

# JOURNAL OF THE HOUSE

First Regular Session, 95th GENERAL ASSEMBLY

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SIXTEENTH DAY, WEDNESDAY, FEBRUARY 4, 2009

The House met pursuant to adjournment.

Speaker Pro Tem Pratt in the Chair.

Prayer by Reverend James Earl Jackson.

Heavenly Father, we find in the scriptures that You are able to make every grace abound to us, so that in every way, always having everything we need, we may excel in every good work. (*2 Corinthians 9:8*)

Almighty God, You know all things, and nothing is hidden from You – even the deepest intentions of our hearts. Your knowledge and authority rule over all the affairs of life, and Your ways govern over all our ways.

We thank You for providing more than we are able to provide; giving us more than we ever need. There is no limit to Your provision or to Your ability, so let Your grace blanket us; granting us the ability to legislate well. Generously give us more than we expect and allow us to abound with Your wisdom and direction so that we can make wise choices as we serve.

Now may You, Lord, comfort our hearts and establish us in every good word and work.

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

*(Portions from 77 Days of Prayer)*

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as an Honorary Page for the Day, to serve without compensation: Kija Zuroweste.

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

AYES: 151

Allen	Atkins	Aull	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 50	Brown 73
Brown 149	Bruns	Burlison	Calloway	Carter
Casey	Chappelle-Nadal	Colona	Corcoran	Cox
Cunningham	Curts	Davis	Day	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dugger
Dusenberg	El-Amin	Emery	Englund	Ervin
Faith	Fallert	Fischer 107	Fisher 125	Flanigan
Flook	Frame	Franz	Funderburk	Gatschenberger
Grill	Grisamore	Guernsey	Guest	Harris
Hobbs	Hodges	Holsman	Hoskins 80	Hoskins 121
Hummel	Icey	Jones 63	Jones 89	Jones 117
Keeney	Kelly	Kingery	Kirkton	Koenig

Komo	Kratky	Kraus	Kuessner	Lair
Lampe	Largent	Leara	LeBlanc	Liese
Lipke	McClanahan	McDonald	McGhee	McNary
McNeil	Meadows	Meiners	Molendorp	Morris
Munzlinger	Nance	Nasheed	Nieves	Nolte
Norr	Oxford	Pace	Parkinson	Parson
Pollock	Pratt	Quinn	Riddle	Roorda
Rucker	Ruestman	Ruzicka	Salva	Sander
Sater	Scavuzzo	Schaaf	Schad	Scharnhorst
Schieffer	Schlottach	Schoeller	Schoemehl	Schupp
Self	Shively	Silvey	Skaggs	Smith 14
Smith 150	Spreng	Stevenson	Still	Storch
Stream	Sutherland	Swinger	Thomson	Tilley
Todd	Tracy	Viebrock	Wallace	Walsh
Walton Gray	Wasson	Webb	Wells	Weter
Wildberger	Wilson 119	Wilson 130	Witte	Wood
Wright	Yaeger	Yates	Zerr	Zimmerman
Mr Speaker				

NOES: 008

Burnett	Hughes	Kander	LeVota	Low
Talboy	Vogt	Webber		

PRESENT: 000

ABSENT WITH LEAVE: 004

Cooper	Deeken	Dougherty	Loehner
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### **SPECIAL RECOGNITION**

The Webb City Cardinals High School Football Team was introduced by Representative Stevenson and recognized for attaining the 2008 Class 4 State Championship.

### **SECOND READING OF HOUSE JOINT RESOLUTIONS**

**HJR 24** and **HJR 25** were read the second time.

### **SECOND READING OF HOUSE BILLS**

**HB 562** through **HB 580** were read the second time.

Speaker Richard assumed the Chair.

### **PERFECTION OF HOUSE BILL**

**HB 191, with HCS**, relating to job development, was taken up by Representative Flook.

Speaker Pro Tem Pratt resumed the Chair.

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

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 191, Section A, Page 1, Line 4, by inserting after all of said line the following:

"99.1090. 1. A municipality shall submit an application to the department of economic development for review and determination as to approval of the disbursement of the project costs of one or more redevelopment projects from the downtown revitalization preservation fund. The department of economic development shall forward the application to the commissioner of the office of administration for approval. In no event shall any approval authorize a disbursement of one or more redevelopment projects from the downtown revitalization preservation fund which exceeds the allowable amount of other net new revenues derived from the redevelopment area. An application submitted to the department of economic development shall contain the following, in addition to the items set forth in section 99.1086:

(1) An estimate that one hundred percent of the local sales tax increment deposited to the special allocation fund must and will be used to pay redevelopment project costs or obligations issued to finance redevelopment project costs to achieve the objectives of the redevelopment plan. **Contributions to the development project from any private not-for-profit organization or local contributions from tax abatement or other sources may be substituted on a dollar-for-dollar basis for the local match of one hundred percent of payments in lieu of taxes and economic activity taxes from the fund;**

(2) Identification of the existing businesses located within the redevelopment project area and the redevelopment area;

(3) The aggregate baseline year amount of state sales tax revenues reported by existing businesses within the redevelopment project area. Provisions of section 32.057, RSMo, notwithstanding, municipalities will provide this information to the department of revenue for verification. The department of revenue will verify the information provided by the municipalities within forty-five days of receiving a request for such verification from a municipality;

(4) An estimate of the state sales tax increment within the redevelopment project area after redevelopment. The department of economic development shall have the discretion to exempt smaller projects from this requirement;

(5) An affidavit that is signed by the developer or developers attesting that the provision of subdivision (2) of subsection 2 of section 99.1086 has been met;

(6) The amounts and types of other net new revenues sought by the applicant to be disbursed from the downtown revitalization preservation fund over the term of the redevelopment plan;

(7) The methodologies and underlying assumptions used in determining the estimate of the state sales tax increment; and

(8) Any other information reasonably requested by the department of economic development.

2. The department of economic development shall make all reasonable efforts to process applications within a reasonable amount of time.

3. The department of economic development shall make a determination regarding the application for a certificate allowing disbursements from the downtown revitalization preservation fund and shall forward such determination to the commissioner of the office of administration. In no event shall the amount of disbursements from the downtown revitalization preservation fund approved for a project, in addition to any other state economic redevelopment funding or other state incentives, exceed the projected state benefit of the redevelopment project, as determined by the department of economic development through a cost-benefit analysis. Any political subdivision located either wholly or partially within the redevelopment area shall be permitted to submit information to the department of economic development for consideration in its cost-benefit analysis. Upon approval of downtown revitalization preservation financing, a certificate of approval shall be issued by the department of economic development containing the terms and limitations of the disbursement.

4. At no time shall the annual amount of other net new revenues approved for disbursements from the downtown revitalization preservation fund exceed fifteen million dollars.

5. Redevelopment projects receiving disbursements from the downtown revitalization preservation fund shall be limited to receiving such disbursements for twenty-five years. The approved term notwithstanding, downtown revitalization preservation financing shall terminate when redevelopment financing for a redevelopment project is terminated by a municipality.

6. The municipality shall deposit payments received from the downtown revitalization preservation redevelopment fund in a separate segregated account for other net new revenues within the special allocation fund.

7. Redevelopment project costs may include, at the prerogative of the state, the portion of salaries and expenses of the department of economic development and the department of revenue reasonably allocable to each redevelopment project approved for disbursements from the downtown revitalization preservation fund for the ongoing administrative

functions associated with such redevelopment project. Such amounts shall be recovered from new state revenues deposited into the downtown revitalization preservation fund created under section 99.1092.

8. A redevelopment project approved for downtown revitalization preservation financing shall not thereafter elect to receive tax increment financing under the real property tax increment allocation redevelopment act, sections 99.800 to 99.865, and continue to receive downtown revitalization financing under sections 99.1080 to 99.1092.

9. The department of economic development may establish the procedures and standards for the determination and approval of applications by the promulgation of rules and publish forms to implement the provisions of this section and section 99.1092.

10. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section and section 99.1092 shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section, section 99.1092, and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly under chapter 536, RSMo, 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, 2005, shall be invalid and void."; and

Further amend said page, Section 135.155, Page 2, Line 17, by inserting after the word "**county**" on said line the following:

**"or within the same municipality";** and

Further amend said bill, Section 620.1892, Page 25, Line 10, by striking the word "**tech**" from said line and inserting in lieu thereof the word "**technology**"; and

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

**"(3) Wages for new jobs created by the employer under this section shall be equal to or greater than the county average wage as defined in section 620.1878.";** and

Further amend said bill, Section 620.1893, Page 33, Line 260, by inserting after all of said line the following:

"Section B. Because immediate action is necessary to create job growth in the state of Missouri section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section A of this act shall be in full force and effect upon its passage and approval."; and

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

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

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

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 191, Section 620.1881, Page 21, Line 115, by inserting an open bracket "[" after the word "provided" on said line; and

Further amend said page, Lines 117 to 120, by striking all of said lines and inserting in lieu thereof the following:

"(a)] for each of the twenty-four months preceding the year in which application for the program is made the qualified company must have maintained **the lesser of one percent of the average number of total employees in the county in which the project is located during the previous twelve months or seven hundred fifty** [at least one thousand] full-time employees at the employer's site [in the state] at which the jobs are based, **the company agrees to maintain at least the number of full-time employees at the time of application during the period for which benefits**

are received, and the average wage of such employees must meet or exceed the county average wage[;] and the project meets one of the following conditions:"; and

Further amend said page, Line 121, by inserting an open bracket "[" before "(b)" on said line; and

Further amend said page, Line 124, by inserting the following immediately after "(c)" on said line:

"] (a)"; and

Further amend said page, Line 128, by inserting the word "or" after the semicolon ";" on said line; and

Further amend said page, Line 129, by striking "(d)" from said line and inserting in lieu thereof the following:

"[(d)] (b)"; and

Further amend said page, Line 133, by placing brackets around the semicolon ";" on said line; and

Further amend said page, Line 134, by striking "(e)" from said line and inserting in lieu thereof the following, "[e)"; and

Further amend said section, Page 22, Line 149, by placing brackets around the word "three"; and

Further amend said page, Line 150, by inserting the word "thirty" before the word "million" on said line; and

Further amend said page, Line 151, by striking the number "2013" from said line and inserting in lieu thereof the following, "[2013] 2015"; and

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

On motion of Representative Brandom, **House Amendment No. 2** was adopted by the following vote:

AYES: 149

Allen	Aull	Biermann	Bivins	Brandom
Bringer	Brown 30	Brown 50	Brown 73	Brown 149
Bruns	Burlison	Calloway	Carter	Casey
Chappelle-Nadal	Colona	Corcoran	Cox	Cunningham
Curls	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dougherty
Dugger	Dusenberg	El-Amin	Englund	Ervin
Faith	Fallert	Fisher 125	Flanigan	Flook
Frame	Franz	Funderburk	Gatschenberger	Grill
Grisamore	Guernsey	Guest	Hobbs	Hodges
Holsman	Hoskins 80	Hoskins 121	Hummel	Icet
Jones 63	Jones 89	Jones 117	Kander	Keeney
Kelly	Kingery	Kirkton	Koenig	Komo
Kratky	Kraus	Kuessner	Lair	Lampe
Largent	Leara	LeBlanc	LeVota	Liese
Lipke	Loehner	McClanahan	McDonald	McGhee
McNary	McNeil	Meadows	Meiners	Molendorp
Morris	Munzlinger	Nance	Nasheed	Nieves
Nolte	Norr	Pace	Parkinson	Parson
Pollock	Pratt	Quinn	Riddle	Roorda
Rucker	Ruestman	Ruzicka	Salva	Sander
Sater	Scavuzzo	Schaaf	Schad	Scharnhorst

Schieffer	Schlottach	Schoeller	Schoemehl	Self
Shively	Silvey	Skaggs	Smith 14	Smith 150
Spreng	Stevenson	Still	Storch	Stream
Sutherland	Swinger	Thomson	Tilley	Todd
Tracy	Viebrock	Wallace	Walsh	Walton Gray
Wasson	Webb	Wells	Weter	Wildberger
Wilson 119	Wilson 130	Witte	Wood	Wright
Yates	Zerr	Zimmerman	Mr Speaker	

NOES: 013

Atkins	Burnett	Emery	Fischer 107	Harris
Hughes	Low	Oxford	Schupp	Talboy
Vogt	Webber	Yaeger		

PRESENT: 000

ABSENT WITH LEAVE: 001

Cooper

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

Representative Jones (89) raised a point of order that **House Amendment No. 3** is not germane and goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

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

*House Amendment No. 4*

AMEND House Committee Substitute for House Bill No. 191, Section 620.1893, by deleting all of said section from bill and inserting in lieu thereof the following:

**"620.1893. 1. Subject to the requirements in subsections 2 to 5 of this section, the governing body of a municipality may establish a business, education, science, and technology district or "BEST district" in which business, education, science, and technology projects, or "BEST projects", may be implemented according to a business, education, science, and technology plan, or "BEST plan", by passing one or more ordinances establishing such BEST district and adopting such BEST projects and plan. The governing body shall not adopt a BEST project prior to adopting a BEST plan, and shall not adopt a BEST plan prior to establishing a BEST district, but the BEST district may be established and the BEST projects and plan may be adopted concurrently.**

**2. Each BEST plan shall set forth in writing a general description of the program, and shall include, but need not be limited to:**

**(1) A description of how the program will advance one or more targeted industry clusters, as defined by the department of commerce, within the BEST district, and how the program will integrate business, education, science, and technology within the BEST district;**

**(2) A description of the BEST district, including the existing businesses within the district;**

**(3) The estimated total BEST project costs, BEST eligible project costs, and the timetable for the BEST projects, including any project phasing;**

**(4) Land acquisition strategy;**

**(5) The anticipated sources, amounts, and timing of funds to pay the BEST eligible project costs and other BEST project costs, including any BEST revenues as set forth in subsection 8 of this section, any municipal funds as set forth in subdivision (5) of subsection 3 of this section, and any other sources of funds, including the percentage of all BEST project costs and BEST eligible project costs represented by each source of funds;**

- (6) Evidence of the commitments to finance the BEST project costs;
  - (7) The anticipated type and term of the obligations to be issued;
  - (8) The general land uses to apply in the BEST district;
  - (9) Proof of a commitment by at least one higher education institution, including, but not limited to universities, colleges, and community colleges, to have a significant physical presence in the BEST district, and a description of the educational resources that will be provided by the higher education institution in the BEST district, such as classrooms, curriculum, dedicated faculty, graduate students, and defined partnerships with target industry clusters;
  - (10) The base year of state sales tax revenues and the base year of state income tax withheld on behalf of existing employees, reported by existing businesses within the BEST district for the year prior to the year in which the governing body holds a public hearing under subsection 4 of this section to consider establishing the BEST district;
  - (11) The estimate of the incremental increase in the general revenue portion of state sales tax revenue and the estimate of the state income tax withheld by the employer on behalf of new employees expected to fill new jobs created within the BEST district after implementation of the BEST projects;
  - (12) An affidavit that is signed by the developer or developers attesting that the BEST plan would not be reasonably anticipated to be successful without the appropriation of BEST revenues, as defined in subsection 8 of this section;
  - (13) The North American Industry Classification System code characterizing the BEST plan and projects;
  - (14) The total number of individuals employed in the BEST district, broken down by full-time, part-time, and temporary positions;
  - (15) The total number of full-time equivalent positions in the BEST district;
  - (16) The current gross wages and state income tax withholdings for individuals employed in the BEST district;
  - (17) The number of new jobs to be created by any business benefiting from public expenditures in the BEST district, broken down by full-time, part-time, and temporary positions;
  - (18) The average hourly wage to be paid to all current and new employees at the project site, broken down by full-time, part-time, and temporary positions;
  - (19) For a BEST district located in a metropolitan statistical area, as defined by the federal Office of Management and Budget, the average hourly wage paid to non-managerial employees in this state for the industries involved in the BEST district, as established by the United States Bureau of Labor Statistics;
  - (20) For a BEST district located outside of metropolitan statistical areas, the average weekly wage paid to non-managerial employees in the county for industries involved in the BEST district, as established by the United States Department of Commerce;
  - (21) A list of other community and economic benefits to result from the project;
  - (22) A list of all development subsidies that any business benefiting from public expenditures in the BEST district has previously received for the BEST projects, and the name of any other granting body from which such subsidies are sought;
  - (23) A list of all other public investments made or to be made by this state or units of local government to support infrastructure or other needs generated by the BEST projects for which the funding under this section is being sought;
  - (24) A statement as to whether the BEST projects may reduce employment at any other site within the state resulting from automation, merger, acquisition, corporate restructuring, relocation, or other business activity;
  - (25) A statement as to whether or not the BEST projects involve the relocation of work from another address and if so, the number of jobs to be relocated and the address from which they are to be relocated;
  - (26) A report analyzing the resources potentially available to the BEST district in support of the BEST plan; and
  - (27) A certification by the chief officer of the applicant as to the accuracy of the BEST plan.
3. No BEST plan shall be adopted by a municipality without findings that:
- (1) The BEST plan conforms to the comprehensive plan for the development of the municipality as a whole;
  - (2) The estimated dates, which shall not be more than twenty-five years from the adoption of the ordinance approving a BEST project within a BEST district, of completion of any BEST project and retirement of obligations incurred to finance BEST project costs, provided that no ordinance approving a BEST project shall

be adopted later than ten years from the adoption of the ordinance approving the BEST plan under which such project is authorized;

(3) A plan has been developed for relocation assistance for businesses and residences;

(4) BEST revenues do not exceed fifty percent of the overall BEST project costs;

(5) Municipal funding, including funding from entities affiliated with the municipality, such as economic development corporations, will provide funds for the BEST project that constitute at least ten percent of the BEST eligible project costs and will be available to the BEST project within ten years following establishment of the BEST district;

(6) At least one higher education institution, including, but not limited to universities, colleges, and community colleges, has committed to having a significant physical presence in the BEST district, and plans to offer educational resources in the BEST district such as classrooms, curriculum, dedicated faculty, graduate students, and defined partnerships with target industry clusters; and

(7) If the proposed BEST district is not fully contiguous, the proposed district is sufficiently geographically cohesive to ensure that the district will feel and function as a fully contiguous district. Separation of real property by any roadway, whether public or private, or any public right of way, shall not disrupt the contiguous nature of such real property for purposes of this section. Any otherwise non-contiguous real property shall be deemed contiguous with the other real property in the proposed district if the governing body determines that inclusion of the non-contiguous real property would further the municipality's goals in establishing the district, as set forth in the ordinance establishing the district under subsection 1 of this section.

4. Prior to a municipality's establishment of a BEST district and adoption of a BEST plan and one or more BEST projects under subsection 1 of this section, the governing body shall hold a public hearing.

5. (1) Notice of the public hearing required by subsection 4 of this section shall be given by:

(a) Publication. Notice by publication shall be given by publication at least twice, the first publication to be not more than thirty days and the second publication to be not more than ten days prior to the hearing, in a newspaper of general circulation in the area of the proposed development;

(b) Mailing.

(2) The notices issued under this section shall include the following:

(a) The time and place of the public hearing;

(b) The general boundaries of the proposed BEST district or by street location, where possible;

(c) A statement that all interested persons shall be given an opportunity to be heard at the public hearing;

(d) A description of the proposed BEST plan or BEST project and a location and time where the entire plan or project proposal may be reviewed by any interested party; and

(e) Such other matters as the governing body may deem appropriate.

(3) Notice by mailing shall be given by depositing such notice in the United States mail by certified mail addressed to the person or persons in whose name the general taxes for the last preceding year were paid on each lot, block, tract, or parcel of land lying within the proposed BEST district. Such notice shall be mailed not less than ten days prior to the date set for the public hearing. In the event taxes for the last preceding year were not paid, the notice shall also be sent to the persons last listed on the tax rolls within the preceding three years as the owners of such property.

(4) Notice by mailing shall also be given not less than forty-five days prior to the date set for the public hearing to all taxing districts from which taxable property is included in the BEST district, and in addition to the other requirements under paragraph (a) of subdivision (1) of this subsection, the notice shall include an invitation to each taxing district to submit comments to the municipality's governing body concerning the subject matter of the hearing prior to the date of the hearing.

6. Following a municipality's establishment of a BEST district and adoption of a BEST plan and one or more BEST projects under subsection 1 of this section, the "BEST revenues", as defined in subsection 8 of this section, estimated for the businesses within the BEST district and identified by the municipality in the BEST plan adopted by the municipality, shall be available for appropriation by the general assembly from the general revenue fund to the department of economic development for distribution to the treasurer or other designated financial officer of the municipality.

7. The treasurer or other designated financial officer of the municipality shall deposit BEST revenues received from the department of economic development in a segregated fund known as a "BEST Projects Financing Fund". The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, RSMo, the state treasurer may approve disbursements. Upon appropriation, money in the fund shall be used solely for the administration of this section. Notwithstanding the provisions of section 33.080, RSMo, to the

contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

8. For purposes of this section, "BEST revenues" means:

(1) Half of the incremental increase in the general revenue portion of state sales tax revenues received under section 144.020, RSMo, excluding sales taxes that are constitutionally dedicated, taxes deposited to the school district trust fund in accordance with section 144.701, RSMo, sales and use taxes on motor vehicles, trailers, boats and outboard motors and future sales taxes earmarked by law. In no event shall the incremental increase include any amounts attributable to retail sales unless the municipality or authority has proven to the Missouri development finance board and the department of economic development and such entities have made a finding that 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 in the general revenue portion of state sales tax revenues for an existing or relocated facility shall be the amount that current state sales tax revenue exceeds the state sales tax revenue in the base year as stated in the BEST plan; and

(2) The state income tax withheld on behalf of new employees by the employers under section 143.221, RSMo, at the businesses located within the project as identified in the BEST plan. The state income tax withholding allowed by this section shall be the municipality's estimate of the amount of state income tax withheld by the employers within the BEST district for new employees who fill new jobs created in the BEST district.

9. No transfer under subsection 6 of this section from the general revenue fund to the department of economic development shall be made unless an appropriation is made from the general revenue fund for that purpose. No municipality shall commit any BEST revenues prior to an appropriation being made for particular BEST projects.

10. The initial appropriation of BEST revenues authorized under subsections 6 and 7 of this section shall not be made to or distributed by the department of economic development to a municipality until the director of the department of economic development or his or her designee have approved a BEST plan and projects that have been approved by a municipality under subsection 1 of this section, and that call for capture of BEST revenues for the benefit of the BEST plan and projects. The director of economic development or his or her designee shall approve a BEST plan and projects if they find that:

(1) The estimated dates, which shall not be more than twenty-five years from the adoption of the municipal ordinance approving a BEST project within a BEST district, of completion of any BEST project and retirement of obligations incurred to finance BEST project costs have been stated, provided that no ordinance approving a BEST project shall be adopted later than ten years from the adoption of the ordinance approving the BEST plan under which such project is authorized;

(2) BEST revenues do not exceed fifty percent of the total BEST project costs;

(3) Municipal funding, including funding from entities affiliated with the municipality, such as economic development corporations, will provide funds for the BEST project that constitute at least ten percent of the BEST eligible project costs and will be available to the BEST project within ten years following establishment of the BEST district;

(4) At least one higher education institution, including, but not limited to universities, colleges, and community colleges, has committed to having a significant physical presence in the BEST district, and plans to offer educational resources in the BEST district such as classrooms, curriculum, dedicated faculty, graduate students, and defined partnerships with target industry clusters; and

(5) The BEST plan and projects are financially feasible and would result in a net benefit to the state.

11. BEST revenues deposited in the BEST projects financing fund established by the municipality under subsection 7 of this section shall be used to directly pay for BEST eligible project costs or to provide reimbursement for BEST eligible project costs incurred either prior to or after the BEST district is established under this section, and shall include costs related to:

(1) Formation of a BEST district, drafting a BEST plan, and designing BEST projects, including but not limited to reasonable fees of architects, engineers, attorneys, and consultants, and any other reasonably related costs;

(2) Acquisition of land within the boundaries of the BEST district, including but not limited to associated surveyor costs, title related fees, legal fees, brokers' fees, feasibility studies, and other due diligence;

(3) Extension, expansion, and construction of all infrastructure serving the BEST district, including, but not limited to, water services, storm and sanitary sewers, electrical services, roads, sidewalks, and any public amenities;

(4) Developing public buildings and parking, including site preparation and construction; and

(5) Any other costs related to attracting private investment and creating new jobs within the BEST district.

12. Following the initial appropriation of BEST revenues under subsections 6 and 7 of this section and continuing until termination of the BEST district, the municipality shall annually submit a report to the department of economic development which shall provide an update of the BEST projects' timetables, status of municipal funding and other funding sources, including, but not limited to, the number of jobs created, the annual payroll, and the public and private capital investment in the BEST district.

13. This section shall not preclude the implementation of any other type of public incentives, including tax increment financing under sections 99.800 to 99.865, RSMo, community improvement districts under sections 67.1401 to 67.1571, RSMo, and transportation development districts under sections 238.200 to 238.280, RSMo.

14. The development of any BEST project, appropriations of BEST revenues under this section for such BEST project, and the retirement of obligations incurred to finance such BEST project shall not continue more than twenty-five years after a municipality's adoption of such BEST project by ordinance under subsection 1 of this section; provided that, no ordinance approving a BEST project shall be adopted later than ten years from the adoption of the ordinance approving the BEST plan under which such project is authorized.

15. A BEST project area from which BEST revenues may be collected after such BEST project receives all necessary municipal and state approvals under this section, including an appropriation by the general assembly, may include any real property located within the BEST district, regardless of what improvements, if any, are planned for such real property as part of the BEST project, as long as the inclusion of such real property is reasonably expected to contribute to the success of the BEST plan.

16. To expand a BEST district after the district has been established under subsection 1 of this section, the governing body of the municipality shall establish the expanded BEST district under the requirements in this section for establishing a BEST district and, to receive BEST revenues associated with the expanded portion of the BEST district, the provisions in this section applicable to securing an allocation of BEST revenues for a BEST district shall apply. For purposes of subsection 14 of this section, the expanded portion of the BEST district shall be deemed to have been established at the time of the establishment of the original BEST district.

17. BEST project costs may include, at the prerogative of a municipality or the state, the portion of salaries and expenses of the municipal government, the department of economic development, or the department of revenue reasonably allocable to each BEST project approved for disbursements from the department of economic development for the ongoing administrative functions associated with such BEST project. For municipalities, such amounts shall be recovered from BEST revenues deposited in the "BEST Projects Financing Fund". For the state, such amounts shall be recovered from BEST revenues deposited with the department of economic development under this section."; and

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

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

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

AMEND House Amendment No. 4 to House Committee Substitute for House Bill No. 191, Page 4, Line 9, by inserting after the word, "**authorized**" the following:

". **No BEST district shall have the power to acquire any real property by eminent domain**"; and

Further amend said section, Page 7, Line 23, by inserting after the word, "**authorized**" the following:

". **No BEST district shall have the power to acquire any real property by eminent domain**"; and

Further amend said section, Page 9, Line 9, by inserting after the word, "**authorized**" the following:

". **No BEST district shall have the power to acquire any real property by eminent domain**"; and

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

On motion of Representative Kelly, **House Amendment No. 1 to House Amendment No. 4** was adopted by the following vote:

AYES: 159

Allen	Atkins	Aull	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 50	Brown 73
Brown 149	Bruns	Burlison	Burnett	Calloway
Carter	Casey	Chappelle-Nadal	Colona	Corcoran
Cox	Cunningham	Curls	Davis	Day
Deeken	Denison	Dethrow	Dieckhaus	Diehl
Dixon	Dougherty	Dugger	Dusenberg	El-Amin
Emery	Englund	Ervin	Faith	Fallert
Fischer 107	Fisher 125	Flanigan	Flook	Frame
Franz	Funderburk	Gatschenberger	Grill	Grisamore
Guernsey	Guest	Harris	Hobbs	Hodges
Holsman	Hoskins 80	Hoskins 121	Hughes	Hummel
Icet	Jones 63	Jones 89	Jones 117	Kander
Keeney	Kelly	Kingery	Kirkton	Koenig
Komo	Kratky	Kraus	Kuessner	Lair
Lampe	Largent	Leara	LeBlanc	LeVota
Lipke	Loehner	Low	McClanahan	McDonald
McGhee	McNary	McNeil	Meadows	Meiners
Molendorp	Morris	Munzlinger	Nance	Nasheed
Nieves	Nolte	Norr	Oxford	Pace
Parkinson	Parson	Pollock	Pratt	Quinn
Riddle	Roorda	Rucker	Ruestman	Ruzicka
Salva	Sander	Sater	Scavuzzo	Schaaf
Schad	Scharnhorst	Schieffer	Schoeller	Schoemehl
Schupp	Self	Shively	Silvey	Skaggs
Smith 14	Smith 150	Spreng	Stevenson	Still
Storch	Stream	Sutherland	Swinger	Thomson
Tilley	Todd	Tracy	Viebrock	Vogt
Wallace	Walsh	Walton Gray	Wasson	Webb
Webber	Wells	Weter	Wildberger	Wilson 119
Wilson 130	Witte	Wood	Wright	Yaeger
Yates	Zerr	Zimmerman	Mr Speaker	

NOES: 000

PRESENT: 002

Liese Talboy

ABSENT WITH LEAVE: 002

Cooper Schlottach

Representative Calloway offered **House Amendment No. 2 to House Amendment No. 4**.

Representative Jones (89) raised a point of order that **House Amendment No. 2 to House Amendment No. 4** is not germane and goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

On motion of Representative Diehl, **House Amendment No. 4, as amended**, was adopted.

Representative Day offered **House Amendment No. 5**.

Representative Burnett raised a point of order that **House Amendment No. 5** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Wilson (119) offered **House Amendment No. 6**.

*House Amendment No. 6*

AMEND House Committee Substitute for House Bill No. 191, Section 135.680, Page 6, Line 144, by inserting after all of said line the following:

- "135.903. 1. To qualify as a rural empowerment zone, an area shall meet all the following criteria:
- (1) The area is one of pervasive poverty, unemployment, and general distress;
  - (2) At least sixty-five percent of the population has earned income below eighty percent of the median income of all residents within the state according to the last decennial census or other appropriate source as approved by the director;
  - (3) The population of the area is at least four hundred but not more than three thousand five hundred at the time of designation as a rural empowerment zone;
  - (4) The level of unemployment of persons, according to the most recent data available from the division of employment security or from the United States Bureau of Census and approved by the director, within the area exceeds one and one-half times the average rate of unemployment for the state of Missouri over the previous twelve months, or the percentage of area residents employed on a full-time basis is less than fifty percent of the statewide percentage of residents employed on a full-time basis;
  - (5) The area is situated more than ten miles from any existing rural empowerment zone;
  - (6) The area is situated in [a county of the third classification without a township form of government and with more than eight thousand nine hundred twenty-five but less than nine thousand twenty-five] **any county with eighteen thousand or fewer** inhabitants; and
  - (7) The area is not situated in an existing enterprise zone.
2. The governing body of any county in which an area may be designated a rural empowerment zone shall submit to the department an application showing that the area complies with the requirements of subsection 1 of this section. The department shall declare the area a rural empowerment zone if upon investigation the department finds that the area meets the requirements of subsection 1 of this section. If the area is found not to meet the requirements, the governing body shall have the opportunity to submit another application for designation as a rural empowerment zone and the department shall designate the area a rural empowerment zone if upon investigation the department finds that the area meets the requirements of subsection 1 of this section.
3. There shall be no more than two rural empowerment zones **per county** as created under sections 135.900 to 135.906 in existence at any time."; and

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

On motion of Representative Wilson (119), **House Amendment No. 6** was adopted.

Representative Webber offered **House Amendment No. 7**.

*House Amendment No. 7*

AMEND House Committee Substitute for House Bill No. 191, Page 6, Section 144.058, Line 2, by deleting after the word state "and local".

Representative Wasson offered **House Substitute Amendment No. 1 for House Amendment No. 7**.

*House Substitute Amendment No. 1  
for  
House Amendment No. 7*

AMEND House Committee Substitute for House Bill No. 191, Page 6, Section 144.058, Line 1, by deleting the words "**Beginning January 1, 2010,**"; and

Further amend said section, Page 6, Lines 6 through 8, by deleting said lines and inserting in lieu thereof the following:

**"telecommunication services, and machinery and equipment which is used or consumed by any person, firm, corporation, or partnership operating a business, which after August 28, 2009, relocates such business to a facility located within a portion of an underground mine that is not used for mining and contains at least two million square feet of space, provided such business facility is utilized for:"**; and

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

Representative LeVota raised a point of order that **House Substitute Amendment No. 1 for House Amendment No. 7** is not a true substitute amendment.

The Chair ruled the point of order not well taken.

Representative Nasheed offered **House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 7**.

*House Amendment No. 1  
to  
House Substitute Amendment No. 1  
for  
House Amendment No. 7*

AMEND House Substitute Amendment No. 1 for House Amendment No. 7 to House Committee Substitute for House Bill No. 191, by deleting the following, "two million" and insert the following, "five hundred thousand".

On motion of Representative Nasheed, **House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 7** was adopted.

Representative Webber offered **House Amendment No. 2 to House Substitute Amendment No. 1 for House Amendment No. 7**.

Representative Jones (89) raised points of order that **House Amendment No. 2 to House Substitute Amendment No. 1 for House Amendment No. 7** amends previously amended material and is in the third degree.

The Chair ruled the first point of order well taken and the second point of order not well taken.

On motion of Representative Wasson, **House Substitute Amendment No. 1 for House Amendment No. 7, as amended**, was adopted.

**HB 191, with HCS, as amended, pending**, was laid over.

On motion of Representative Tilley, the House recessed until 2:00 p.m.

#### AFTERNOON SESSION

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

#### HOUSE RESOLUTION

Representative Kirkton offered House Resolution No. 358.

#### HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 352 through House Resolution No. 357  
House Resolution No. 359 through House Resolution No. 370

#### PERFECTION OF HOUSE BILL

**HB 191, with HCS, as amended, pending**, relating to job development, was again taken up by Representative Flook.

Representative Frame offered **House Amendment No. 8**.

#### *House Amendment No. 8*

AMEND House Committee Substitute for House Bill No. 191, Page 2, Section 135.155, Line 17, by inserting after all of said line the following:

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

- (1) "Qualifying motor vehicle", any new self-propelled vehicle not operated exclusively upon tracks, except farm tractors, that is assembled and sold in this state on or after January 1, 2009;
- (2) "Tax credit", a credit against the tax otherwise due under chapter 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.265, RSMo, or otherwise due under chapter 147, 148, or 153, RSMo;
- (3) "Taxpayer", any individual or entity subject to the tax imposed in chapter 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.265, RSMo, or the tax imposed in chapter 147, 148, or 153, RSMo.

2. For all taxable years beginning on or after January 1, 2009, a taxpayer shall be allowed a tax credit for the purchase of a qualifying motor vehicle. The tax credit amount shall be equal to the amount of state sales tax paid on such qualifying motor vehicle. If the amount of the tax credit issued exceeds the amount of the taxpayer's state tax liability for the tax year for which the credit is claimed, the difference shall be refundable. No tax credit granted under this section shall be transferred, sold, or assigned.

3. This section shall not be construed to prohibit the levy of any local sales tax, as defined in section 32.085, RSMo, on any sales of new motor vehicles assembled and sold in the state on or after January 1, 2009.

In the event that any political subdivision has enacted a local sales tax on such sales, the political subdivision may, by order or ordinance, exempt such sales from the local sales tax law.

4. The department of revenue may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, 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, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, 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, 2009, shall be invalid and void.

5. Under section 23.253, RSMo, of the Missouri Sunset Act:

(1) The provisions of the new program authorized under this section shall automatically sunset on December thirty-first six years after the effective date of this section unless reauthorized by an act of the general assembly; and

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

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset."; and

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

On motion of Representative Frame, **House Amendment No. 8** was adopted by the following vote:

AYES: 162

Allen	Atkins	Aull	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 50	Brown 73
Brown 149	Bruns	Burlison	Burnett	Calloway
Carter	Casey	Chappelle-Nadal	Colona	Corcoran
Cox	Cunningham	Curls	Davis	Day
Deeken	Denison	Dethrow	Dieckhaus	Diehl
Dixon	Dougherty	Dugger	Dusenberg	El-Amin
Emery	Englund	Ervin	Faith	Fallert
Fischer 107	Fisher 125	Flanigan	Flook	Frame
Franz	Funderburk	Gatschenberger	Grill	Grisamore
Guernsey	Guest	Harris	Hobbs	Hodges
Holsman	Hoskins 80	Hoskins 121	Hughes	Hummel
Icet	Jones 63	Jones 89	Jones 117	Kander
Keeney	Kelly	Kingery	Kirkton	Koenig
Komo	Kratky	Kraus	Kuessner	Lair
Lampe	Largent	Leara	LeBlanc	LeVota
Liese	Lipke	Loehner	Low	McClanahan
McDonald	McGhee	McNary	McNeil	Meadows
Meiners	Molendorp	Morris	Munzlinger	Nance
Nasheed	Nieves	Nolte	Norr	Oxford
Pace	Parkinson	Parson	Pollock	Pratt
Quinn	Riddle	Roorda	Rucker	Ruestman
Ruzicka	Salva	Sander	Sater	Scavuzzo
Schaaf	Schad	Scharnhorst	Schieffer	Schlottach
Schoeller	Schoemehl	Schupp	Self	Shively
Silvey	Skaggs	Smith 14	Smith 150	Spreng
Stevenson	Still	Storch	Stream	Sutherland
Swinger	Talboy	Thomson	Tilley	Todd
Tracy	Viebrock	Vogt	Wallace	Walsh
Walton Gray	Wasson	Webb	Webber	Wells

Weter	Wildberger	Wilson 119	Wilson 130	Witte
Wood	Wright	Yaeger	Yates	Zerr
Zimmerman	Mr Speaker			

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 001

Cooper

## Representative Corcoran offered **House Amendment No. 9.**

### *House Amendment No. 9*

AMEND House Committee Substitute for House Bill No. 191, Section 348.274, Page 11, Line 134, by inserting after all of said line the following:

- "620.495. 1. This section shall be known as the "Small Business Incubators Act".
2. As used in this section, unless the context clearly indicates otherwise, the following words and phrases shall mean:
- (1) "Department", the department of economic development;
  - (2) "Incubator", a program in which small units of space may be leased by a tenant and in which management maintains or provides access to business development services for use by tenants or a program without infrastructure in which participants avail themselves of business development services to assist in the growth of their start-up small businesses;
  - (3) "Local sponsor" or "sponsor", an organization which enters into a written agreement with the department to establish, operate and administer a small business incubator program or to provide funding to an organization which operates such a program;
  - (4) "Participant", a sole proprietorship, business partnership or corporation operating a business for profit through which the owner avails himself or herself of business development services in an incubator program;
  - (5) "Tenant", a sole proprietorship, business partnership or corporation operating a business for profit and leasing or otherwise occupying space in an incubator.
3. There is hereby established under the direction of the department a loan, loan guarantee and grant program for the establishment, operation and administration of small business incubators, to be known as the "Small Business Incubator Program". A local sponsor may submit an application to the department to obtain a loan, loan guarantee or grant to establish an incubator. Each application shall:
- (1) Demonstrate that a program exists that can be transformed into an incubator at a specified cost;
  - (2) Demonstrate the ability to directly provide or arrange for the provision of business development services for tenants and participants of the incubator. These services shall include, but need not be limited to, financial consulting assistance, management and marketing assistance, business education, and physical services;
  - (3) Demonstrate a potential for sustained use of the incubator program by eligible tenants and participants, through a market study or other means;
  - (4) Demonstrate the ability to manage and operate the incubator program;
  - (5) Include such other information as the department may require through its guidelines.
4. The department shall review and accept applications based on the following criteria:
- (1) Ability of the local sponsor to carry out the provisions of this section;
  - (2) Economic impact of the incubator on the community;
  - (3) Conformance with areawide and local economic development plans, if such exist;
  - (4) Location of the incubator, in order to encourage geographic distribution of incubators across the state.
5. Loans, loan guarantees and grants shall be administered in the following manner:
- (1) Loans awarded or guaranteed and grants awarded shall be used only for the acquisition and leasing of land and existing buildings, the rehabilitation of buildings or other facilities, construction of new facilities, the purchase of equipment and furnishings which are necessary for the creation and operation of the incubator, and business development services including, but not limited to, business management advising and business education;

- (2) Loans, loan guarantees and grants may not exceed fifty percent of total eligible project costs;
- (3) Payment of interest and principal on loans may be deferred at the discretion of the department.

6. A local sponsor, or the organization receiving assistance through the local sponsor, shall have the following responsibilities and duties in establishing and operating an incubator with assistance from the small business incubator program:

- (1) Secure title on a facility for the program or a lease of a facility for the program;
- (2) Manage the physical development of the incubator program, including the provision of common conference or meeting space;
- (3) Furnish and equip the program to provide business services to the tenants and participants;
- (4) Market the program and secure eligible tenants and participants;
- (5) Provide financial consulting, marketing and management assistance services or arrange for the provision of these services for tenants and participants of the incubator, including assistance in accessing private financial markets;
- (6) Set rental and service fees;
- (7) Encourage the sharing of ideas between tenants and participants and otherwise aid the tenants and participants in an innovative manner while they are within the incubator;
- (8) Establish policies and criteria for the acceptance of tenants and participants into the incubator and for the termination of occupancy of tenants so as to maximize the opportunity to succeed for the greatest number of tenants, consistent with those specified in this section.

7. The department:

- (1) May adopt such rules, statements of policy, procedures, forms and guidelines as may be necessary for the implementation of this section;
- (2) May make loans, loan guarantees and grants to local sponsors for incubators;
- (3) Shall ensure that local sponsors receiving loans, loan guarantees or grants meet the conditions of this section;
- (4) Shall receive and evaluate annual reports from local sponsors. Such annual reports shall include, but need not be limited to, a financial statement for the incubator, evidence that all tenants and participants in the program are eligible under the terms of this section, and a list of companies in the incubator.

8. The department of economic development is also hereby authorized to review any previous loans made under this program and, where appropriate in the department's judgment, convert such loans to grant status.

9. On or before January first of each year, the department shall provide a report to the governor, the chief clerk of the house of representatives and the secretary of the senate which shall include, but need not be limited to:

- (1) The number of applications for incubators submitted to the department;
- (2) The number of applications for incubators approved by the department;
- (3) The number of incubators created through the small business incubator program;
- (4) The number of tenants and participants engaged in each incubator;
- (5) The number of jobs provided by each incubator and tenants and participant of each incubator;
- (6) The occupancy rate of each incubator;
- (7) The number of firms still operating in the state after leaving incubators and the number of jobs they have provided.

10. There is hereby established in the state treasury a special fund to be known as the "Missouri Small Business Incubators Fund", which shall consist of all moneys which may be appropriated to it by the general assembly, and also any gifts, contributions, grants or bequests received from federal, private or other sources. Moneys for loans, loan guarantees and grants under the small business incubator program may be obtained from appropriations made by the general assembly from the Missouri small business incubators fund. Any moneys remaining in the Missouri small business incubators fund at the end of any fiscal year shall not lapse to the general revenue fund, as provided in section 33.080, RSMo, but shall remain in the Missouri small business incubators fund.

11. For any taxable year beginning after December 31, 1989, a taxpayer, 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, RSMo, shall be entitled to a tax credit against any tax otherwise due under the provisions of chapter 143, RSMo, or chapter 147, RSMo, or chapter 148, RSMo, excluding withholding tax imposed by sections 143.191 to 143.265, RSMo, in the amount of fifty percent of any amount contributed by the taxpayer to the Missouri small business incubators fund during the taxpayer's tax year or any contribution by the taxpayer to a local sponsor after the local sponsor's application has been accepted and approved by the department. The tax credit allowed by this subsection shall be claimed by the taxpayer at the time he files his return and shall be applied against the income tax liability imposed by chapter 143, RSMo, or chapter 147, RSMo, or chapter 148, RSMo, after all other credits provided by law have been applied. That portion of earned tax credits which exceeds

the taxpayer's tax liability may be carried forward for up to five years. The aggregate of all tax credits authorized under this section shall not exceed [five hundred thousand] **one million** dollars in any taxable year.

12. Notwithstanding any provision of Missouri law to the contrary, any taxpayer may sell, assign, exchange, convey or otherwise transfer tax credits allowed in subsection 11 of this section under the terms and conditions prescribed in subdivisions (1) and (2) of this subsection. Such taxpayer, hereinafter the assignor for the purpose of this subsection, 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.

The taxpayer acquiring earned credits, hereinafter the assignee for the purpose of this subsection, may use the acquired credits to offset up to one hundred percent of the tax liabilities otherwise imposed by chapter 143, RSMo, or chapter 147, RSMo, or chapter 148, RSMo, excluding withholding tax imposed by sections 143.191 to 143.265, RSMo. Unused credits in the hands of the assignee may be carried forward for up to five years. The assignor shall enter into a written agreement with the assignee establishing the terms and conditions of the agreement and shall perfect such transfer by notifying the department of economic development in writing within thirty calendar days following the effective day of the transfer and shall provide any information as may be required by the department of economic development to administer and carry out the provisions of this section. The director of the department of economic development shall prescribe the method for submitting applications for claiming the tax credit allowed under subsection 11 of this section and shall, if the application is approved, certify to the director of revenue that the taxpayer claiming the credit has satisfied all the requirements specified in this section and is eligible to claim the credit."; and

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

On motion of Representative Corcoran, **House Amendment No. 9** was adopted by the following vote:

AYES: 162

Allen	Atkins	Aull	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 50	Brown 73
Brown 149	Bruns	Burlison	Burnett	Calloway
Carter	Casey	Chappelle-Nadal	Colona	Corcoran
Cox	Cunningham	Curls	Davis	Day
Deeken	Denison	Dethrow	Dieckhaus	Diehl
Dixon	Dougherty	Dugger	Dusenberg	El-Amin
Emery	Englund	Ervin	Faith	Fallert
Fischer 107	Fisher 125	Flanigan	Flook	Frame
Franz	Funderburk	Gatschenberger	Grill	Grisamore
Guernsey	Guest	Harris	Hobbs	Hodges
Holsman	Hoskins 80	Hoskins 121	Hughes	Hummel
Icet	Jones 63	Jones 89	Jones 117	Kander
Keeney	Kelly	Kingery	Kirkton	Koenig
Komo	Kratky	Kraus	Kuessner	Lair
Lampe	Largent	Leara	LeBlanc	LeVota
Liese	Lipke	Loehner	Low	McClanahan
McDonald	McGhee	McNary	McNeil	Meadows
Meiners	Molendorp	Morris	Munzlinger	Nance
Nasheed	Nieves	Nolte	Norr	Oxford
Pace	Parkinson	Parson	Pollock	Pratt
Quinn	Riddle	Roorda	Rucker	Ruestman
Ruzicka	Salva	Sander	Sater	Scavuzzo
Schaaf	Schad	Scharnhorst	Schieffer	Schlottach
Schoeller	Schoemehl	Schupp	Self	Shively
Silvey	Skaggs	Smith 14	Smith 150	Spreng
Stevenson	Still	Storch	Stream	Sutherland
Swinger	Talboy	Thomson	Tilley	Todd

Tracy	Viebrock	Vogt	Wallace	Walsh
Walton Gray	Wasson	Webb	Webber	Wells
Weter	Wildberger	Wilson 119	Wilson 130	Witte
Wood	Wright	Yaeger	Yates	Zerr
Zimmerman	Mr Speaker			

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 001

Cooper

Representative Skaggs offered **House Amendment No. 10**.

*House Amendment No. 10*

AMEND House Committee Substitute for House Bill No. 191, Page 33, Section 620.1893, by inserting after said section:

**"The Department of Economic Development shall report to the legislature salary differentials between management and average employees of the companies that participate in tax credit programs listed in 135.800."**

Representative Lampe offered **House Amendment No. 1 to House Amendment No. 10**.

Representative Jones (89) raised a point of order that **House Amendment No. 1 to House Amendment No. 10** goes beyond the scope of the underlying amendment.

The Chair ruled the point of order well taken.

Representative Skaggs moved that **House Amendment No. 10** be adopted.

Which motion was defeated by the following vote:

AYES: 073

Atkins	Aull	Biermann	Bringer	Brown 50
Brown 73	Burnett	Calloway	Carter	Casey
Chappelle-Nadal	Colona	Corcoran	Curls	Dougherty
El-Amin	Englund	Fallert	Fischer 107	Frame
Grill	Harris	Hodges	Holsman	Hoskins 80
Hughes	Hummel	Jones 63	Kander	Kelly
Kirkton	Komo	Kratky	Kuessner	Lampe
LeBlanc	LeVota	Liese	Low	McClanahan
McDonald	McNeil	Meadows	Meiners	Morris
Nasheed	Norr	Oxford	Pace	Quinn
Roorda	Rucker	Salva	Scavuzzo	Schieffer
Schoemehl	Schupp	Shively	Skaggs	Still
Storch	Swinger	Talboy	Todd	Vogt
Walsh	Walton Gray	Webb	Webber	Wildberger
Witte	Yaeger	Zimmerman		

NOES: 088

Allen	Bivins	Brandom	Brown 30	Brown 149
Bruns	Burlison	Cox	Cunningham	Davis
Day	Deeken	Denison	Dethrow	Dieckhaus
Diehl	Dixon	Dugger	Dusenberg	Emery
Ervin	Faith	Fisher 125	Flanigan	Flook
Franz	Funderburk	Gatschenberger	Grisamore	Guernsey
Guest	Hobbs	Hoskins 121	Icet	Jones 89
Jones 117	Keeney	Kingery	Koenig	Kraus
Lair	Largent	Leara	Lipke	Loehner
McGhee	McNary	Molendorp	Munzlinger	Nance
Nieves	Nolte	Parkinson	Parson	Pollock
Pratt	Riddle	Ruestman	Ruzicka	Sander
Sater	Schaaf	Schad	Scharnhorst	Schlottach
Schoeller	Self	Silvey	Smith 14	Smith 150
Stevenson	Stream	Sutherland	Thomson	Tilley
Tracy	Viebrock	Wallace	Wasson	Wells
Weter	Wilson 119	Wilson 130	Wood	Wright
Yates	Zerr	Mr Speaker		

PRESENT: 000

ABSENT WITH LEAVE: 002

Cooper                      Spreng

Representative Holsman requested a division of the question on **HCS HB 191, as amended**.

Representative Talboy offered **House Amendment No. 1 to Part I**.

Representative Jones (89) raised a point of order that **House Amendment No. 1** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

On motion of Representative Flook, **Part I of HCS HB 191, as amended**, was adopted.

Speaker Richard resumed the Chair.

On motion of Representative Flook, **Part II of HCS HB 191** was adopted by the following vote:

AYES: 121

Atkins	Aull	Bivins	Brandom	Brown 50
Brown 73	Brown 149	Bruns	Burnett	Calloway
Carter	Chappelle-Nadal	Colona	Corcoran	Cox
Cunningham	Curls	Day	Deeken	Denison
Dieckhaus	Diehl	Dougherty	El-Amin	Emery
Englund	Faith	Fisher 125	Flanigan	Flook
Frame	Franz	Funderburk	Gatschenberger	Grill
Guernsey	Guest	Hobbs	Holsman	Hoskins 80
Hoskins 121	Hughes	Icet	Jones 63	Jones 89

Jones 117	Kander	Keeney	Kelly	Kingery
Kirkton	Koenig	Komo	Kuessner	Lair
Lampe	Largent	Leara	LeBlanc	LeVota
Lipke	Loehner	Low	McClanahan	McDonald
McGhee	McNary	McNeil	Meiners	Molendorp
Morris	Munzlinger	Nance	Nasheed	Nieves
Nolte	Norr	Oxford	Pace	Parkinson
Parson	Rucker	Ruestman	Ruzicka	Salva
Schaaf	Schad	Scharnhorst	Schlottach	Schoeller
Schupp	Silvey	Smith 14	Smith 150	Spreng
Stevenson	Still	Storch	Stream	Sutherland
Talboy	Thomson	Tilley	Viebrock	Vogt
Wallace	Walsh	Walton Gray	Wasson	Webb
Webber	Weter	Wildberger	Wilson 119	Wilson 130
Witte	Wright	Yaeger	Zerr	Zimmerman
Mr Speaker				

NOES: 039

Allen	Biermann	Bringer	Brown 30	Burlison
Casey	Davis	Dethrow	Dugger	Dusenberg
Ervin	Fallert	Fischer 107	Grisamore	Harris
Hodges	Hummel	Kratky	Kraus	Liese
Meadows	Pollock	Pratt	Quinn	Riddle
Roorda	Sander	Sater	Scavuzzo	Schieffer
Schoemehl	Self	Shively	Skaggs	Swinger
Tracy	Wells	Wood	Yates	

PRESENT: 000

ABSENT WITH LEAVE: 003

Cooper	Dixon	Todd
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On motion of Representative Flook, **Part III of HCS HB 191, as amended**, was adopted by the following vote:

AYES: 142

Allen	Aull	Biermann	Bivins	Brandom
Brown 30	Brown 50	Brown 73	Brown 149	Bruns
Burlison	Carter	Chappelle-Nadal	Colona	Corcoran
Cox	Cunningham	Curls	Davis	Day
Deeken	Denison	Dethrow	Dieckhaus	Diehl
Dixon	Dougherty	Dugger	Dusenberg	El-Amin
Emery	Englund	Ervin	Faith	Fallert
Fischer 107	Fisher 125	Flanigan	Flook	Franz
Funderburk	Gatschenberger	Grill	Grisamore	Guernsey
Guest	Hobbs	Hodges	Holsman	Hoskins 80
Hoskins 121	Hughes	Hummel	Icet	Jones 63
Jones 89	Jones 117	Kander	Keeney	Kelly
Kingery	Koenig	Komo	Kratky	Kraus
Kuessner	Lair	Lampe	Largent	Leara
LeBlanc	LeVota	Liese	Lipke	Loehner
McClanahan	McDonald	McGhee	McNary	Meadows
Meiners	Molendorp	Morris	Munzlinger	Nance
Nasheed	Nieves	Nolte	Norr	Parkinson

Parson	Pollock	Pratt	Riddle	Rucker
Ruestman	Ruzicka	Salva	Sander	Sater
Scavuzzo	Schaaf	Schad	Scharnhorst	Schlottach
Schoeller	Schoemehl	Self	Shively	Silvey
Smith 14	Smith 150	Sprenge	Stevenson	Storch
Stream	Sutherland	Swinger	Talboy	Thomson
Tilley	Tracy	Viebrock	Vogt	Wallace
Walsh	Walton Gray	Wasson	Webb	Wells
Weter	Wildberger	Wilson 119	Wilson 130	Witte
Wood	Wright	Yaeger	Yates	Zerr
Zimmerman	Mr Speaker			

NOES: 016

Atkins	Bringer	Burnett	Casey	Frame
Harris	Kirkton	Low	McNeil	Oxford
Pace	Schieffer	Schupp	Skaggs	Still
Webber				

PRESENT: 000

ABSENT WITH LEAVE: 005

Calloway	Cooper	Quinn	Roorda	Todd
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On motion of Representative Flook, **Part IV of HCS HB 191** was adopted.

Representative Roorda offered **House Amendment No. 1 to Part V**.

Representative Jones (89) raised a point of order that **House Amendment No. 1** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Still offered **House Amendment No. 2 to Part V**.

Representative Jones (89) raised a point of order that **House Amendment No. 2** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative McNeil offered **House Amendment No. 3 to Part V**.

*House Amendment No. 3*

AMEND Part V of House Committee Substitute for House Bill No. 191, Page 27, Section 620.1893, Line 29, by inserting after the word "**students**," the words "**trained technical students**,".

Representative Meadows offered **House Amendment No. 1 to House Amendment No. 3 to Part V**.

Representative Tracy raised a point of order that **House Amendment No. 1 to House Amendment No. 3** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative McNeil moved that **House Amendment No. 3 to Part V** be adopted.

Which motion was defeated by the following vote:

AYES: 072

Atkins	Aull	Biermann	Bringer	Brown 50
Brown 73	Burnett	Calloway	Carter	Casey
Chappelle-Nadal	Colona	Corcoran	Curls	Dougherty
El-Amin	Englund	Fallert	Fischer 107	Frame
Grill	Harris	Hodges	Holsman	Hoskins 80
Hughes	Hummel	Jones 63	Kander	Kelly
Kirkton	Komo	Kratky	Kuessner	Lampe
LeBlanc	LeVota	Liese	Low	McClanahan
McDonald	McNeil	Meadows	Meiners	Morris
Nasheed	Norr	Oxford	Pace	Quinn
Roorda	Rucker	Salva	Scavuzzo	Schieffer
Schoemehl	Schupp	Shively	Skaggs	Spreng
Still	Storch	Swinger	Vogt	Walsh
Walton Gray	Webb	Webber	Wildberger	Witte
Yaeger	Zimmerman			

NOES: 087

Allen	Bivins	Brandom	Brown 30	Brown 149
Bruns	Burlison	Cox	Cunningham	Davis
Day	Deeken	Denison	Dethrow	Dieckhaus
Diehl	Dixon	Dugger	Dusenberg	Emery
Ervin	Faith	Fisher 125	Flanigan	Flook
Franz	Funderburk	Gatschenberger	Grisamore	Guernsey
Guest	Hobbs	Hoskins 121	Icet	Jones 89
Jones 117	Keeney	Kingery	Koenig	Kraus
Lair	Largent	Leara	Lipke	Loehner
McGhee	McNary	Molendorp	Munzlinger	Nance
Nieves	Nolte	Parkinson	Parson	Pollock
Pratt	Riddle	Ruestman	Ruzicka	Sander
Sater	Schaaf	Schad	Scharnhorst	Schlottach
Schoeller	Self	Silvey	Smith 14	Smith 150
Stevenson	Stream	Thomson	Tilley	Tracy
Viebrock	Wallace	Wasson	Wells	Weter
Wilson 119	Wilson 130	Wood	Wright	Yates
Zerr	Mr Speaker			

PRESENT: 001

Talboy

ABSENT WITH LEAVE: 003

Cooper	Sutherland	Todd
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Representative Oxford offered **House Amendment No. 4 to Part V**.

Representative Flook raised points of order that **House Amendment No. 4** is improperly drafted, is not germane and is dilatory.

The Chair ruled the third point of order well taken.

On motion of Representative Flook, **Part V of HCS HB 191, as amended**, was adopted.

Speaker Pro Tem Pratt resumed the Chair.

On motion of Representative Flook, **HCS HB 191, as amended**, was ordered perfected and printed.

### **REFERRAL OF HOUSE BILL**

The following House Bill was referred to the Committee indicated:

**HCS HB 191** - Fiscal Review (Fiscal Note)

### **INTRODUCTION OF HOUSE CONCURRENT RESOLUTION**

The following House Concurrent Resolution was read the first time and copies ordered printed:

**HCR 21**, introduced by Representatives Talboy, Kander, Oxford, Webb, McNeil, Colona, Walton Gray, Morris, Chappelle-Nadal, Brown (73), Pace, Lampe, Schupp, Hughes, Kelly, Low and Burnett, relating to the ratification of the Equal Rights Amendment to the United States Constitution.

### **INTRODUCTION OF HOUSE BILLS**

The following House Bills were read the first time and copies ordered printed:

**HB 581**, introduced by Representative Harris, relating to orders of protection.

**HB 582**, introduced by Representatives Talboy, Zimmerman, Spreng, Norr, Still, Storch, Kirkton, Vogt, Calloway, Wildberger, Burnett, Atkins, McNeil, Walsh, Corcoran, Brown (50), Schupp, Yaeger, Morris, Englund, Rucker, Holsman, Hummel, Schoemehl, Webber, Komo, Jones (63), Carter, Casey, Webb, El-Amin, Hughes, Low, Kander, Oxford, Nasheed, Colona, Sater, Pace, Chappelle-Nadal, Brown (73), Walton Gray and LeVota, relating to discrimination based on sexual orientation.

**HB 583**, introduced by Representatives Talboy, Low, Spreng, Colona, Walton Gray, Chappelle-Nadal, Lampe, Grill and Hughes, relating to animal neglect.

**HB 584**, introduced by Representatives Talboy, Low, Walton Gray, Morris, Chappelle-Nadal, Pace, Atkins, Jones (63), Oxford, Webb, McNeil, Colona, Brown (73), Lampe, Schupp, Still, Zimmerman, Kirkton, Storch, Nasheed, Calloway, Carter, Kander, Norr, Hughes, Komo, Curls, LeBlanc and Webber, relating to the duty of a pharmacy to fill prescriptions.

**HB 585**, introduced by Representatives Talboy, Oxford, Nasheed, Atkins, Zimmerman, Hughes, Roorda, Holsman, Kander, Webber, Burnett and Low, relating to the designation of Cesar E. Chavez day.

**HB 586**, introduced by Representatives Talboy, Hughes, Walton Gray, Morris, Chappelle-Nadal, Pace, Atkins, Englund, Meiners, Burnett, Dougherty, Schieffer, Curls, LeVota, Low and Holsman, relating to unauthorized disclosure of medical information.

**HB 587**, introduced by Representatives Talboy, Schieffer, Fischer (107), Oxford, Webb, Nasheed, Colona, Walton Gray, Morris, Brown (73), Pace, Lampe, Zimmerman, Hughes, Curls, Low, Holsman and Burnett, relating to election procedures.

**HB 588**, introduced by Representatives Talboy, Burnett, Walton Gray, Jones (117), Hughes, Meiners, Curls, Holsman, Low and Skaggs, relating to the duties of the board of probation and parole.

**HB 589**, introduced by Representatives Talboy, Jones (117), Colona, Walton Gray, Pace, Englund, Hughes, Burnett, Curls, Low, Skaggs and Holsman, relating to eyewitness identification.

**HB 590**, introduced by Representatives Sutherland, Grisamore and Grill, relating to a license plate for the Missouri Bicycle Federation.

**HB 591**, introduced by Representatives Sutherland, Jones (89), Nieves, Smith (14), Schieffer, Ervin, Schoeller, Dougherty, Wilson (119), Flook and Bivins, relating to property tax levies.

**HB 592**, introduced by Representatives Dethrow, Schad, Sater, Cooper, Franz, Pollock, Yates, Kuessner, Wallace, Wells, Weter, Ervin, Dusenberg, Schlottach, Wasson, Emery and Lampe, relating to the mandatory sale of fuel ethanol-blended gasoline.

**HB 593**, introduced by Representative Viebrock, relating to investments by the board of trustees of police and firemen's pension systems.

**HB 594**, introduced by Representatives Loehner, Scharnhorst, Schad, Nance, Sater, Bruns, Deeken, Chappelle-Nadal, Pollock, Guernsey, Cox, Jones (117), Jones (89), Wilson (119), Schlottach, Franz, Nasheed, Kuessner, McGhee and Hodges, relating to security interests in farm products.

**HB 595**, introduced by Representative Schoeller, relating to statutory liens against real estate.

**HB 596**, introduced by Representatives Molendorp, Largent, Jones (89), Hoskins (121), Nance, Denison, Silvey, Scavuzzo, Flook and Parkinson, relating to the procurement of construction by the design-build method by school districts.

**HB 597**, introduced by Representatives Bruns, Parson and Deeken, relating to the state employee deferred compensation program.

**HB 598**, introduced by Representatives Scavuzzo, Silvey, Grill, Skaggs, LeVota, Brown (73), Zimmerman, Shively, Wildberger, Quinn, Todd, Fallert, Low, Burnett, Lampe, Kuessner, Roorda, Storch, Kander, Calloway, Frame, Yaeger, Harris, Fischer (107), Brown (50), Molendorp, Talboy, Hodges, Swinger, Walsh, Meiners, Witte, Schoemehl, Pace, Schieffer, Salva, Atkins, Chappelle-Nadal and Pratt, relating to license fee revenue.

**HB 599**, introduced by Representative Diehl, relating to jurisdiction of the public service commission.

**HB 600**, introduced by Representatives Weter, Wasson, Wood and Wallace, relating to circuit judges and divisions in the thirty-eighth judicial circuit.

## MESSAGES FROM THE GOVERNOR

February 4, 2009

### REORGANIZATION PLAN 2009

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

By virtue of the authority vested in me by the Constitution and laws of the State of Missouri, including the Omnibus State Reorganization Act of 1974 and sections 26.500 through 26.540, RSMo, I hereby transmit a Reorganization Plan, by Executive Order 09-09 to transfer post-secondary education assistance programs from various state departments to the Department of Higher Education.

The transfer of these programs will improve efficiencies within state government, as the Department of Higher Education already administers the vast majority of state grants and scholarships.

Sincerely,

/s/ Jeremiah W. (Jay) Nixon  
Governor

### EXECUTIVE ORDER 09-09

WHEREAS, the Department of Higher Education is authorized pursuant to Article IV, sections 12 and 52 of the Missouri Constitution, and Chapter 173, RSMo; and

WHEREAS, the Department of Elementary and Secondary Education is authorized pursuant to Article IV, Section 12 of the Missouri Constitution and Chapter 161, RSMo; and

WHEREAS, the Department of Agriculture is authorized pursuant to Article IV, sections 12 and 35 of the Missouri Constitution and Chapter 261, RSMo; and

WHEREAS, the Department of Natural Resources is authorized pursuant to Article IV, sections 12 and 47 of the Missouri Constitution and Chapter 640, RSMo; and

WHEREAS, the State of Missouri has many different higher education grant and scholarship programs which are administered by a number of different government agencies; and

WHEREAS, this causes difficulty for Missouri students and their parents when they are trying to determine how much state aid is available to assist them with higher education expenses; and

WHEREAS, the A+ Schools Program is authorized pursuant to Section 160.545, RSMo, and is currently administered by the Department of Elementary and Secondary Education; and

WHEREAS, the A+ Schools Program provides scholarships to qualifying Missouri students to receive funding for two years at a community college or vocational or technical school; and

WHEREAS, the Missouri Teacher Education Scholarship Program is authorized pursuant to Section 160.276, RSMo, and is currently administered by the Department of Elementary and Secondary Education; and

WHEREAS, the Missouri Minority Teaching Scholarship Program is authorized pursuant to Section 161.415, RSMo, and is currently administered by the Department of Elementary and Secondary Education; and

WHEREAS, the Urban Flight and Rural Needs Scholarship Program is authorized pursuant to Section 173.232, RSMo, and is currently administered by the Department of Elementary and Secondary Education; and

WHEREAS, the Large Animal Veterinary Student Loan Program is authorized pursuant to Sections 340.335 through 340.396, RSMo, and is currently administered by the Missouri Department of Agriculture; and

WHEREAS, the Minority and Underrepresented Environmental Literacy Program is authorized pursuant to Section 640.240, RSMo, and is currently administered by the Department of Natural Resources; and

WHEREAS, the Department of Higher Education already administers the vast majority of state grants and scholarships; and

WHEREAS, the Department of Higher Education has significant expertise in all areas of higher education funding; and

WHEREAS, centralizing state grant and scholarship programs in the Department of Higher Education allows Missouri students and their parents to work with one agency when they apply for various types of financial aid and have questions about post-secondary education; and

WHEREAS, the mission of the Department of Higher Education is to deliver an affordable, quality, coordinated post-secondary education system and increase successful participation, benefitting all Missourians; and

WHEREAS, I am committed to promoting new pathways to higher education and consolidating executive branch operations to ensure that the state delivers vital services in the most efficient and effective manner possible.

NOW, THEREFORE, I, JEREMIAH W. (JAY) NIXON, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and the laws of the State of Missouri, do hereby order the Departments of Agriculture, Elementary and Secondary Education, Higher Education, and Natural Resources to:

1. Transfer all the authority, powers, duties, functions, records, personnel, property, contracts, budgets, matters pending, and other pertinent vestiges of the education assistance portion of the A+ Schools Program, the Missouri Teacher Education Scholarship Program, the Missouri Minority Teaching Scholarship Program, the Urban Flight and Rural Needs Scholarship Program, the Large Animal Veterinary Student Loan Program, and the Minority and Underrepresented Environmental Literacy Program to the Department of Higher Education by Type I transfer, as defined under the Reorganization Act of 1974.
2. Develop mechanisms and processes necessary to effectively transfer the above scholarship programs to the Department of Higher Education.

3. Transfer the responsibility for staff support for the above scholarship programs to the Department of Higher Education.

This Order shall become effective no sooner than August 28, 2009, unless disapproved within sixty days of its submission to the First Regular Session of the 95<sup>th</sup> General Assembly.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 4<sup>th</sup> day of February, 2009.

/s/ Jeremiah W. (Jay) Nixon  
Governor

ATTEST:

/s/ Robin Carnahan  
Secretary of State

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February 4, 2009

**REORGANIZATION PLAN  
2009**

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

By virtue of the authority vested in me by the Constitution and laws of the State of Missouri, including the Omnibus State Reorganization Act of 1974 and sections 26.500 through 26.540, RSMo, I hereby transmit a Reorganization Plan, by Executive Order 09-10, to transfer the Missouri Customized Training Program from the Department of Elementary and Secondary Education to the Department of Economic Development.

The transfer of this program will improve efficiencies within state government, as the Department of Economic Development already provides customized training services to Missouri businesses through the Missouri Job Development Fund.

Sincerely,

/s/ Jeremiah W. (Jay) Nixon  
Governor

**EXECUTIVE ORDER  
09-10**

WHEREAS, the Department of Elementary and Secondary Education is authorized pursuant to Article IV, Section 12 of the Missouri Constitution and Chapter 161, RSMo; and

WHEREAS, the Department of Economic Development is authorized pursuant to Article IV, sections 12 and 36(a) of the Missouri Constitution and Chapter 620, RSMo; and

WHEREAS, Sections 620.470 through 620.481, RSMo, authorize the Missouri Job Development Fund and the state's Customized Training Program; and

WHEREAS, the Missouri Customized Training Program is currently administered by two state departments, as section 620.478, RSMo, outlines that appropriations from the fund go to the Department of Elementary and Secondary Education for the purpose of contractual services for vocational-related training; and

WHEREAS, the Missouri Customized Training Program assists eligible businesses by providing funding to reduce training costs, raise and maintain the skill level of Missouri's workers, and improve productivity to remain competitive; and

WHEREAS, the Missouri Customized Training Program focuses on new and expanding industries that are tied to high wages and state-identified business clusters; and

WHEREAS, Missouri's other industry training programs are already assigned to the Department of Economic Development; and

WHEREAS, the Department of Economic Development's mission is to promote economic growth and the department is the lead agency on workforce issues for Missouri businesses; and

WHEREAS, current duties for delivering similar services assigned to these two state departments are duplicative, inefficient, and ineffective; and

WHEREAS, state funding for customized training programs should be streamlined and will be more efficient if administered by a single state agency; and

WHEREAS, I am committed to promoting creation of new, competitive wage jobs and consolidating executive branch operations to ensure that the state delivers vital services in the most efficient and effective manner possible.

NOW, THEREFORE, I, JEREMIAH W. (JAY) NIXON, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and the laws of the State of Missouri, do hereby order the Department of Elementary and Secondary Education and the Department of Economic Development to:

1. Transfer all the authority, powers, duties, functions, records, personnel, property, contracts, budgets, matters pending, and other pertinent vestiges of the Missouri Customized Training Program to the Department of Economic Development by Type I transfer, as defined under the Reorganization Act of 1974.
2. Develop mechanisms and processes necessary to effectively transfer the Customized Training Program to the Department of Economic Development.
3. Transfer the responsibility for staff support for the Customized Training Program to the Department of Economic Development.

This Order shall become effective no sooner than August 28, 2009, unless disapproved within sixty days of its submission to the First Regular Session of the 95<sup>th</sup> General Assembly.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 4<sup>th</sup> day of February, 2009.

/s/ Jeremiah W. (Jay) Nixon  
Governor

ATTEST:

/s/ Robin Carnahan  
Secretary of State

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February 4, 2009

**REORGANIZATION PLAN  
2009**

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

By virtue of the authority vested in me by the Constitution and laws of the State of Missouri, including the Omnibus State Reorganization Act of 1974 and sections 26.500 through 26.540, RSMo, I hereby transmit a Reorganization Plan, by Executive Order 09-11, to transfer the Blindness Education, Screening and Treatment (BEST) Program from the Department of Health and Senior Services to the Department of Social Services.

The transfer of this program will improve efficiencies within state government, as the Department of Social Services already provides services to visually impaired Missourians through the Family Support Division's Rehabilitation Services for the Blind.

Sincerely,

/s/ Jeremiah W. (Jay) Nixon  
Governor

**EXECUTIVE ORDER  
09-11**

WHEREAS, the Department of Health and Senior Services is authorized pursuant to Chapter 192, RSMo; and

WHEREAS, Section 192.935, RSMo, places administration of the Blindness Education, Screening and Treatment (BEST) Program Fund with the Department of Health and Senior Services; and

WHEREAS, the Missouri Department of Social Services is authorized pursuant to Article IV, Section 12, of the Missouri Constitution and Chapter 660, RSMo; and

WHEREAS, Chapter 209 governs the Department of Social Services' programs related to persons with visual, hearing, or physical disabilities; and

WHEREAS, the Department of Social Services' Family Support Division oversees Rehabilitation Services for the Blind; and

WHEREAS, the Rehabilitation Services for the Blind's stated mission is to create opportunities for eligible blind and visually impaired persons in order that they may attain personal and vocational success; and

WHEREAS, a portion of the BEST Program's funding was transferred from the Department of Health and Senior Services to the Department of Social Services in the Fiscal Year 2008 budget and additional funding was added to the Department of Health and Senior Services' budget for children's eye examinations in Fiscal Year 2009; and

WHEREAS, current duties for delivering similar services assigned to these two state departments are duplicative, inefficient, and ineffective; and

WHEREAS, I am committed to consolidating executive branch operations to ensure that the state delivers vital services in the most efficient and effective manner possible.

NOW, THEREFORE, I, JEREMIAH W. (JAY) NIXON, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and the laws of the State of Missouri, do hereby order the Department of Health and Senior Services and the Department of Social Services to:

1. Transfer all the authority, powers, duties, functions, records, personnel, property, contracts, budgets, matters pending, and other pertinent vestiges of the BEST Program to the Department of Social Services by Type I transfer, as defined under the Reorganization Act of 1974.
2. Develop mechanisms and processes necessary to effectively transfer the BEST Program to the Family Support Division's Rehabilitation Services for the Blind in the Department of Social Services.
3. Transfer the responsibility for staff support for the program to the Department of Social Services' Family Support Division.

This Order shall become effective no sooner than August 28, 2009, unless disapproved within sixty days of its submission to the First Regular Session of the 95<sup>th</sup> General Assembly.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 4<sup>th</sup> day of February, 2009.

/s/ Jeremiah W. (Jay) Nixon  
Governor

ATTEST:

/s/ Robin Carnahan  
Secretary of State

## WITHDRAWAL OF HOUSE BILL

February 4, 2009

Chief Clerk D. Adam Crumbliss  
Missouri House of Representatives  
Room 306C  
Jefferson City, MO 65101

Dear Mr. Crumbliss:

I regretfully need to withdraw **House Bill No. 523** and re-file it with some changes. The error that was made was my own, and I do regret any inconvenience caused to any of our staff or my colleagues.

Thank you for your assistance.

Sincerely,

/s/ Jeanette Mott Oxford

## **ADJOURNMENT**

On motion of Representative Tilley, the House adjourned until 10:00 a.m., Thursday, February 5, 2009.

## **COMMITTEE MEETINGS**

### **AGRICULTURE POLICY**

Thursday, February 5, 2009, 8:30 a.m. Hearing Room 6.  
Representative Schlottach will give a report from the House Interim Committee on Emerging Issues in Agriculture.

### **APPROPRIATIONS - AGRICULTURE AND NATURAL RESOURCES**

Monday, February 9, 2009, 1:00 p.m. Hearing Room 6.  
Department of Agriculture overview and Governor's recommendations.

### **APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES**

Thursday, February 5, 2009, 8:00 a.m. Hearing Room 5.  
Overview of Department of Mental Health's 2010 budget.

### **APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES**

Tuesday, February 10, 2009, 2:00 p.m. Hearing Room 5.  
Department of Mental Health overview and  
Department of Health and Senior Services overview. AMENDED

### **APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES**

Wednesday, February 11, 2009, 2:00 p.m. Hearing Room 5.  
Department of Health and Senior Services overview and  
Department of Social Services overview. AMENDED

### **APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES**

Thursday, February 12, 2009, 8:00 a.m. Hearing Room 5.  
Continuation of the Department of Social Services overview. AMENDED

### **APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS**

Tuesday, February 10, 2009, 2:00 p.m. Hearing Room 3.  
Public Safety and Corrections budget presentation.

### **APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS**

Wednesday, February 11, 2009, 2:00 p.m. Hearing Room 6.  
Public Safety and Corrections budget presentation. CORRECTED

**FISCAL REVIEW**

Thursday, February 5, 2009, 9:00 a.m. House Chamber south gallery.  
All bills referred to committee.

**SPECIAL STANDING COMMITTEE ON URBAN ISSUES**

Monday, February 9, 2009, 5:00 p.m. Hearing Room 5.  
Committee will meet at 5:00 p.m. or upon adjournment.  
Executive session may follow.  
Public hearings to be held on: HB 217, HB 363, HB 116

**WAYS AND MEANS**

Thursday, February 5, 2009, 8:00 a.m. Hearing Room 3.  
Possible Executive session.  
Public hearings to be held on: HB 31, HB 35, HB 86, HB 178

**HOUSE CALENDAR**

SEVENTEENTH DAY, THURSDAY, FEBRUARY 5, 2009

**HOUSE CONCURRENT RESOLUTIONS FOR SECOND READING**

HCR 21

**HOUSE BILLS FOR SECOND READING**

HB 581 through HB 600

**HOUSE BILLS FOR PERFECTION - CONSENT**

(2/03/09)

HB 111 w/HCS - Day

**HOUSE BILLS FOR THIRD READING**

HCS HB 191, (Fiscal Review 2-04-09), E.C. - Flook