directors may participate in a meeting of the board by means of telephone conference or other electronic communications equipment whereby all persons participating in the meeting can communicate clearly with each other, and participation in a meeting in such manner will constitute presence in person at such meeting.**

**10. A majority of the total voting membership of the board shall constitute a quorum for meetings. The board may act by a majority of those at any meeting where a quorum is present, except upon such issues as the board may determine shall require a vote of more members of the board for approval or as required by law. All resolutions and orders of the board shall be recorded and authenticated by the signature of the secretary or any assistant secretary of the board.**

**11. Members of the board shall serve without compensation. Members of the board attending meetings of the board, or attending committee or advisory meetings thereof, shall be paid mileage and all other applicable expenses, provided that such expenses are reasonable, consistent with policies established from time to time by the board, and not otherwise inconsistent with law.**

12. The board may adopt, repeal, and amend such articles of incorporation, bylaws, and methods of operation that are not contrary to law or inconsistent with sections 348.250 to 348.275, as it deems expedient for its own governance and for the governance and management of the corporation and its committees and advisory boards; provided that any changes in the articles of incorporation or bylaws approved by the board must also be approved by the governor.

13. A president shall direct and supervise the administrative affairs and the general management of the corporation. The president shall be a person of national prominence that has expertise and credibility in one or more of the fields of applicable expertise with a demonstrated track record of success in leading a mission-driven organization. The president's salary and other terms and conditions of employment shall be set by the board. The board may negotiate and enter into an employment agreement with the president of the corporation, which may provide for compensation, allowances, benefits, and expenses. The president of the corporation shall not be eligible to serve as a member of the board until two years after the end of his or her employment with the corporation. The president of the corporation shall be bound by, and agree to obey, the corporation's conflicts of interest policy, including annually completing and submitting to the board a disclosure and compliance certificate in accordance with such conflicts of interest policy.

14. The corporation may employ such employees as it may require and upon such terms and conditions as it may establish that are consistent with state and federal law. The corporation may establish personnel, payroll, benefit, and other such systems as authorized by the board, and provide death and disability benefits. Corporation employees, including the president, shall be considered state employees for the purposes of membership in the Missouri state employees' retirement system and the Missouri consolidated health care plan. Compensation paid by the corporation shall constitute pay from a department for purposes of accruing benefits under the Missouri state employees' retirement system. The corporation may also adopt, in accordance with requirements of the federal Internal Revenue Code of 1986, as amended, a defined contribution plan sponsored by the corporation with respect to employees, including the president, employed by the corporation. Nothing in sections 348.250 to 348.275 shall be construed as placing any officer or employee of the corporation or member of the board in the classified or the unclassified service of the state of Missouri under Missouri laws and regulations governing civil service. No employee of the corporation shall be eligible to serve as a member of the board until two years immediately following the end of his or her employment with the corporation. All employees of the corporation shall be bound by, and agree to obey, the corporation's conflicts of interest policy, including annually completing and submitting to the board a disclosure and compliance certificate in accordance with such conflicts of interest policy.

15. No later than the first day of January each year, the corporation shall submit an annual report to the governor and to the Missouri general assembly which the corporation may contract with a third party to prepare and which shall include:

- (1) A complete and detailed description of the operating and financial conditions of the corporation during the prior fiscal year;
- (2) Complete and detailed information about the distributions from the Missouri science and innovation reinvestment fund and from any income of the corporation;
- (3) Information about the growth of science and innovation research and industry in the state; and
- (4) Information regarding financial or performance audits performed in such year, including any recommendations with reference to additional legislation or other action that may be necessary to carry out the purposes of the corporation.

16. The corporation shall keep its books and records in accordance with generally accepted accounting procedures. Within four months following the end of each fiscal year, the corporation shall cause a firm of independent certified public accountants of national repute to conduct and deliver to the board an audit of the financial statements of the corporation and an opinion thereon, to be conducted in accordance with generally accepted audit standards, provided, however, that this section shall be inapplicable if the board of directors of the corporation determines that insufficient funds have been appropriated to pay for the costs of compliance with these requirements.

17. Within four months following the end of every odd numbered fiscal year, beginning with fiscal year 2016, the corporation shall cause an independent firm of national repute that has expertise in science and innovation research and industry to conduct and deliver to the board an evaluation of the performance of the corporation for the prior two fiscal years, including detailed recommendations for improving the performance of the corporation, provided, however, that this section shall be inapplicable if the board of directors of the corporation determines that insufficient funds have been appropriated to pay for the costs of compliance with these requirements.



18. The corporation shall provide the state auditor a copy of the financial and performance evaluations prepared under subsections 16 and 17 of this section.

19. The corporation shall have perpetual existence until an act of law expressly dissolves the corporation; provided that no such law shall take effect so long as the corporation has obligations or bonds outstanding unless adequate provision has been made for the payment or retirement of such debts or obligations. Upon any such dissolution of the corporation, all property, funds, and assets thereof shall be vested in the state.

20. Except as provided under section 348.266, the state hereby pledges to, and agrees with, recipients of corporation funding or beneficiaries of corporation programs under sections 348.250 to 348.275 that the state shall not limit or alter the rights vested in the corporation under sections 348.250 to 348.275 to fulfill the terms of any agreements made or obligations incurred by the corporation with or to such third parties, or in any way impair the rights and remedies of such third parties until the obligations of the corporation and the state are fully met and discharged in accordance with sections 348.250 to 348.275.

21. The corporation shall be exempt from:

(1) Any general ad valorem taxes upon any property of the corporation acquired and used for its public purposes;

(2) Any taxes or assessments upon any projects or upon any operations of the corporation or the income therefrom;

(3) Any taxes or assessments upon any project or any property or local obligation acquired or used by the corporation under the provisions of sections 348.250 to 348.275, or upon income therefrom.

Purchases by the corporation to be used for its public purposes shall not be subject to sales or use tax under chapter 144. The exemptions hereby granted shall not extend to persons or entities conducting business on the corporations' property for which payment of state and local taxes would otherwise be required.

22. No funds of the corporation shall be distributed to its employees or members of the board; except that, the corporation may make reasonable payments for expenses incurred on its behalf relating to any of its lawful purposes and the corporation shall be authorized and empowered to pay reasonable compensation for services rendered to, or for, its benefit relating to any of its lawful purposes, including to pay its employees reasonable compensation.

23. The corporation shall adopt and maintain a conflicts of interest policy to protect the corporation's interests by requiring disclosure by an interested party, appropriate recusal by such person, and appropriate action by the interested party or the board where a conflict of interest may exist or arise between the corporation and a director, officer, employee, or agent of the corporation.

348.257. 1. The board shall establish an executive committee of the corporation, to be composed of the chairperson, the vice-chairperson, and the secretary of the corporation, and two additional directors. The chairperson of the corporation shall serve as the chairperson of the executive committee.

2. The executive committee, in intervals between meetings of the board, may transact any business of the board that has been expressly delegated to the executive committee by the board. If so stipulated by the board, action delegated to the executive committee may be subject to subsequent ratification by the board; provided, however that until ratified or rejected by the board, any action delegated to, and taken by, the executive committee between meetings of the board will be binding upon the corporation as if ratified, and may be relied upon by third parties.

3. The board shall establish an audit committee of the corporation, to be composed of the chairperson of the corporation and four additional directors. The secretary of the corporation shall serve as the chairperson of the audit committee. The audit committee shall be responsible for oversight of the administration of the conflicts of interest policy, working with the president of the corporation to facilitate communications with the corporation's contract auditors, and such other responsibilities delegated to it by the board.

4. The board shall establish and maintain a research alliance of Missouri to be comprised of the chief research officers, or their designee, of the state's leading research universities and a representative of other leading not-for-profit research institutes headquartered in Missouri. Members of the research alliance of Missouri shall be selected for such terms of membership under such terms and condition as the board deems necessary and appropriate to advance the purposes of sections 348.250 to 348.275 and as comparable to other similar public sector bodies. The research alliance of Missouri shall elect a chairperson on an annual basis. The research alliance of Missouri shall prepare annual reports at the direction of the corporation that:

(1) Evaluate the specific areas of Missouri's research strengths and weaknesses and outline current research priorities of the state;

**(2) Evaluate the ability of each member to realign their research and development resources, policies, and practices to seize emerging opportunities;**

**(3) Evaluate and summarize the best national and international practices for technology commercialization of university research and describe efforts that each university member has undertaken to implement best practices, including a description of the specific outcomes university members have achieved in technology commercialization; and**

**(4) Describe research collaborations by and between members and identify collaboration best practices that can or should be instituted in Missouri.**

**5. The board may establish other committees, both permanent and temporary, as it deems necessary. Such committees may include national strategic, scientific and/or commercialization advisory boards comprised of individuals of national or international prominence in science and innovation and/or the business and commercialization of science and innovation.**

**6. The board may establish rules, policies, and procedures for the selection and conduct of committees and advisory boards, and the research alliance of Missouri; provided however, that the members of such committees and advisory boards agree to be bound by a conflict of interest policy consistent with the highest ethical standards that is suitable for such advisory roles and annually complete and certify to the board a disclosure and compliance certificate in accordance with such conflicts of interest policy.**

348.261. **1. The corporation, after being certified by the governor as provided by section 348.251, [may] shall have all of the powers necessary or convenient to carry out the purposes and provisions of sections 348.250 to 348.275, including the powers as specified therein, and without limitation, the power to:**

**(1) Establish a statewide business modernization network to assist Missouri businesses in identifying ways to enhance productivity and market competitiveness;**

**(2) Identify scientific and technological problems and opportunities related to the economy of Missouri and formulate proposals to overcome those problems or realize those opportunities;**

**(3) Identify specific areas where scientific research and technological investigation will contribute to the improvement of productivity of Missouri manufacturers and farmers;**

**(4) Determine specific areas in which financial investment in scientific and technological research and development from private businesses located in Missouri could be enhanced or increased if state resources were made available to assist in financing activities;**

**(5) Assist in establishing cooperative associations of universities in Missouri and of private enterprises for the purpose of coordinating research and development programs that will, consistent with the primary educational function of the universities, aid in the creation of new jobs in Missouri;**

**(6) Assist in financing the establishment and continued development of technology-intensive businesses in Missouri;**

**(7) Advise universities of the research needs of Missouri business and improve the exchange of scientific and technological information for the mutual benefit of universities and private business;**

**(8) Coordinate programs established by universities to provide Missouri businesses with scientific and technological information;**

**(9) Establish programs in scientific education which will support the accelerated development of technology-intensive businesses in Missouri;**

**(10) Provide financial assistance through contracts, grants and loans to programs of scientific and technological research and development;**

**(11) Determine how public universities can increase income derived from the sale or licensure of products or processes having commercial value that are developed as a result of university sponsored research programs;**

**(12) Contract with innovation centers, as established in section 348.271, small business development corporations, as established in sections 620.1000 to 620.1007, centers for advanced technology, as established in section 348.272, and other entities or organizations for the provision of technology application, technology commercialization and technology development services. [Such contracting procedures shall not be subject to the provisions of chapter 34; and];**

**(13) Make direct seed capital or venture capital investments in Missouri business investment funds or businesses [which] that demonstrate the promise of growth and job creation. Investments from the corporation may be in the form of debt or equity in the respective businesses;**

**(14) Make and execute contracts, guarantees, or any other instruments and agreements necessary or convenient for the exercise of its powers and functions;**

(15) Contract for and to accept any gifts, grants, and loans of funds, property, or any other aid in any form from the federal government, the state, any state agency, or any other source, or any combination thereof, and to comply with the provisions of the terms and conditions thereof;

(16) Procure such insurance, participate in such insurance plans, or provide such self insurance or both as it deems necessary or convenient; provided however, the purchase of insurance, participation in an insurance plan, or creation of a self-insurance fund by the corporation shall not be deemed as a waiver or relinquishment of any sovereign immunity to which the corporation or its officers, directors, employees, or agents are otherwise entitled;

(17) Partner with universities or other research institutions in Missouri to attract and recruit world-class science and innovation talent to Missouri;

(18) Expend any and all funds from the Missouri science and innovation reinvestment fund and all other assets and resources of the corporation for the exclusive purpose of fulfilling any purpose, power, or duty of the corporation under sections 348.250 to 348.275, including but not limited to implementing the powers, purposes, and duties of the corporation as enumerated in this section;

(19) Participate in joint ventures and collaborate with any taxpayer, governmental body or agency, insurer, university, or college of the state, or any other entity to facilitate any activities or programs consistent with the purpose and intent of sections 348.250 to 348.275; and

(20) In carrying out any activities authorized by sections 348.250 to 348.275, the corporation provides appropriate assistance, including the making of investments, grants, and loans, and providing time of employees, to any taxpayer, governmental body, or agency, insurer, university, or college of the state, or any other entity, whether or not any such taxpayer, governmental body or agency, insurer, university, or college of the state, or any other entity, is owned or controlled in whole or in part, directly or indirectly, by the corporation.

2. The corporation shall endeavor to maximize the amount of leveraging of nonstate resources, including public and private, cash and in-kind, attained with its investments, grants, loans, or other forms of support. In the case of investments, grants, loans, or other forms of support that emphasize or are specifically intended to impact a particular Missouri county, municipality, or other geographic subdivision of the state, or are otherwise local in nature, the corporation shall give consideration and weight to local matching funds and other matching resources, public and private.

3. Except as expressly provided in sections 348.250 to 348.275, all monies earned or received by the corporation, including all funds derived from the commercialization of science and innovation products, methods, services, and technology by the corporation, or any affiliate or subsidiary thereof, or from the Missouri science and innovation reinvestment fund, shall belong exclusively to and be subject to the exclusive control of the corporation.

4. The corporation shall have all the powers of a not-for-profit corporation established under Missouri law.

5. The corporation shall assume all moneys, property, or other assets remaining with the Missouri seed capital investment board, established in section 620.641. All powers, duties, and functions performed by the Missouri seed capital investment board shall be transferred to the Missouri technology corporation.

6. The corporation shall not be subject to the provisions of chapter 34.

348.262. In order to assist the corporation in achieving the objectives identified in section 348.261, the department of economic development may contract with the corporation for activities consistent with the corporation's purpose, as specified in [section 348.256] **sections 348.250 to 348.275**. When contracting with the corporation under the provisions of this section, the department of economic development may directly enter into agreements with the corporation and shall not be bound by the provisions of chapter 34, RSMo.

348.263. 1. [The Missouri business modernization and technology corporation shall replace the corporation for science and technology. All moneys, property or any other assets remaining with the corporation for science and technology after all obligations are satisfied on August 28, 1993, shall be transferred to the Missouri business modernization and technology corporation. All powers, duties and functions performed by the Missouri corporation of science and technology on August 28, 1993, shall be transferred to the Missouri business modernization and technology corporation.] **Except as otherwise provided in sections 348.250 to 348.275, the corporation shall be subject to requirements applicable to governmental bodies and records contained in sections 610.010 to 610.225.**

2. [The Missouri technology corporation shall replace the Missouri business modernization and technology corporation. All moneys, property or any other assets remaining with the Missouri business modernization and technology corporation after all obligations are satisfied on August 28, 1994, shall be transferred to the Missouri

technology corporation. All powers, duties and functions performed by the Missouri business modernization and technology corporation on August 28, 1994, shall be transferred to the Missouri technology corporation.] **In addition to the exceptions available under sections 610.010 to 610.225, the records of the corporation shall not be subject to the provisions of sections 610.010 to 610.225, when, upon determination by the corporation, the disclosure of the information in the records would be harmful to the competitive position of the corporation and such records contain:**

- (1) **Proprietary information gathered by, or in the possession of, the corporation from third parties pursuant to a promise of confidentiality;**
- (2) **Contract cost estimates prepared for confidential use in awarding contracts for research, development, construction, renovation, commercialization, or the purchase of goods or services;**
- (3) **Data, records, or information of a proprietary nature produced or collected by, or for, the corporation, its employees, officers, or members of its board;**
- (4) **Third-party financial statements, records, and related data not publicly available that may be shared with the corporation;**
- (5) **Consulting or other reports paid for by the corporation to assist the corporation in connection with its strategic planning and goals; or**
- (6) **The determination of marketing and operational strategies where disclosure of such strategies would be harmful to the competitive position of the corporation.**

3. **In addition to the exceptions available under sections 610.010 to 610.225, the corporation, including the board, executive committee, audit committee, and research alliance of Missouri, or other such committees or boards that the corporation may authorize from time to time, may discuss, consider, and take action on any the following in closed session, when upon determination by the corporation, including as appropriate the board, executive committee, audit committee, and research alliance of Missouri, or other such committees or boards that the corporation may authorize from time to time, disclosure of such items would be harmful to the competitive position of the corporation:**

- (1) **Plans that could affect the value of property, real or personal, owned, or desirable for ownership by the corporation;**
- (2) **The condition, acquisition, use, or disposition of real or personal property; or**
- (3) **Contracts for applied research; basic research; science and innovation product development, manufacturing, or commercialization; construction and renovation of science and innovation facilities; or marketing or operational strategies.**

348.264. [1.] There is hereby established in the state treasury a special fund to be known as the "Missouri [Technology Investment] **Science and Innovation Reinvestment Fund**", which shall consist of all moneys which may be appropriated to it by the general assembly **based on the applicable percentage of the amount by which science and innovation employees' gross wages for the year exceeds the base year gross wages pursuant to section 348.265; other funds appropriated to it by the general assembly**, and also any gifts, contributions, grants or bequests received from federal, private or other sources. [Such moneys shall include federal funds which may be received from the National Institute for Science and Technology, the Small Business Administration and the Department of Defense through its Technology Reinvestment Program.] Money in the Missouri [technology investment program] **science and innovation reinvestment fund** shall be used to carry out the provisions of sections [348.251] **348.250** to 348.275. Moneys for business modernization programs, technology application programs, technology commercialization programs and technology development programs established pursuant to the provisions of sections [348.251] **348.250** to 348.275 shall be available from appropriations made by the general assembly from the Missouri [technology investment] **science and innovation reinvestment fund**. Any moneys remaining in the Missouri [technology investment] **science and innovation reinvestment fund** at the end of any fiscal year shall not lapse to the general revenue fund, as provided in section 33.080, but shall remain in the Missouri technology investment fund.

[2. Notwithstanding the provisions of sections 173.500 to 173.565, RSMo, the Missouri technology investment fund shall be utilized to fund projects which would previously have been funded through the higher education applied projects fund.]

\ **348.265. 1. As soon as practicable after August 28, 2011, the director of the department of economic development, with the assistance of the director of the department of revenue, shall establish the base year gross wages and report the amount of the base year gross wages to the president and board of the corporation, the governor, and the general assembly. Within one hundred eighty days after the end of each fiscal year beginning with the fiscal year ending June 30, 2011, and for each subsequent fiscal year prior to the end of the last funding**

year, the director of economic development, with the assistance of the director of the department of revenue, shall determine and report to the president and board of the corporation, governor, and general assembly the amount by which aggregate science and innovation employees' gross wages for the fiscal year exceeds the base year gross wages. The director of economic development and the director of the department of revenue may consider any verifiable evidence, including but not limited to the NAICS codes assigned or recorded by the United States Department of Labor for companies with employees in the state, when determining which organizations should be classified as science and innovation companies.

2. Notwithstanding section 23.250 to the contrary, for each of the twenty-five funding years, beginning July 1, 2011, the director of revenue shall transfer to the Missouri science and innovation reinvestment fund an amount equal to the product of the applicable percentage multiplied by an amount equal to the increase in aggregate science and innovation employees' gross wages for the prior fiscal year, over the base year gross wages. The director of revenue may make estimated payments to the Missouri science and innovation reinvestment fund more frequently based on estimates provided by the director of revenue and reconciled annually.

3. Local political subdivisions may contribute to the Missouri science and innovation reinvestment fund through a grant, contract, or loan by dedicating a portion of any sales tax or property tax increase resulting from increases in science and innovation company economic activity occurring after August 28, 2011, or other such taxes or fees as such local political subdivisions may establish.

4. Funding generated by the provisions of this section shall be expended by the corporation to further its purposes as specified in section 348.256.

5. Upon enactment of this section, the corporation shall prepare a strategic plan for the use of the funding to be generated by the provisions of this section, and may consult with science and innovation partners, including, but not limited to the research alliance of Missouri, as established in section 348.257; the life sciences research board established in section 196.1003; and the innovation centers or centers for advanced technology, as established in section 348.272. The corporation shall make a draft strategic plan available for public comment prior to publication of the final strategic plan.

348.269. 1. Nothing contained in sections 348.250 to 348.275 shall be construed as a restriction or limitation upon any powers that the corporation might otherwise have under chapter 355, and the provisions of sections 348.250 to 348.275 are cumulative to such powers.

2. Nothing in sections 348.250 to 348.275 shall be construed as allowing the board to sell the corporation or substantially all of the assets of the corporation, or to merge the corporation with another institution, without prior authorization by the general assembly.

3. Notwithstanding the provisions of section 23.253 to the contrary, the provisions of sections 348.250 to 348.275 shall not sunset. The provisions of sections 348.250 to 348.275 shall not terminate before the satisfaction of all outstanding obligations, notes, and bonds provided for under sections 348.250 to 348.275.

4. The provisions of sections 348.250 to 348.275 shall not terminate before the satisfaction of all outstanding obligations, notes, and bonds provided for under sections 348.250 to 348.275.

5. If any provision of this Act or the application thereof is held invalid, the invalidity shall not affect other provisions or applications of the Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable. Insofar as the provisions of sections 348.250 to 348.275 are inconsistent with the provisions of any other law, general, specific or local, the provisions of sections 348.250 to 348.275 shall be controlling.

348.271. 1. In order to foster the growth of Missouri's economy and to stimulate the creation of new jobs in [technology-based] **science and innovation-based** industry for the state's work force, the Missouri technology corporation, in accordance with the provisions of this section and within the limits of appropriations therefor is authorized to contract with Missouri not-for-profit corporations for the operation of innovation centers within the state. The primary emphasis of some, if not of all innovation centers, shall be in the areas of [technology commercialization, finance and business modernization. Innovation centers operated under the provisions of this section shall provide assistance to individuals and business organizations during the early stages of the development of new technology-based] **science and innovation-based** business ventures. Such assistance may include the provision of facilities, equipment, administrative and managerial support, planning assistance, and such other services and programs that enhance the development of such ventures and such assistance may be provided for fees or other consideration.

2. The innovation centers operated under this section shall counsel and assist the new [technology-based] **science and innovation-based** business ventures in finding a suitable site in the state of Missouri for location of the business upon its graduation from the innovation program. Each innovation center shall annually submit a report of its

activities to the department of economic development and the Missouri technology corporation which shall include, but not be limited to, the success rate of the businesses graduating from the center, the progress and locations of businesses which have graduated from the center, the types of businesses which have graduated from the center, and the number of jobs created by the businesses involved in the center.

**3. Any contract signed between the corporation and any not-for-profit organization to operate an innovation center in accordance with the provisions of this section shall require that the not-for-profit organization must provide at least a one-hundred-percent match for the funding received from the corporation pursuant to appropriation therefor.**

348.300. As used in sections 348.300 to 348.318, the following terms mean:

(1) "Commercial activity located in Missouri", any research, development, prototype fabrication, and subsequent precommercialization activity, or any activity related thereto, conducted in Missouri for the purpose of producing a service or a product or process for manufacture, assembly or sale or developing a service based on such a product or process by any person, corporation, partnership, joint venture, unincorporated association, trust or other organization doing business in Missouri. Subsequent to January 1, 1999, a commercial activity located in Missouri shall mean only such activity that is located within a distressed community, as defined in section 135.530;

(2) "Follow-up capital", capital provided to a commercial activity located in Missouri in which a qualified fund has previously invested seed capital or start-up capital and which does not exceed ten times the amount of such seed and start-up capital;

(3) "Person", any individual, corporation, partnership, or other entity, including any charitable corporation 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) "Qualified contribution", cash contribution to a qualified fund;

(5) "Qualified economic development organization", any corporation organized under the provisions of chapter 355 which has as of January 1, 1991, obtained a contract with the department of economic development to operate an innovation center to promote, assist and coordinate the research and development of new services, products or processes in the state of Missouri; and the Missouri technology corporation organized pursuant to the provisions of sections [348.253 to 348.266] **348.250 to 348.275**;

(6) "Qualified fund", any corporation, partnership, joint venture, unincorporated association, trust or other organization which is established under the laws of Missouri after December 31, 1985, which meets all of the following requirements established by this subdivision. The fund shall have as its sole purpose and business the making of investments, of which at least ninety percent of the dollars invested shall be qualified investments. The fund shall enter into a contract with one or more qualified economic development organizations which shall entitle the qualified economic development organizations to receive not less than ten percent of all distributions of equity and dividends or other earnings of the fund. Such contracts shall require the qualified fund to transfer to the Missouri technology corporation organized pursuant to the provisions of sections [348.253 to 348.266] **348.250 to 348.275** this interest and make corresponding distributions thereto in the event the qualified economic development organization holding such interest is dissolved or ceases to do business for a period of one year or more;

(7) "Qualified investment", any investment of seed capital, start-up capital, or follow-up capital in any commercial activity located in Missouri;

(8) "Seed capital", capital provided to a commercial activity located in Missouri for research, development and precommercialization activities to prove a concept for a new product or process or service, and for activities related thereto;

(9) "Start-up capital", capital provided to a commercial activity located in Missouri for use in preproduction product development or service development or initial marketing thereof, and for activities related thereto;

(10) "State tax liability", any state tax liability incurred by a taxpayer under the provisions of chapters 143, 147 and 148, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265 and related provisions;

(11) "Uninvested capital", the amount of any distribution, other than of earnings, by a qualified fund made within five years of the issuance of a certificate of tax credit as provided by sections 348.300 to 348.318; or the portion of all qualified contributions to a qualified fund which are not invested as qualified investments within five years of the issuance of a certificate of tax credit as provided by sections 348.300 to 348.318 to the extent that the amount not so invested exceeds ten percent of all such qualified contributions."; and

Further amend said bill, Page 323, Section 178.896, Line 19, by inserting after all of said line the following:

"[348.253. 1. The Missouri technology corporation may contract with not-for-profit organizations to carry out the provisions of sections 348.251 to 348.275. By entering into such contracts, the corporation shall attempt to achieve the following objectives:

(1) The establishment of a research alliance which shall advance technology development, as defined in subdivision (3) of section 348.251. The corporation, in this capacity, shall have the authority to contract directly with centers for advanced technology, as established by section 348.272, and other not-for-profit entities. In proceeding with this objective, the corporation and centers for advanced technology shall utilize the results of targeted industry studies commissioned by the department of economic development;

(2) Technology commercialization, as defined in subdivision (2) of section 348.251;

(3) The establishment of a finance corporation to assist in the implementation of section 348.261; and

(4) The enhancement of technology application, as defined in subdivision (1) of section 348.251.

2. Any contract signed between the corporation and any not-for-profit organization, including innovation centers as defined in section 348.271, shall require that the not-for-profit organization must provide at least one-hundred-percent match for any funding received from the corporation through the technology investment fund, as established in section 348.264.]"; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 3*

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 116 & 316, Pages 10-11, Section 32.088, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 6*

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 116 & 316, Page 154, Section 135.1505, Line 20, by striking the word "shall" ; and inserting in lieu thereof the following:

"**may**".

*Senate Amendment No. 8*

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 116 & 316, Page 148, Section 135.1150, Line 20 of said page, by inserting immediately after said line the following:

**"135.1180. 1. This section shall be known and may be cited as the "Developmental Disability Care Provider Tax Credit Program".**

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

**(1) "Certificate", a tax credit certificate issued under this section;**

**(2) "Department", the Missouri department of social services;**

**(3) "Eligible donation", donations received, by a provider, from a taxpayer that are used solely to provide direct care services to persons with developmental disabilities who are residents of this state. Eligible donations may include cash, publicly traded stocks and bonds, and real estate that will be valued and documented according to rules promulgated by the department of social services. For purposes of this section, "direct care services" include, but are not limited to, increasing the quality of care and service for persons with developmental disabilities through improved employee compensation and training;**

**(4) "Qualified developmental disability care provider" or "provider", a care provider that provides assistance to persons with developmental disabilities, and is under contract with the Missouri department of social services or department of mental health to provide treatment services for such persons, and that receives eligible**

donations. Any provider that operates more than one facility or at more than one location shall be eligible for the tax credit under this section only for any eligible donation made to facilities or locations of the provider which are licensed and accredited;

- (5) "Taxpayer", any of the following individuals or entities who make an eligible donation to a provider:
- (a) A person, firm, partner in a firm, corporation, or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed in chapter 143;
  - (b) A corporation subject to the annual corporation franchise tax imposed in chapter 147;
  - (c) An insurance company paying an annual tax on its gross premium receipts in this state;
  - (d) Any other financial institution paying taxes to the state of Missouri or any political subdivision of this state under chapter 148;
  - (e) An individual subject to the state income tax imposed in chapter 143;
  - (f) 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.

3. For all taxable years beginning on or after January 1, 2011, any taxpayer shall be allowed a credit against the taxes otherwise due under chapter 143, 147, or 148 excluding withholding tax imposed by sections 143.191 to 143.265 in an amount equal to fifty percent of the amount of an eligible donation, subject to the restrictions in this section. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state income tax liability in the tax year for which the credit is claimed. Any amount of credit that the taxpayer is prohibited by this section from claiming in a tax year shall not be refundable, but may be carried forward to any of the taxpayer's four subsequent taxable years.

4. To claim the credit authorized in this section, a provider may submit to the department an application for the tax credit authorized by this section on behalf of taxpayers. The department shall verify that the provider has submitted the following items accurately and completely:

- (1) A valid application in the form and format required by the department;
- (2) A statement attesting to the eligible donation received, which shall include the name and taxpayer identification number of the individual making the eligible donation, the amount of the eligible donation, and the date the eligible donation was received by the provider; and
- (3) Payment from the provider equal to the value of the tax credit for which application is made.

If the provider applying for the tax credit meets all criteria required by this subsection, the department shall issue a certificate in the appropriate amount.

5. Tax credits issued under this section may be assigned, transferred, sold, or otherwise conveyed, and the new owner of the tax credit shall have the same rights in the credit as the taxpayer. Whenever a certificate is assigned, transferred, sold, or otherwise conveyed, a notarized endorsement shall be filed with the department specifying the name and address of the new owner of the tax credit or the value of the credit.

6. The department shall 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 August 28, 2011, shall be invalid and void.

7. Under section 23.253 of the Missouri sunset act:

- (1) The provisions of the new program authorized under this section shall automatically sunset four years after August 28, 2011, unless reauthorized by an act of the general assembly; and
- (2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and
- (3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset."; and

Further amend the title and enacting clause accordingly.



*Senate Amendment No. 9*

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 116 & 316, Page 48, Section 67.3005, Line 5 of said page, by inserting after all of said line the following:

"99.975. 1. No new applications made pursuant to sections 99.915 to 99.980 shall be approved after [January 1, 2013] **August 28, 2011**.

2. No applications made pursuant to sections 99.915 to 99.980 shall be approved prior to August 28, 2003, except for applications for projects that are located within a county for which public and individual assistance has been requested by the governor pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 et seq., for an emergency proclaimed by the governor pursuant to section 44.100 due to a natural disaster of major proportions that occurred after May 1, 2003, but prior to May 10, 2003, and the development project area is a central business district that sustained severe damage as a result of such natural disaster, as determined by the state emergency management agency.

3. Prior to December 31, 2006, the Missouri development finance board may approve up to two applications made pursuant to sections 99.915 to 99.980 in a home rule city with more than four hundred thousand inhabitants and located in more than one county in which the state sales tax increment for such projects approved pursuant to the provisions of this subsection shall be up to one-half of the incremental increase in all sales taxes levied pursuant to section 144.020. In no event shall the incremental increase include any amounts attributable to retail sales unless the Missouri development finance board and the department of economic development are satisfied based on information provided by the municipality or authority, and such entities have made a finding that a substantial portion of all but a de minimus portion of the sales tax increment attributable to retail sales is from new sources which did not exist in the state during the baseline year. The incremental increase for an existing facility shall be the amount of all state sales taxes generated pursuant to section 144.020 at the facility in excess of the amount of all state sales taxes generated pursuant to section 144.020 at the facility in the baseline year. The incremental increase in development project areas where the baseline year is the year following the year in which the development project is approved by the municipality pursuant to subdivision (2) of section 99.918 shall be the state sales tax revenue generated by out-of-state businesses relocating into a development project area. The incremental increase for a Missouri facility which relocates to a development project area shall be the amount by which the state sales tax revenue of the facility exceeds the state sales tax revenue for the facility in the calendar year prior to relocation."; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 10*

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 116 & 316, Pages 197-203, Section 168.071, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 11*

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 116 & 316, Pages 11-17, Section 32.105 of said page, by striking all of said section from the bill; and

Further amend said bill, Pages 17-18, Section 32.110, by striking all of said section from the bill; and

Further amend said bill, Pages 18-27, Section 32.115, by striking all of said section and inserting in lieu thereof the following:

"32.115. 1. The department of revenue shall grant a tax credit, to be applied in the following order until used, against:

- (1) The annual tax on gross premium receipts of insurance companies in chapter 148;
- (2) The tax on banks determined pursuant to subdivision (2) of subsection 2 of section 148.030;
- (3) The tax on banks determined in subdivision (1) of subsection 2 of section 148.030;
- (4) The tax on other financial institutions in chapter 148;

- (5) The corporation franchise tax in chapter 147;
- (6) The state income tax in chapter 143; and
- (7) The annual tax on gross receipts of express companies in chapter 153.

2. For proposals approved pursuant to section 32.110:

(1) The amount of the tax credit shall not exceed fifty percent of the total amount contributed during the taxable year by the business firm or, in the case of a financial institution, where applicable, during the relevant income period in programs approved pursuant to section 32.110;

(2) Except as provided in subsection 2 or 5 of this section, a tax credit of up to seventy percent may be allowed for contributions to programs where activities fall within the scope of special program priorities as defined with the approval of the governor in regulations promulgated by the director of the department of economic development;

(3) Except as provided in subsection 2 or 5 of this section, the tax credit allowed for contributions to programs located in any community shall be equal to seventy percent of the total amount contributed where such community is a city, town or village which has fifteen thousand or less inhabitants as of the last decennial census and is located in a county which is either located in:

(a) An area that is not part of a standard metropolitan statistical area;

(b) A standard metropolitan statistical area but such county has only one city, town or village which has more than fifteen thousand inhabitants; or

(c) A standard metropolitan statistical area and a substantial number of persons in such county derive their income from agriculture. Such community may also be in an unincorporated area in such county as provided in subdivision (1), (2) or (3) of this subsection. Except in no case shall the total economic benefit of the combined federal and state tax savings to the taxpayer exceed the amount contributed by the taxpayer during the tax year;

(4) Such tax credit allocation, equal to seventy percent of the total amount contributed, shall not exceed four million dollars in fiscal year 1999 and six million dollars in fiscal year 2000 and any subsequent fiscal year. When the maximum dollar limit on the seventy percent tax credit allocation is committed, the tax credit allocation for such programs shall then be equal to fifty percent credit of the total amount contributed. Regulations establishing special program priorities are to be promulgated during the first month of each fiscal year and at such times during the year as the public interest dictates. Such credit shall not exceed two hundred and fifty thousand dollars annually except as provided in subdivision (5) of this subsection. No tax credit shall be approved for any bank, bank and trust company, insurance company, trust company, national bank, savings association, or building and loan association for activities that are a part of its normal course of business. Any tax credit not used in the period the contribution was made may be carried over the next five succeeding calendar or fiscal years until the full credit has been claimed. Except as otherwise provided for proposals approved pursuant to section 32.111, 32.112 or 32.117, in no event shall the total amount of all other tax credits allowed pursuant to sections 32.100 to 32.125 exceed thirty-two million dollars in any one fiscal year, of which six million shall be credits allowed pursuant to section 135.460. If six million dollars in credits are not approved, then the remaining credits may be used for programs approved pursuant to sections 32.100 to 32.125;

(5) The credit may exceed two hundred fifty thousand dollars annually and shall not be limited if community services, crime prevention, education, job training, physical revitalization or economic development, as defined by section 32.105, is rendered in an area defined by federal or state law as an impoverished, economically distressed, or blighted area or as a neighborhood experiencing problems endangering its existence as a viable and stable neighborhood, or if the community services, crime prevention, education, job training, physical revitalization or economic development is limited to impoverished persons.

3. For proposals approved pursuant to section 32.111:

(1) The amount of the tax credit shall not exceed fifty-five percent of the total amount invested in affordable housing assistance activities or market rate housing in distressed communities as defined in section 135.530 by a business firm. Whenever such investment is made in the form of an equity investment or a loan, as opposed to a donation alone, tax credits may be claimed only where the loan or equity investment is accompanied by a donation which is eligible for federal income tax charitable deduction, and where the total value of the tax credits herein plus the value of the federal income tax charitable deduction is less than or equal to the value of the donation. Any tax credit not used in the period for which the credit was approved may be carried over the next ten succeeding calendar or fiscal years until the full credit has been allowed. If the affordable housing units or market rate housing units in distressed communities for which a tax is claimed are within a larger structure, parts of which are not the subject of a tax credit claim, then expenditures applicable to the entire structure shall be reduced on a prorated basis in proportion to the ratio of the number of square feet devoted to the affordable housing units or market rate housing units in distressed communities, for purposes of determining the amount of the tax credit. The total amount of tax credit granted for programs approved pursuant to section 32.111 for the fiscal year beginning July 1, 1991, shall not exceed two million dollars, to be increased by no more

than two million dollars each succeeding fiscal year, until the total tax credits that may be approved reaches ten million dollars in any fiscal year;

(2) For any year during the compliance period indicated in the land use restriction agreement, the owner of the affordable housing rental units for which a credit is being claimed shall certify to the commission that all tenants renting claimed units are income eligible for affordable housing units and that the rentals for each claimed unit are in compliance with the provisions of sections 32.100 to 32.125. The commission is authorized, in its discretion, to audit the records and accounts of the owner to verify such certification;

(3) In the case of owner-occupied affordable housing units, the qualifying owner occupant shall, before the end of the first year in which credits are claimed, certify to the commission that the occupant is income eligible during the preceding two years, and at the time of the initial purchase contract, but not thereafter. The qualifying owner occupant shall further certify to the commission, before the end of the first year in which credits are claimed, that during the compliance period indicated in the land use restriction agreement, the cost of the affordable housing unit to the occupant for the claimed unit can reasonably be projected to be in compliance with the provisions of sections 32.100 to 32.125. Any succeeding owner occupant acquiring the affordable housing unit during the compliance period indicated in the land use restriction agreement shall make the same certification;

(4) If at any time during the compliance period the commission determines a project for which a proposal has been approved is not in compliance with the applicable provisions of sections 32.100 to 32.125 or rules promulgated therefor, the commission may within one hundred fifty days of notice to the owner either seek injunctive enforcement action against the owner, or seek legal damages against the owner representing the value of the tax credits, or foreclose on the lien in the land use restriction agreement, selling the project at a public sale, and paying to the owner the proceeds of the sale, less the costs of the sale and less the value of all tax credits allowed herein. The commission shall remit to the director of revenue the portion of the legal damages collected or the sale proceeds representing the value of the tax credits. However, except in the event of intentional fraud by the taxpayer, the proposal's certificate of eligibility for tax credits shall not be revoked.

4. For proposals approved pursuant to section 32.112, the amount of the tax credit shall not exceed fifty-five percent of the total amount contributed to a neighborhood organization by business firms. Any tax credit not used in the period for which the credit was approved may be carried over the next ten succeeding calendar or fiscal years until the full credit has been allowed. The total amount of tax credit granted for programs approved pursuant to section 32.112 shall not exceed one million dollars for each fiscal year.

5. The total amount of tax credits used for market rate housing in distressed communities pursuant to sections 32.100 to 32.125 shall not exceed thirty percent of the total amount of all tax credits authorized pursuant to sections 32.111 and 32.112.

**6. Notwithstanding any provision of law to the contrary, no tax credits provided under sections 32.100 to 32.125 shall be authorized on or after August 28, 2015. The provisions of this subsection shall not be construed to limit or in any way impair the department's ability to issue tax credits authorized prior to August 28, 2015, or a taxpayer's ability to redeem such tax credits.";** and

Further amend said bill, Pages 27-29, Section 32.117, by striking all of said section from the bill; and

Further amend said bill, Page 29, Section 32.120, Lines 19-25 of said page, by striking all of said section from the bill; and

Further amend said bill, Page 78, Section 135.327, Lines 14-25 of said page, by striking all of the underlined language from said lines; and

Further amend said bill and section, Page 81, Lines 19-28 of said page, by striking all of the underlined language from said lines; and

Further amend said bill and section, Page 82, Lines 1-3 of said page, by striking all of the underlined language from said lines; and

Further amend said bill, Pages 89-94, Section 135.460, by striking all of said section and inserting in lieu thereof the following:

"135.460. 1. This section and sections 620.1100 and 620.1103 shall be known and may be cited as the "Youth Opportunities and Violence Prevention Act".

2. As used in this section, the term "taxpayer" shall include corporations as defined in section 143.441 or 143.471, 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, and individuals, individual proprietorships and partnerships.

3. A taxpayer shall be allowed a tax credit against the tax otherwise due pursuant to chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265, chapter 147, chapter 148, or chapter 153 in an amount equal to thirty percent for property contributions and fifty percent for monetary contributions of the amount such taxpayer contributed to the programs described in subsection 5 of this section, not to exceed two hundred thousand dollars per taxable year, per taxpayer; except as otherwise provided in subdivision (5) of subsection 5 of this section. The department of economic development shall prescribe the method for claiming the tax credits allowed in this section. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536. All rulemaking authority delegated prior to June 27, 1997, is of no force and effect and repealed; however, nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to June 27, 1997, if such rule complied with the provisions of chapter 536. The provisions of this section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, including the ability to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule, are subsequently held unconstitutional, then the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void.

4. The tax credits allowed by this section shall be claimed by the taxpayer to offset the taxes that become due in the taxpayer's tax period in which the contribution was made. Any tax credit not used in such tax period may be carried over the next five succeeding tax periods.

5. The tax credit allowed by this section may only be claimed for monetary or property contributions to public or private programs authorized to participate pursuant to this section by the department of economic development and may be claimed for the development, establishment, implementation, operation, and expansion of the following activities and programs:

(1) An adopt-a-school program. Components of the adopt-a-school program shall include donations for school activities, seminars, and functions; school-business employment programs; and the donation of property and equipment of the corporation to the school;

(2) Expansion of programs to encourage school dropouts to reenter and complete high school or to complete a graduate equivalency degree program;

(3) Employment programs. Such programs shall initially, but not exclusively, target unemployed youth living in poverty and youth living in areas with a high incidence of crime;

(4) New or existing youth clubs or associations;

(5) Employment/internship/apprenticeship programs in business or trades for persons less than twenty years of age, in which case the tax credit claimed pursuant to this section shall be equal to one-half of the amount paid to the intern or apprentice in that tax year, except that such credit shall not exceed ten thousand dollars per person;

(6) Mentor and role model programs;

(7) Drug and alcohol abuse prevention training programs for youth;

(8) Donation of property or equipment of the taxpayer to schools, including schools which primarily educate children who have been expelled from other schools, or donation of the same to municipalities, or not-for-profit corporations or other not-for-profit organizations which offer programs dedicated to youth violence prevention as authorized by the department;

(9) Not-for-profit, private or public youth activity centers;

(10) Nonviolent conflict resolution and mediation programs;

(11) Youth outreach and counseling programs.

6. Any program authorized in subsection 5 of this section shall, at least annually, submit a report to the department of economic development outlining the purpose and objectives of such program, the number of youth served, the specific activities provided pursuant to such program, the duration of such program and recorded youth attendance where applicable.

7. The department of economic development shall, at least annually submit a report to the Missouri general assembly listing the organizations participating, services offered and the number of youth served as the result of the implementation of this section.

8. The tax credit allowed by this section shall apply to all taxable years beginning after December 31, 1995.

9. For the purposes of the credits described in this section, in the case of a corporation described in section 143.471, partnership, limited liability company described in section 347.015, cooperative, marketing enterprise, or partnership, in computing Missouri's tax liability, such credits shall be allowed to the following:

- (1) The shareholders of the corporation described in section 143.471;
- (2) The partners of the partnership;
- (3) The members of the limited liability company; and
- (4) Individual members of the cooperative or marketing enterprise. Such credits shall be apportioned to the entities described in subdivisions (1) and (2) of this subsection in proportion to their share of ownership on the last day of the taxpayer's tax period.

**10. Notwithstanding any provision of law to the contrary, no tax credits provided under this section shall be authorized on or after August 28, 2015. The provisions of this subsection shall not be construed to limit or in any way impair the department's ability to issue tax credits authorized prior to August 28, 2015, or a taxpayer's ability to redeem such tax credits.";** and

Further amend said bill, Pages 105-109, Section 135.550, by striking all of said section and inserting in lieu thereof the following:

"135.550. 1. As used in this section, the following terms shall mean:

- (1) "Contribution", a donation of cash, stock, bonds or other marketable securities, or real property;
- (2) "Shelter for victims of domestic violence", a facility located in this state which meets the definition of a shelter for victims of domestic violence pursuant to section 455.200 and which meets the requirements of section 455.220;
- (3) "State tax liability", in the case of a business taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143, chapter 147, chapter 148, and chapter 153, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265 and related provisions, and in the case of an individual taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143;
- (4) "Taxpayer", a person, firm, a partner in a firm, corporation or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, including 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, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state pursuant to the provisions of chapter 148, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, or an individual subject to the state income tax imposed by the provisions of chapter 143.

2. A taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability, in an amount equal to fifty percent of the amount such taxpayer contributed to a shelter for victims of domestic violence.

3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the taxable year that the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand dollars per taxable year. However, any tax credit that cannot be claimed in the taxable year the contribution was made may be carried over to the next four succeeding taxable years until the full credit has been claimed.

4. Except for any excess credit which is carried over pursuant to subsection 3 of this section, a taxpayer shall not be allowed to claim a tax credit unless the total amount of such taxpayer's contribution or contributions to a shelter or shelters for victims of domestic violence in such taxpayer's taxable year has a value of at least one hundred dollars.

5. The director of the department of social services shall determine, at least annually, which facilities in this state may be classified as shelters for victims of domestic violence. The director of the department of social services may require of a facility seeking to be classified as a shelter for victims of domestic violence whatever information is reasonably necessary to make such a determination. The director of the department of social services shall classify a facility as a shelter for victims of domestic violence if such facility meets the definition set forth in subsection 1 of this section.

6. The director of the department of social services shall establish a procedure by which a taxpayer can determine if a facility has been classified as a shelter for victims of domestic violence, and by which such taxpayer can then contribute to such shelter for victims of domestic violence and claim a tax credit. Shelters for victims of domestic violence shall be permitted to decline a contribution from a taxpayer. The cumulative amount of tax credits which may be claimed by all the taxpayers contributing to shelters for victims of domestic violence in any one fiscal year shall not exceed two million dollars.

7. The director of the department of social services shall establish a procedure by which, from the beginning of the fiscal year until some point in time later in the fiscal year to be determined by the director of the department of social services, the cumulative amount of tax credits are equally apportioned among all facilities classified as shelters for victims of domestic violence. If a shelter for victims of domestic violence fails to use all, or some percentage to be determined by the director of the department of social services, of its apportioned tax credits during this predetermined period of time, the director of the department of social services may reapportion these unused tax credits to those shelters for victims of domestic violence that have used all, or some percentage to be determined by the director of the department of social services, of their apportioned tax credits during this predetermined period of time. The director of the department of social services may establish more than one period of time and reapportion more than once during each fiscal year. To the maximum extent possible, the director of the department of social services shall establish the procedure described in this subsection in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.

8. This section shall become effective January 1, 2000, and shall apply to all tax years after December 31, 1999.

**9. Notwithstanding any provision of law to the contrary, no tax credits provided under this section shall be authorized on or after August 28, 2015. The provisions of this subsection shall not be construed to limit or in any way impair the department's ability to issue tax credits authorized prior to August 28, 2015, or a taxpayer's ability to redeem such tax credits.";** and

Further amend said bill, Pages 115-119, Section 135.600, by striking all of said section and inserting in lieu thereof the following:

"135.600. 1. As used in this section, the following terms shall mean:

(1) "Contribution", a donation of cash, stock, bonds or other marketable securities, or real property;

(2) "Maternity home", a residential facility located in this state established for the purpose of providing housing and assistance to pregnant women who are carrying their pregnancies to term, and which is exempt from income taxation under the United States Internal Revenue Code;

(3) "State tax liability", in the case of a business taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143, chapter 147, chapter 148, and chapter 153, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265, and related provisions, and in the case of an individual taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143;

(4) "Taxpayer", a person, firm, a partner in a firm, corporation or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, including 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, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state pursuant to the provisions of chapter 148, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, or an individual subject to the state income tax imposed by the provisions of chapter 143.

2. A taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability, in an amount equal to fifty percent of the amount such taxpayer contributed to a maternity home.

3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the taxable year that the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand dollars per taxable year. However, any tax credit that cannot be claimed in the taxable year the contribution was made may be carried over to the next four succeeding taxable years until the full credit has been claimed.

4. Except for any excess credit which is carried over pursuant to subsection 3 of this section, a taxpayer shall not be allowed to claim a tax credit unless the total amount of such taxpayer's contribution or contributions to a maternity home or homes in such taxpayer's taxable year has a value of at least one hundred dollars.

5. The director of the department of social services shall determine, at least annually, which facilities in this state may be classified as maternity homes. The director of the department of social services may require of a facility seeking to be classified as a maternity home whatever information is reasonably necessary to make such a determination. The director of the department of social services shall classify a facility as a maternity home if such facility meets the definition set forth in subsection 1 of this section.

6. The director of the department of social services shall establish a procedure by which a taxpayer can determine if a facility has been classified as a maternity home, and by which such taxpayer can then contribute to such maternity home and claim a tax credit. Maternity homes shall be permitted to decline a contribution from a taxpayer.

The cumulative amount of tax credits which may be claimed by all the taxpayers contributing to maternity homes in any one fiscal year shall not exceed two million dollars.

7. The director of the department of social services shall establish a procedure by which, from the beginning of the fiscal year until some point in time later in the fiscal year to be determined by the director of the department of social services, the cumulative amount of tax credits are equally apportioned among all facilities classified as maternity homes. If a maternity home fails to use all, or some percentage to be determined by the director of the department of social services, of its apportioned tax credits during this predetermined period of time, the director of the department of social services may reapportion these unused tax credits to those maternity homes that have used all, or some percentage to be determined by the director of the department of social services, of their apportioned tax credits during this predetermined period of time. The director of the department of social services may establish more than one period of time and reapportion more than once during each fiscal year. To the maximum extent possible, the director of the department of social services shall establish the procedure described in this subsection in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.

8. This section shall become effective January 1, 2000, and shall apply to all tax years after December 31, 1999.

**9. Notwithstanding any provision of law to the contrary, no tax credits provided under this section shall be authorized on or after August 28, 2015. The provisions of this subsection shall not be construed to limit or in any way impair the department's ability to issue tax credits authorized prior to August 28, 2015, or a taxpayer's ability to redeem such tax credits.";** and

Further amend said bill, Pages 119-124, Section 135.630, by striking all of said section and inserting in lieu thereof the following:

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

- (1) "Contribution", a donation of cash, stock, bonds, or other marketable securities, or real property;
- (2) "Director", the director of the department of social services;
- (3) "Pregnancy resource center", a nonresidential facility located in this state:
  - (a) Established and operating primarily to provide assistance to women with crisis pregnancies or unplanned pregnancies by offering pregnancy testing, counseling, emotional and material support, and other similar services to encourage and assist such women in carrying their pregnancies to term; and
  - (b) Where childbirths are not performed; and
  - (c) Which does not perform, induce, or refer for abortions and which does not hold itself out as performing, inducing, or referring for abortions; and
  - (d) Which provides direct client services at the facility, as opposed to merely providing counseling or referral services by telephone; and
  - (e) Which provides its services at no cost to its clients; and
  - (f) When providing medical services, such medical services must be performed in accordance with Missouri statute; and
  - (g) Which is exempt from income taxation pursuant to the Internal Revenue Code of 1986, as amended;
- (4) "State tax liability", in the case of a business taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapters 143, 147, 148, and 153, excluding sections 143.191 to 143.265 and related provisions, and in the case of an individual taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143, excluding sections 143.191 to 143.265 and related provisions;
- (5) "Taxpayer", a person, firm, a partner in a firm, corporation, or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state pursuant to the provisions of chapter 148, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, or an individual subject to the state income tax imposed by the provisions of chapter 143, 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.

2. For all tax years beginning on or after January 1, 2007, a taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability in an amount equal to fifty percent of the amount such taxpayer contributed to a pregnancy resource center.

3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the taxable year for which the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of fifty

thousand dollars per taxable year. However, any tax credit that cannot be claimed in the taxable year the contribution was made may be carried over to the next four succeeding taxable years until the full credit has been claimed.

4. Except for any excess credit which is carried over pursuant to subsection 3 of this section, a taxpayer shall not be allowed to claim a tax credit unless the total amount of such taxpayer's contribution or contributions to a pregnancy resource center or centers in such taxpayer's taxable year has a value of at least one hundred dollars.

5. The director shall determine, at least annually, which facilities in this state may be classified as pregnancy resource centers. The director may require of a facility seeking to be classified as a pregnancy resource center whatever information which is reasonably necessary to make such a determination. The director shall classify a facility as a pregnancy resource center if such facility meets the definition set forth in subsection 1 of this section.

6. The director shall establish a procedure by which a taxpayer can determine if a facility has been classified as a pregnancy resource center. Pregnancy resource centers shall be permitted to decline a contribution from a taxpayer. The cumulative amount of tax credits which may be claimed by all the taxpayers contributing to pregnancy resource centers in any one fiscal year shall not exceed two million dollars. Tax credits shall be issued in the order contributions are received.

7. The director shall establish a procedure by which, from the beginning of the fiscal year until some point in time later in the fiscal year to be determined by the director, the cumulative amount of tax credits are equally apportioned among all facilities classified as pregnancy resource centers. If a pregnancy resource center fails to use all, or some percentage to be determined by the director, of its apportioned tax credits during this predetermined period of time, the director may reapportion these unused tax credits to those pregnancy resource centers that have used all, or some percentage to be determined by the director, of their apportioned tax credits during this predetermined period of time. The director may establish more than one period of time and reapportion more than once during each fiscal year. To the maximum extent possible, the director shall establish the procedure described in this subsection in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.

8. Each pregnancy resource center shall provide information to the director concerning the identity of each taxpayer making a contribution to the pregnancy resource center who is claiming a tax credit pursuant to this section and the amount of the contribution. The director shall provide the information to the director of revenue. The director shall be subject to the confidentiality and penalty provisions of section 32.057 relating to the disclosure of tax information.

9. Notwithstanding any other law to the contrary, any tax credits granted under this section may be assigned, transferred, sold, or otherwise conveyed without consent or approval. Such taxpayer, hereinafter the assignor for purposes of this section, may sell, assign, exchange, or otherwise transfer earned tax credits:

- (1) For no less than seventy-five percent of the par value of such credits; and
- (2) In an amount not to exceed one hundred percent of annual earned credits.

10. [Pursuant to section 23.253 of the Missouri sunset act:

(1) Any new program authorized under this section shall automatically sunset six years after August 28, 2006, 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 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 a program authorized under this section is sunset.] **Pursuant to section 23.253 of the Missouri sunset act, the provisions of the program authorized under this section are hereby reauthorized and shall automatically sunset on August 28, 2015.**"; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 12*

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 116 & 316, Page 290, Section 620.2015, Line 9, by inserting immediately after the word "under" the following:

**"subsection 2 of"**; and

Further amend Line 11, by striking the word "the"; and



Further amend Lines 12-13, by striking all of said lines and inserting in lieu thereof the following:

**"one hundred percent of the withholding tax from full-time jobs that would otherwise be";** and

Further amend Line 15, by inserting immediately after "143.265," the following:

**"for a period of ten years";** and

Further amend said bill and section, Page 294, Line 12, by striking the words "subdivision (5) of subsection 3" and inserting in lieu thereof the following **"subsection 7";** and

Further amend Line 13, by striking "620.2010" and inserting in lieu thereof the following:

**"620.2020".**

*Senate Amendment No. 15*

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 116 & 316, Page 208, Section 253.550, Line 19, by inserting immediately after "253.559." the following:

**"The limitations provided under this subsection shall not apply to applications approved under the provisions of subsection 3 of section 253.559 for projects to receive less than two hundred seventy-five thousand dollars in tax credits.";** and

Further amend said bill and section, Page 209, Line 7, by inserting immediately after "2011;" the following:

**"or";** and

Further amend Lines 8-10, by striking all of said lines and renumbering the remaining subdivision accordingly.

*Senate Amendment No. 1*

*to*

*Senate Amendment No. 16*

AMEND Senate Amendment No. 16 to Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 116 & 316, Page 3, Section 135.352, Line 17, by striking "2019" and inserting in lieu thereof the following:

**"2015";** and

Further amend Line 19, by striking "2019" and inserting in lieu thereof the following:

**"2015".**

*Senate Amendment No. 16*

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 116 & 316, Pages 85-89, Section 135.352, by striking all of said section from the bill and inserting in lieu thereof the following:

"135.352. 1. A taxpayer owning an interest in a qualified Missouri project shall, subject to the limitations provided under the provisions of subsection 3 of this section, be allowed a state tax credit, whether or not allowed a federal tax credit, to be termed the Missouri low-income housing tax credit, if the commission issues an eligibility statement for that project.

2. For qualified Missouri projects placed in service after January 1, 1997, the Missouri low-income housing tax credit available to a project shall be such amount as the commission shall determine is necessary to ensure the

feasibility of the project, up to an amount equal to the federal low-income housing tax credit for a qualified Missouri project, for a federal tax period, and such amount shall be subtracted from the amount of state tax otherwise due for the same tax period. **No more than one hundred million dollars in tax credits provided under sections 135.350 to 135.363 shall be authorized in any fiscal year beginning on or after July 1, 2011.**

3. No more than six million dollars in tax credits shall be authorized each fiscal year for projects financed through tax-exempt bond issuance. **No tax credits shall be authorized after June 30, 2011, for projects financed through tax-exempt bond issuance.**

4. The Missouri low-income housing tax credit shall be taken against the taxes and in the order specified pursuant to section 32.115. The credit authorized by this section shall not be refundable. Any amount of credit that exceeds the tax due for a taxpayer's taxable year may be carried back to any of the taxpayer's three prior taxable years or carried forward to any of the taxpayer's five subsequent taxable years. **For projects authorized on or after July 1, 2011, any amount of credit that exceeds the tax due for a taxpayer's taxable year may be carried forward to any of the taxpayer's five subsequent taxable years but shall not be carried back to any of the taxpayer's previous taxable years.**

5. All or any portion of Missouri tax credits issued in accordance with the provisions of sections 135.350 to 135.362 may be allocated to parties who are eligible pursuant to the provisions of subsection 1 of this section. Beginning January 1, 1995, for qualified projects which began on or after January 1, 1994, an owner of a qualified Missouri project shall certify to the director the amount of credit allocated to each taxpayer. The owner of the project shall provide to the director appropriate information so that the low-income housing tax credit can be properly allocated.

6. In the event that recapture of Missouri low-income housing tax credits is required pursuant to subsection 2 of section 135.355, any statement submitted to the director as provided in this section shall include the proportion of the state credit required to be recaptured, the identity of each taxpayer subject to the recapture and the amount of credit previously allocated to such taxpayer.

7. **A taxpayer that receives tax credits under the provisions of sections 253.545 to 253.559 shall be ineligible to receive tax credits under the provisions of sections 135.350 to 135.363 for the same project.**

8. The director of the department may promulgate rules and regulations necessary to administer the provisions of this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

9. **Notwithstanding any provision of law to the contrary, no tax credits provided under this section shall be authorized on or after August 28, 2019. The provisions of this subsection shall not be construed to limit or in any way impair the department's ability to issue tax credits authorized prior to August 28, 2019, or a taxpayer's ability to redeem such tax credits.**"; and

Further amend said bill, Pages 94-95, Section 135.481, by striking all of said section of the bill; and

Further amend said bill, Page 96, Section 135.484, Lines 11-18, by striking all of the underlined language on said lines; and

Further amend said bill and section, Page 97, Line 1, by striking all of the opening and closing brackets and underlined language on said line; and

Further amend Line 18, by striking "August 28, 2014" and inserting in lieu thereof the following:

**"July 1, 2011";** and

Further amend Line 21, by striking "August 28, 2014" and inserting in lieu thereof the following:

**"July 1, 2011";** and

Further amend said bill, Section 208.770, Page 205, Line 3, by inserting after all of said line the following:

"215.020. 1. There is hereby created and established as a governmental instrumentality of the state of Missouri the "Missouri Housing Development Commission" which shall constitute a body corporate and politic.

2. The commission shall consist of the governor, lieutenant governor, the state treasurer, the state attorney general, and six members to be selected by the governor, with the advice and consent of the senate. The persons to be selected by the governor shall be individuals knowledgeable in the areas of housing, finance or construction. Not more

than four of the members appointed by the governor shall be from the same political party. The members of the commission appointed by the governor shall serve the following terms: Two shall serve two years, two shall serve three years, and two shall serve four years, respectively. Thereafter, each appointment shall be for a term of four years. If for any reason a vacancy occurs, the governor, with the advice and consent of the senate, shall appoint a new member to fill the unexpired term. Members are eligible for reappointment.

3. Six members of the commission shall constitute a quorum. No vacancy in the membership of the commission shall impair the right of a quorum to exercise all the rights and perform all the duties of the commission. No action shall be taken by the commission except upon the affirmative vote of at least six of the members of the commission.

4. Each member of the commission appointed by the governor is entitled to compensation of fifty dollars per diem plus his reasonable and necessary expenses actually incurred in discharging his duties under sections 215.010 to 215.250.

**5. The employment of an executive director or chief executive officer by the commission, including the executive director or chief executive officer serving in such capacity on the effective date of this act, shall be subject to the advice and consent of the senate in the same manner as an appointment subject to the provisions of Article IV, Section 51 of the Missouri Constitution.";** and

Further amend said bill, Page 305, Section 660.055, Line 26, by inserting immediately after all of said line the following:

**"Section 1. An insurance company claiming a state premium tax credit or deduction shall not be required to pay any additional retaliatory tax levied pursuant to section 375.916 as a result of claiming such credit or deduction.";** and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 17*

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 116 & 316, Pages 165-167, Section 137.1018, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS HB 137**, entitled:

An act to repeal section 37.005, RSMo, and to enact in lieu thereof twenty-five new sections relating to the transfer of property, with an emergency clause.

With Senate Amendment No. 2.

*Senate Amendment No. 2*

AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 137, Page 7, Section 37.005, Line 27, by striking all of the underlined words and opening bracket on said line and inserting in lieu thereof an opening bracket "[ " immediately after the first occurrence of the word "University"; and

Further amend Line 28, by striking the closing bracket "]" on said line; and

Further amend said bill and section, Page 8, Line 4, by inserting a closing bracket "]" immediately after the word "University".

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HB 315**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 641**, entitled:

An act to repeal sections 195.010, 195.017, 195.022, 195.202, and 195.217, RSMo, and to enact in lieu thereof five new sections relating to controlled substances, with an existing penalty provision.

In which the concurrence of the House is respectfully requested.

## COMMITTEE APPOINTMENTS

May 2, 2011

Mr. Adam Crumbliss  
Chief Clerk  
Missouri House of Representatives  
State Capitol Building, Room 306  
Jefferson City, MO 65101

Dear Mr. Crumbliss:

Pursuant to House Rule 22, I hereby appoint Representative Brent Lasater as Vice-Chairman of the Transportation Funding and Public Institutions Committee.

If you have any questions regarding this communication, please contact my office.

Sincerely,

/s/ Steven Tilley  
Speaker of the House of Representatives

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May 2, 2011

Mr. Adam Crumbliss  
Chief Clerk  
Missouri House of Representatives  
State Capitol Building, Room 306  
Jefferson City, MO 65101

Dear Mr. Crumbliss:

Pursuant to House Rule 22, I hereby appoint Representative Thomas Long as Vice-Chairman of the Transportation Committee.

If you have any questions regarding this communication, please contact my office.

Sincerely,

/s/ Steven Tilley  
Speaker of the House of Representatives

## MESSAGES FROM THE GOVERNOR

May 2, 2011

TO THE CHIEF CLERK OF THE  
HOUSE OF REPRESENTATIVES  
96th GENERAL ASSEMBLY  
FIRST REGULAR SESSION  
STATE OF MISSOURI

Herewith I return to you **House Committee Substitute for House Bill No. 1** entitled:

"AN ACT"

To appropriate money to the Board of Fund Commissioners for the cost of issuing and processing State Water Pollution Control Bonds, Stormwater Control Bonds, Third State Building Bonds, and Fourth State Building Bonds, as provided by law, to include payments from the Water Pollution Control Bond and Interest Fund, Stormwater Control Bond and Interest Fund, Third State Building Bond Interest and Sinking Fund, Fourth State Building Bond and Interest Fund, Water Pollution Control Fund, and Stormwater Control Fund, and to transfer money among certain funds for the period beginning July 1, 2011 and ending June 30, 2012; provided that no funds from these sections shall be expended for the purpose of costs associated with travel or staffing for the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

On May 2, 2011, I approved said **House Committee Substitute for House Bill No. 1**.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon  
Governor

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May 2, 2011

TO THE CHIEF CLERK OF THE  
HOUSE OF REPRESENTATIVES  
96th GENERAL ASSEMBLY  
FIRST REGULAR SESSION  
STATE OF MISSOURI

Herewith I return to you **Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 14** entitled:

"AN ACT"

To appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2011.

On May 2, 2011, I approved said **Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 14**.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon  
Governor

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May 2, 2011

TO THE CHIEF CLERK OF THE  
HOUSE OF REPRESENTATIVES  
96th GENERAL ASSEMBLY  
FIRST REGULAR SESSION  
STATE OF MISSOURI

Herewith I return to you **House Bill No. 15** entitled:

"AN ACT"

To appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2011.

On May 2, 2011, I approved said **House Bill No. 15**.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon  
Governor

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May 2, 2011

TO THE CHIEF CLERK OF THE  
HOUSE OF REPRESENTATIVES  
96th GENERAL ASSEMBLY  
FIRST REGULAR SESSION  
STATE OF MISSOURI

Herewith I return to you **House Committee Substitute for House Bill No. 174** entitled:

"AN ACT"

To repeal sections 172.030, 173.005, and 174.450, RSMo, and to enact in lieu thereof three new sections relating to higher education governing boards, with an existing penalty provision.

On May 2, 2011, I approved said **House Committee Substitute for House Bill No. 174**.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon  
Governor

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April 30, 2011

TO THE CHIEF CLERK OF THE  
HOUSE OF REPRESENTATIVES  
96th GENERAL ASSEMBLY  
FIRST REGULAR SESSION  
STATE OF MISSOURI

Herewith I return to you **Conference Committee Substitute for Senate Substitute for House Committee Substitute for House Bill No. 193** entitled:

"AN ACT"

To repeal sections 128.345, 128.346, and 128.348, RSMo, and to enact in lieu thereof eleven new sections relating to the composition of congressional districts.

I disapprove of **Conference Committee Substitute for Senate Substitute for House Committee Substitute for House Bill No. 193**. My reasons for disapproval are as follows:

**Conference Committee Substitute for Senate Substitute for House Committee Substitute for House Bill No. 193** does not adequately protect the interests of all Missourians. I have taken this action expeditiously in order to provide the General Assembly the opportunity to pass legislation with appropriate congressional district boundaries during the current legislative session.

In accordance with the above stated reasons for disapproval, I am returning **Conference Committee Substitute for Senate Substitute for House Committee Substitute for House Bill No. 193** without my approval.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon  
Governor

May 2, 2011

TO THE CHIEF CLERK OF THE  
HOUSE OF REPRESENTATIVES  
96th GENERAL ASSEMBLY  
FIRST REGULAR SESSION  
STATE OF MISSOURI

Herewith I return to you **Senate Substitute for Senate Committee Substitute for House Bill No. 209** entitled:

"AN ACT"

To repeal sections 67.402, 226.720, and 537.296, RSMo, and to enact in lieu thereof three new sections relating to nuisance actions, with penalty provisions.

I disapprove of **Senate Substitute for Senate Committee Substitute for House Bill No. 209**. My reasons for disapproval are as follows:

**Senate Substitute for Senate Committee Substitute for House Bill No. 209** is flawed because certain of its provisions apply to nuisances not related to crop or animal production, and because it prohibits recovery of punitive damages in nuisance actions emanating from property used for crop or animal production.

**Senate Substitute for Senate Committee Substitute for House Bill No. 209** is overbroad because it goes beyond its purported intent of addressing only agricultural nuisances. Section 537.296.3 of **Senate Substitute for Senate Committee Substitute for House Bill No. 209** converts a second temporary nuisance claim to a claim for permanent nuisance, but importantly, does not contain language limiting its application to nuisances emanating from crop or animal production. By contrast, the exclusive damages provision of **Senate Substitute for Senate Committee Substitute for House Bill No. 209** and the "good faith" abatement provision of **Senate Substitute for Senate Committee Substitute for House Bill No. 209** are expressly limited to "crop or animal production." By its own terms, therefore, the two lawsuit limitation in Section 537.296.3 applies to all types of nuisances and not just those relating to crop or animal production. Application of this provision beyond the purported intent of the bill, and the unintended consequences of this application, necessitates my disapproval.

Similarly, Section 537.296.5 of **Senate Substitute for Senate Committee Substitute for House Bill No. 209** makes substantive changes to standing requirements, but again does not contain language limiting it to nuisances emanating from crop or animal production. The omission of language limiting this provision to crop or animal production has the presumably unintended effect of making all manner of nuisances – those involving blasting, vehicle exhaust, noise, dust, or leaking gas tanks or oil lines, to name just a few – subject to the standing provision of this bill and making changes to nuisance law not contemplated by either the proponents or opponents of **Senate Substitute for Senate Committee Substitute for House Bill No. 209**.

Finally, **Senate Substitute for Senate Committee Substitute for House Bill No. 209** unacceptably prohibits punitive damages in a nuisance action arising out of crop or animal production. Under Missouri law, punitive damages are recoverable in a temporary nuisance action, i.e., where the nuisance is capable of abatement, and in a permanent nuisance action, i.e., where the nuisance cannot be abated. These damages are currently recoverable for agricultural and non-agricultural nuisances. Section 537.296.2 of **Senate Substitute for Senate Committee Substitute for House Bill No. 209** changes Missouri law to provide that the "exclusive damages" awardable in temporary and permanent nuisance actions emanating from crop or animal production are the reduction in fair rental value or fair market value, plus compensatory damages arising from a medical condition caused by the nuisance. This exclusivity provision does not contain an exception for punitive damages. On its face, therefore, **Senate Substitute for Senate Committee Substitute for House Bill No. 209** turns back decades of Missouri common law by prohibiting the recovery of punitive damages in an agricultural nuisance action. The recovery of punitive damages is an important tool to incent the abatement of noxious activity, and must continue to be available to persons aggrieved by a nuisance arising out of crop or animal production.



In accordance with the above stated reasons for disapproval, I am returning **Senate Substitute for Senate Committee Substitute for House Bill No. 209** without my approval.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon  
Governor

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May 2, 2011

TO THE CHIEF CLERK OF THE  
HOUSE OF REPRESENTATIVES  
96th GENERAL ASSEMBLY  
FIRST REGULAR SESSION  
STATE OF MISSOURI

Herewith I return to you **House Bill No. 358** entitled:

"AN ACT"

To repeal sections 86.252, 86.255, 86.256, 86.294, and 86.354, RSMo, and to enact in lieu thereof six new sections relating to police retirement.

On May 2, 2011, I approved said **House Bill No. 358**.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon  
Governor

**ADJOURNMENT**

On motion of Representative Jones (89), the House adjourned until 10:00 a.m., Tuesday, May 3, 2011.

**CORRECTIONS TO THE HOUSE JOURNAL**

**AFFIDAVITS**

I, State Representative Sue Allen, District 92, hereby state and affirm that my vote as recorded on Page 1636 of the Journal of the House for Wednesday, April 27, 2011, to third read and pass House Committee Substitute for Senate Bill No. 161, was incorrectly recorded as Aye. Pursuant to House Rule 89, I ask that the Journal be corrected to show that I voted No. I further state and affirm that I was present in the House Chamber at the time this vote was taken, I did vote on this motion, and my vote was incorrectly recorded.

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 2nd day of May 2011.

/s/ Susan Allen  
State Representative

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

Subscribed and sworn to before me this 2nd day of May in the year 2011.

/s/ Patricia G. Pleus  
Notary Public

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I, State Representative Anne Zerr, District 18, hereby state and affirm that my vote as recorded on Page 1636 of the Journal of the House for Wednesday, April 27, 2011, to third read and pass House Committee Substitute for Senate Bill No. 161, was incorrectly recorded as Aye. Pursuant to House Rule 89, I ask that the Journal be corrected to show that I voted Nay. I further state and affirm that I was present in the House Chamber at the time this vote was taken, I did vote on this motion, and my vote was incorrectly recorded.

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 2nd day of May 2011.

/s/ Anne Zerr  
State Representative

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

Subscribed and sworn to before me this 2nd day of May in the year 2011.

/s/ Patricia G. Pleus  
Notary Public

## **COMMITTEE MEETINGS**

### **AGRI-BUSINESS**

Tuesday, May 3, 2011, 8:00 AM House Hearing Room 4.  
Executive session may be held on any matter referred to the committee.  
**CANCELLED**

### **AGRI-BUSINESS**

Tuesday, May 3, 2011, 1:00 PM House Hearing Room 4.  
Public hearing will be held: SB 187  
Executive session will be held: SB 187  
Executive session may be held on any matter referred to the committee.

### **AGRICULTURE POLICY**

Tuesday, May 3, 2011, 12:00 PM House Hearing Room 6.  
Public hearing will be held: SCS SB 337  
Executive session may be held on any matter referred to the committee.  
We will have a presentation by the Rice Merchandising Council.

### **CONFERENCE COMMITTEE**

Tuesday, May 3, 2011, 9:30 AM Senate Lounge.  
Executive session will be held: SCS HCS HB 2, SCS HCS HB 3, SCS HCS HB 4,  
SCS HCS HB 5, SCS HCS HB 6, SCS HCS HB 7, SCS HCS HB 8, SCS HCS HB 9,  
SCS HCS HB 10, SCS HCS HB 11, SCS HCS HB 12, SCS HCS HB 13  
Executive session may be held on any matter referred to the committee.

CONFERENCE COMMITTEE

Wednesday, May 4, 2011, 8:30 AM Senate Lounge.

Executive session will be held: SCS HCS HB 2, SCS HCS HB 3, SCS HCS HB 4, SCS HCS HB 5, SCS HCS HB 6, SCS HCS HB 7, SCS HCS HB 8, SCS HCS HB 9, SCS HCS HB 10, SCS HCS HB 11, SCS HCS HB 12, SCS HCS HB 13

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

CONFERENCE COMMITTEE

Thursday, May 5, 2011, 8:30 AM Senate Lounge.

Executive session will be held: SCS HCS HB 2, SCS HCS HB 3, SCS HCS HB 4, SCS HCS HB 5, SCS HCS HB 6, SCS HCS HB 7, SCS HCS HB 8, SCS HCS HB 9, SCS HCS HB 10, SCS HCS HB 11, SCS HCS HB 12, SCS HCS HB 13

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

CONFERENCE COMMITTEE

Friday, May 6, 2011, 8:30 AM Senate Lounge.

Executive session will be held: SCS HCS HB 2, SCS HCS HB 3, SCS HCS HB 4, SCS HCS HB 5, SCS HCS HB 6, SCS HCS HB 7, SCS HCS HB 8, SCS HCS HB 9, SCS HCS HB 10, SCS HCS HB 11, SCS HCS HB 12, SCS HCS HB 13

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

CORRECTIONS

Tuesday, May 3, 2011, House Hearing Room 2 upon afternoon adjournment.

Informational dinner meeting following afternoon adjournment

ECONOMIC DEVELOPMENT

Tuesday, May 3, 2011, House Hearing Room 7 upon afternoon adjournment.

Executive session will be held: SCS SB 100

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

ELEMENTARY AND SECONDARY EDUCATION

Wednesday, May 4, 2011, 8:00 AM House Hearing Room 6.

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

FISCAL REVIEW

Wednesday, May 4, 2011, South Gallery upon morning recess.

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

All bills referred to the committee.

FISCAL REVIEW

Thursday, May 5, 2011, South Gallery upon morning recess.

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

All bills referred to the committee.

#### FISCAL REVIEW

Thursday, May 5, 2011, 8:30 AM South Gallery.

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

All bills referred to the committee.

#### GENERAL LAWS

Tuesday, May 3, 2011, 12:00 PM South Gallery.

Executive session will be held: SCS SB 300

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

CANCELLED

#### JOINT COMMITTEE ON EDUCATION

Tuesday, May 10, 2011, 8:30 AM Senate Lounge.

Election of chair and vice-chair, interim assignments

#### JUDICIARY

Wednesday, May 4, 2011, House Hearing Room 1, 12:00 PM or upon morning recess.

Public hearing will be held: SCS SB 213

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

#### LOCAL GOVERNMENT

Wednesday, May 4, 2011, 8:00 AM House Hearing Room 7.

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

#### RULES

Tuesday, May 3, 2011, House Hearing Room 6 upon afternoon adjournment.

Executive session will be held: HR 900

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

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

Tuesday, May 3, 2011, House Hearing Room 6 upon afternoon adjournment.

Executive session will be held: HB 200, HCS HB 446, HB 720, HB 740, HR 1826, SCR 7,

HCS SCS SB 29, SCS SB 54, HCS SB 59, HCS SB 61, SB 71, HCS#2 SB 97,

HCS SCS SB 117, HCS SS SB 118, HCS SCS SB 131, HCS SB 145, HCS SS SB 202,

HCS SS SB 226, SB 237, HCS SB 250, HCS SCS SB 270, HCS SB 284, HCS SB 322

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

CORRECTED

#### RURAL COMMUNITY DEVELOPMENT

Wednesday, May 4, 2011, 6:30 PM 3702 W. Truman Blvd.

Committee dinner

#### TOURISM AND NATURAL RESOURCES

Tuesday, May 3, 2011, 8:30 AM House Hearing Room 3.

Public hearing will be held: SCS SB 230

Executive session will be held: SCS SB 230

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

**TRANSPORTATION**

Tuesday, May 3, 2011, 12:00 PM House Hearing Room 7.

Public hearing will be held: HCR 53, SCS SBs 26 & 106

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

**UTILITIES**

Tuesday, May 3, 2011, 12:00 PM House Hearing Room 1.

Public hearing will be held: SB 48

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

**HOUSE CALENDAR**

SIXTY-FIFTH DAY, TUESDAY, MAY 3, 2011

**HOUSE JOINT RESOLUTIONS FOR PERFECTION**

- 1 HJR 14 - Cox
- 2 HCS HJR 8, as amended - Koenig
- 3 HJR 15 - Ruzicka

**HOUSE BILLS FOR PERFECTION**

- 1 HCS HB 329 - Diehl
- 2 HCS HB 131, as amended - Cox
- 3 HCS HB 100 - Loehner
- 4 HB 490 - Diehl
- 5 HCS HB 401 - Diehl
- 6 HB 655 - Lampe
- 7 HCS HB 657 - Allen
- 8 HCS HB 121 - Dugger
- 9 HCS HBs 303 & 239 - Davis
- 10 HCS HB 643 - May
- 11 HB 491 - Diehl
- 12 HB 364 - Parkinson
- 13 HCS HB 742 - Wyatt
- 14 HCS HB 212 - Thomson
- 15 HCS HB 613, as amended - Holsman
- 16 HB 686 - Richardson
- 17 HCS HB 688 - Pollock
- 18 HCS HB 716 - Wyatt
- 19 HB 741 - Bernskoetter
- 20 HCS HB 811 - Talboy
- 21 HCS HB 893 - Richardson
- 22 HB 924 - Nolte
- 23 HB 658 - Schatz
- 24 HCS HB 707 - Brown (50)
- 25 HCS HB 999 - Schad

**HOUSE CONCURRENT RESOLUTIONS FOR THIRD READING - INFORMAL**

- 1 HCR 9, (2-1-11, Page 277) - Barnes
- 2 HCR 19, (2-17-11, Pages 392-393) - Gatschenberger

**HOUSE BILLS FOR THIRD READING**

- 1 HB 305, with E.C. pending - Gatschenberger
- 2 HB 466 - Schoeller

**HOUSE CONCURRENT RESOLUTIONS**

- 1 HCR 38, (4-12-11, Page 1236) - Cierpiot
- 2 HCR 28, (4-7-11, Pages 1171-1172) - Nolte
- 3 HCR 41, (4-22-11, Pages 1595-1596) - Parkinson
- 4 HCR 48, (4-21-11, Pages 1429-1430) - Schatz

**SENATE BILLS FOR THIRD READING**

- 1 HCS#2 SB 3 - Diehl
- 2 HCS SS#2 SCS SB 8 - Fisher
- 3 SS SB 55 - Day
- 4 HCS SS SCS SB 58 - Denison
- 5 SB 101 - Nance
- 6 HCS SS SB 135, E.C. - Jones (89)
- 7 HCS SCS SB 163 - Thomson
- 8 HCS SB 173 - Cierpiot
- 9 HCS SB 207, (Fiscal Review 4-26-11) - Pollock
- 10 HCS SCS SB 219 - Wells
- 11 HCS SB 220 - Diehl
- 12 HCS SB 282 - Dugger
- 13 SS SB 306 - Wells
- 14 HCS SCS SB 57 - Gatschenberger
- 15 SB 83 - Wells
- 16 HCS#2 SB 96 - Fitzwater
- 17 HCS SB 145 - Gatschenberger
- 18 SB 165 - Cox

**HOUSE BILLS WITH SENATE AMENDMENTS**

- 1 SCS HB 798, HB 141, HB 153, HCS HB 363, HB 415 & HB 813 - Brown (85)
- 2 HCS HB 108, SCA 1 and SA 1 - Smith (150)
- 3 SCS HBs 307 & HB 812 - Gatschenberger
- 4 SCS HB 388 - Burlison
- 5 SCS HCS HB 631 - Grisamore
- 6 SCS HB 270, as amended - Burlison
- 7 SCS HB 142, as amended - Gatschenberger

- 8 SCS HB 186 - Entlicher
- 9 SCS HB 149 - Day
- 10 SS SCS HCS HBs 73 & 47, as amended - Brandom
- 11 SCS HB 256 - Cox
- 12 SCS HCS HB 214 - Zerr
- 13 SS SCS HB 137, as amended, E.C. - Thomson
- 14 SCS HCS HB 641 - Franz

**BILLS IN CONFERENCE**

- 1 SCS HCS HB 2 - Silvey
- 2 SCS HCS HB 3 - Silvey
- 3 SCS HCS HB 4 - Silvey
- 4 SCS HCS HB 5 - Silvey
- 5 SCS HCS HB 6 - Silvey
- 6 SCS HCS HB 7, as amended - Silvey
- 7 SCS HCS HB 8 - Silvey
- 8 SCS HCS HB 9 - Silvey
- 9 SCS HCS HB 10 - Silvey
- 10 SCS HCS HB 11 - Silvey
- 11 SCS HCS HB 12 - Silvey
- 12 SCS HCS HB 13 - Silvey

**VETOED HOUSE BILLS**

- 1 CCS SS HCS HB 193 - Diehl
- 2 SS SCS HB 209 - Guernsey